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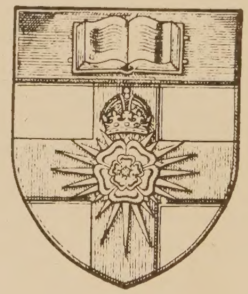

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HANSARD'S

PARLIAMENTARY DEBATES,

THIRD SERIES

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

27° VICTORIÆ, 1864.

VOL. CLXXV.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF MAY 1864,

TO

THE TWENTIETH DAY OF JUNE 1864.

Third Volume of the Session.

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VOLUME CLXXV.

THIRD SERIES.

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[*The * indicates that there was no Debate at that Stage of the Bill.*]

COMMONS, WEDNESDAY, MAY 4.

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Resolution *agreed to.*

Motion, that the words "and Oban" be omitted from the order.—(*Mr. Craufurd.*) Amendment *negatived.*

Bill *ordered* to be brought in by Mr. Milner Gibson and Mr. Hutt.

Bill *presented,* and read 1°. [Bill 91.]

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On Motion of *Mr. Solicitor General,* Bill for the amendment of the Law relating to the Mitigation of Penalties, *ordered** to be brought in by Mr. Solicitor General and Mr. Attorney General:—Bill *presented,* and read 1°. [Bill 94.]

House adjourned at half after One o'clock.

LORDS, FRIDAY, MAY 6.

MINUTES.—*Sat First in Parliament*—The Lord Wentworth.
Took the Oath—The Lord Wentworth.
PUBLIC BILLS—*First Reading*—Penal Servitude Acts Amendment* (No. 66); Civil Bill Courts (Ireland)* (No. 67); Promissory Notes and Bills of Exchange (Ireland)* (No. 68); Customs and Inland Revenue* (No. 69); County Courts Act Amendment (No. 70).
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Question proposed, "That the words proposed to be left out stand part of the Question."

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Amendment proposed,

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Question proposed, "That the words proposed to be left out stand part of the Question."

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Amendment proposed,

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House adjourned at half after Twelve o'clock.

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Second Reading—Promissory Notes and Bills of Exchange (Ireland) * (No. 68); Customs and Inland Revenue * (No. 69).
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House adjourned at half past Six o'clock.

COMMONS, MONDAY, MAY 9.

MINUTES.]—Select Committee—On Patent Office Library and Museum, *appointed.* (*List of Committee.*)

Supply—*considered in Committee*—Army Estimates.

Public Bills—*Ordered*—Drainage and Improvement of Lands (Ireland) *; Public Works (Ireland) *; Indemnity *; College of Physicians *; Railways (Ireland) Acts Amendment *; Valuation of Rateable Property (Ireland) *.

First Reading—Indemnity * [Bill 97]; College of Physicians * [Bill 98]; Railways (Ireland) Acts Amendment * [Bill 99]; Drainage and Improvement of Lands (Ireland) * [Bill 100]; Public Works (Ireland)* [Bill 101]; Valuation of Rateable Property (Ireland) * [Bill 102].

Second Reading—Pier and Harbour Orders Confirmation * [Bill 91].

Committee—Summary Procedure (Scotland) * *re-committed* [Bill 76]; Collection of Taxes* *re-committed* [Bill 57]; Naval Prize * *re-committed* [Bill 65]; Admiralty Lands and Works * [Bill 88]; Joint Stock Companies (Foreign Countries) * [Bill 87]; Partnership Law Amendment [Bill 68]—R.P.

Report—Summary Procedure (Scotland) * [Bill 76]; Collection of Taxes * [Bill 57]; Naval Prize * [Bill 65]; Admiralty Lands and Works * [Bill 88]; Joint Stock Companies (Foreign Countries) * [Bill 87].

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To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture,"—(*Mr. A. Smith*)—instead thereof 194

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The Controller of the Household *reported* Her Majesty's Answer to the Address of this House of May 3rd as follows:—

PUNISHMENT OF DEATH—Answer to Address—*continued.*

I have received your Address, praying that a Royal Commission may be issued to inquire into the provisions and operation of the Laws under which the Punishment of Death is now inflicted in the United Kingdom, and the manner in which it is inflicted, and to report whether it is desirable to make any alterations therein.

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After short Debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 184, Noes 102; Majority 82.

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—ARMY ESTIMATES—

(In the Committee.)

(1.) Original Question again proposed,

"That a sum, not exceeding £750,870, be granted to Her Majesty, to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive." 201

Motion made, and Question again proposed,

"That a sum, not exceeding £675,870, be granted to Her Majesty, to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive." 201

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Original Question put, and *agreed to.*

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Original Question put, and *agreed to.*

(6.) £26,020, Rewards for Military Service, *agreed to.*

(7.) £75,400, Pay of General Officers, *agreed to.*

(8.) £449,471, Pay of Reduced and Retired Officers, *agreed to.*

(9.) £162,986, Widows' Pensions and Compassionate Allowances, *agreed to.*

(10.) £29,663, Pensions and Allowances to Wounded Officers .. 240

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11.) £33,260, In-Pensioners of Chelsea and Kilmainham Hospitals, *agreed to.*

(12.) £1,161,812, Out-Pensioners of Chelsea Hospital, &c., *agreed to.*

(13.) £136,332, Superannuation Allowances, &c., *agreed to.*

14.) £31,213, Non-Effective Services, Disembodied Militia, *agreed to.*

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Partnership Law Amendment Bill [Bill 68]—

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(In the Committee.)

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After short Debate, Question put, "That those words be there added :"—The Committee *divided ;* Ayes 58, Noes 43 ; Majority 15.

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After short Debate, Question put, "That those words stand part of the Clause :"—The Committee *divided ;* Ayes 39, Noes 46 ; Majority 7.

After further Debate, Committee report Progress ; to sit again on *Thursday*, 19th May:

PATENT OFFICE LIBRARY AND MUSEUM—

Motion made, and Question proposed,

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On May 23, Committee *nominated* as follows :—

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And, on May 27, Mr. Holford *discharged* and Mr. Humphery *added.*

Drainage and Improvement of Lands (Ireland) Bill—

On Motion of *Mr. Peel*, Bill to explain certain provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," *ordered** to be brought in by Mr. Peel and Mr. Attorney General for Ireland :—Bill *presented*, and read 1°. [Bill 100.]

Public Works (Ireland) Bill—

On Motion of *Mr. Peel*, Bill to amend the Acts for the extension and promotion of Public Works in Ireland, *ordered** to be brought in by Mr. Peel and Mr. Attorney General for Ireland :—Bill *presented*, and read 1°. [Bill 101.]

Indemnity Bill—

On Motion of *Mr. Peel*, Bill to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively, *ordered** to be brought in by Mr. Peel and Mr. Baring :—Bill *presented*, and read 1°. [Bill 97.]

College of Physicians Bill—

On Motion of *Mr. Peel*, Bill to enable Her Majesty to grant a Lease for nine hundred and ninety-nine years of the building known as the College of Physicians, in Pall Mall East, *ordered** to be brought in by Mr. Peel and Mr. Chancellor of the Exchequer :—Bill *presented*, and read 1°. [Bill 98.]

Railways (Ireland) Acts Amendment Bill—

On Motion of *Mr. Peel*, Bill for amending and extending "The Railways (Ireland) Act, 1851," and "The Railways (Ireland) Act, 1860," *ordered** to be brought in by Mr. Peel and Mr. Attorney General for Ireland :—Bill *presented*, and read 1°. [Bill 99.]

Valuation of Rateable Property (Ireland) Bill

On Motion of *Mr. Gregory*, Bill to amend the Laws relating to the Valuation of Rateable Property in Ireland, *ordered* * to be brought in by Mr. Gregory and Sir Colman O'Loghlen:—Bill *presented*, and read 1°. [Bill 102.]

House adjourned at One o'clock.

LORDS, TUESDAY, MAY 10.

MINUTES.]—*Took the Oath*—The Lord Bishop of Cork.
Public Bills—*First Reading*—Divorce and Matrimonial Causes (Amendment)* (No. 75); Chimney Sweepers and Chimney Regulation* (No. 76); Under Secretaries (Indemnity)* (No. 77); Naval Prize Acts Repeal* (No. 78); Scottish Episcopal Clergy Disabilities Removal* (No. 79).
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Sentences of Death Bill (No. 58)—

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Chimney Sweepers and Chimneys Regulation Bill [H.L.]

A Bill to amend and extend the Act for the Regulation of Chimney Sweepers and Chimneys—Was *presented* * by the Earl of Shaftesbury, and read 1ª. (No. 76.)

Scottish Episcopal Clergy Disabilities Removal Bill [H.L.]

A Bill to remove the Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland—Was *presented* * by the Earl of Doncaster, and read 1ª. (No. 79.)

House adjourned at Six o'clock.

COMMONS, TUESDAY, MAY 10.

MINUTES.]—New Member Sworn—Edward William Watkin, esquire, *for* Stockport.
Public Bills—*Ordered*—Inns of Court.

The War in Ashantee—Question, Sir John Hay; Answer, Mr. Cardwell .. 257

Army Officers' Allowances at Bermuda—Question, Mr. Clay; Answer, The Marquess of Hartington 258

India—Claims of Indian Officers—Question, Lord Stanley; Answer, Sir Charles Wood 258

Education—Supplementary Rules—Question, Lord Robert Cecil; Answer, Mr. H. A. Bruce 259

United States—American Securities—Question, Mr. Baillie Cochrane; Answer, Mr. Layard 259

The National Gallery—Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper 260

Taxation—Select Committee moved for—

Motion Made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation and incidence of our present fiscal system, and to consider and report if any and what measures could be devised to secure a more equitable adjustment of the burden of Imperial taxation."—(*Mr. White*) 261

Motion, by leave, *withdrawn*.

Inns of Court—

Bill to enable the Benchers of the Inns of Court to appoint Judicial Committees in certain cases, and to give the necessary powers to such Committees, *ordered* to be brought in by Sir George Bowyer, Mr. William Ewart, and Mr. Hennessy 283

TREASURE TROVE—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause full information to be given to this House on the subject of Treasure Trove; and, further, that She will cause such measures to be taken as may tend to make the enforcement of the rights of the Crown more uniform and more consistent with the legitimate claims of the owners of property where objects of interest and value are discovered, for which no owner can be found."—(*Sir Jervoise Jervoise*) ... 285

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after Seven o'clock.

COMMONS, WEDNESDAY, MAY 11.

MINUTES.]—SELECT COMMITTEE—On Sewage (Metropolis, &c.), Mr. North and Mr. Ferrand *added.*

SUPPLY—*Resolution* [May 9] *reported* *.

PUBLIC BILLS—*Ordered*—Army Prize (Shares of Deceased)*.

First Reading—Inns of Court * [Bill 104]; Army Prize (Shares of Deceased) * [Bill 105]; Rivers Pollution (Scotland)* [Bill 106].

Second Reading—Borough Franchise [Bill 47], *negatived;* County Bridges [Bill 77], *withdrawn.*

Select Committee—Copyright (No. 2) * [Bill 59], Mr. Cave *discharged,* and Mr. Milner Gibson *added.*

Committee — Chain Cables and Anchors * [Bill 46], *re-committed;* Admiralty Lands and Works * [Bill 88], *re-committed.*

Report—Chain Cables and Anchors * [Bill 103]; Admiralty Lands and Works * [Bill 88].

Considered as amended—Naval Prize * [Bill 65].

Third Reading—Court of Justiciary (Scotland) * [Bill 31]; Naval Agency and Distribution * [Bill 63]; Joint Stock Companies (Foreign Countries) [*Lords*] * [Bill 87], and *passed.*

Withdrawn—County Bridges * [Bill 77].

Borough Franchise Bill [Bill 47]

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Baines*) 302

Previous Question put, "That that Question be now put."—(*Mr. Cave*)

After long Debate, The House *divided;* Ayes 216, Noes 272; Majority 56

Division List, Ayes and Noes 347

County Bridges Bill [Bill 77]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Heygate*) 351

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Henley*)

After short Debate, Amendment, and Motion, by leave, *withdrawn:*—Bill *withdrawn.*

Army Prize (Shares of Deceased) Bill—

On Motion of *Mr. Hutt*, Bill to amend the Law relative to the payment of the shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces, *ordered* * to be brought in by Mr. Hutt and Mr. Peel:—Bill *presented,* and read 1°. [Bill 105.]

House adjourned at ten minutes before Six o'clock.

LORDS, THURSDAY, MAY 12.

MINUTES.]—PUBLIC BILLS—*First Reading* —Court of Justiciary (Scotland) * (No. 82); Naval Agency and Distribution * (No. 83).

Second Reading—Local Government Supplemental * (No. 71); Under Secretaries Indemnity * (No. 77).

Committee — Registration of County Voters (Ireland) * (No. 50); Common Law Procedure (Ireland) Act (1853) Amendment * (No. 51).

Report — Registration of County Voters (Ireland) * (No. 50).

Third Reading—Promissory Notes and Bills of Exchange (Ireland) * (No. 68); Customs and Inland Revenue * (No. 69), and *passed.*

United States — Kidnapping Foreign Subjects for Military Service—Observation, The Earl of Ellenborough; Reply, Earl Russell .. 353

Agrarian Offences (Ireland)—Case of Michael Duigan and Others—

Moved,

"That an humble Address be presented to Her Majesty for Copy of any Memorial received by the Lord Lieutenant of Ireland or the Irish Government praying for the release of Michael Duigan, Patrick Duigan, and Patrick Egan, Three Prisoners confined in the County Gaol of Westmeath, convicted at the Summer Assizes of 1862 of Agrarian Offences, or any of them; and of any written Communication forwarding the same, and recommending their Enlargement to the Irish Government."—(*The Marquess of Westmeath*) 356

After short Debate, Motion *agreed to.*

House adjourned at half past Six o'clock.

COMMONS, THURSDAY, MAY 12.

MINUTES.]—Select Committee—On Education (Inspectors' Reports) *appointed.* (*List of Committee.*)
Supply—*considered in Committee*—Civil Service Estimates.
Public Bills—*Ordered*—Beer Houses (Ireland)*; Vacating of Seats (House of Commons)*; Servants Hiring (Scotland)*.
First Reading—Vacating of Seats (House of Commons)* [Bill 107]; Servants Hiring (Scotland)* [Bill 108]; Beer Houses (Ireland)* [Bill 109].
Second Reading—Railway Companies Powers* [Bill 30]; Railways Construction Facilities* [Bill 29].
Considered as amended—Summary Procedure (Scotland)* [Bill 76]; Admiralty Lands and Works* [Bill 88].
Third Reading — Naval Prize* [Bill 65], and *passed.*

Police Rate (Edinburgh)—Clergy Stipends—Question, Mr. Caird; Answer, The Lord Advocate 361

Metropolis—South Entrance to Park Lane — Question, General Buckley; Answer, Mr. Cowper 363

Kertch Prize Money—Question, Mr. J. C. Ewart; Answer, Mr. Hutt .. 364

Education—The Revised Code—Question, Mr. W. E. Forster; Answer, Mr. H. A. Bruce 365

Education—Minutes of May 19 and March 11—Question, Mr. Adderley; Answer, Mr. H. A. Bruce 365

Navy—The Iron Plate Committee—Question, Mr. Hanbury Tracy; Answer, Lord Clarence Paget 366

Public Meetings in the Parks—Question, Mr. Whalley; Answer, Sir George Grey 366

Brazil—Case of Mr. Reeves — Question, Mr. Newdegate; Answer, Mr. Layard 367

United States—Murder of the Mate of the "Saxon"—Question, Sir James Elphinstone; Answer, Mr. Layard 368

Education (Inspectors' Reports)—On Motion of *Sir George Grey*, That the Orders of the Day be postponed till after the Notice of Motion relative to Education (Inspectors' Reports).

Resolution (12th April) read—

"That, in the opinion of this House, the mutilation of the Reports of Her Majesty's Inspectors of Schools, and the exclusion from them of statements and opinions adverse to the educational views entertained by the Committee of Council, while matter favourable to them is admitted, are violations of the understanding under which the appointment of the Inspectors was originally sanctioned by Parliament, and tend entirely to destroy the value of their Reports."

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools."—(*Sir George Grey*) 369

[*May* 12.] *Page*

Education (Inspectors' Reports)—*continued.*

Amendment proposed,

At the end of the Question, to add the words "and further to inquire into the constitution of that Committee, and how far their mode of conducting the business of the department is consistent with the due control of Parliament over the annual Education Grants."—(*Sir John Pakington*) 371

After long Debate, Question put, "That those words be there added:"—The House *divided;* Ayes 93, Noes 142; Majority 49.

Main Question put, and *agreed to.*

Ordered,

"That a Select Committee be appointed to inquire into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools."

And, on Tuesday, June 7, Committee *nominated* as follows:—

John George Dodson, Esq., Sir Philip de Malpas Grey Egerton, Bart., Lord Hotham, the Hon. Charles Howard, Edward Howes, Esq.

Also The Lord Advocate, and Lord Robert Cecil, but without the power of voting.

SUPPLY—Civil Service Estimates—

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do leave the Chair." 399

After Debate, Motion *agreed to.*

Supply *considered* in Committee—Civil Service Estimates.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £40,258, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Maintenance and Repair of the Royal Palaces." 410

Whereupon Motion made, and Question proposed, "That a sum, not exceeding £40,208," &c.—(*Mr. Peacocke*) 411

After short Debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) £77,531, to complete the sum for Public Buildings. After short Debate, *agreed to.* 412

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £12,300, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Supply and Repair of Furniture in the various Public Departments." 415

Whereupon Motion made, and Question proposed, "That a sum, not exceeding £9,300," &c.—(*Mr. Augustus Smith*)

After Debate, Motion *withdrawn.*

Original Question again proposed.

Whereupon Motion made, and Question,

"That the Item of £4,300, for Fittings and Articles of Furniture for the Department of Science and Art, be omitted from the proposed Vote,"—(*Mr. Augustus Smith*)—put, and negatived.

Original Question put, and *agreed to.*

(4.) £72,944, to complete the sum for Royal Parks and Pleasure Grounds .. 418

After Debate, Vote *agreed to.*

(5.) £22,144, to complete the sum for the Houses of Parliament .. 425

After long Debate, Vote *agreed to.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Breech Loading Rifles—*Moved,*

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House Copy of the Reports made to the Military Authorities on Storm's Rifle, and on any other Breech-loading Rifle that has been reported on,"—(*Colonel Dunne*)

After short Debate, Question put, and *negatived.*

Beerhouses (Ireland) Bill—

On Motion of *Sir Robert Peel*, Bill for more effectually regulating the sale of Beer in Ireland, *ordered* * to be brought in by Sir Robert Peel and Mr. Attorney General for Ireland:—Bill *presented*, and read 1°. [Bill 109.]

Vacating of Seats (House of Commons) Bill—

On Motion of *Sir George Grey*, Bill for amending the Law relating to Seats in the House of Commons of persons holding certain Public Offices, *ordered* * to be brought in by Sir George Grey and Viscount Palmerston:—Bill *presented*, and read 1°. [Bill 107.]

Servants Hiring (Scotland) Bill—

On Motion of *Mr. Dunlop*, Bill to amend the Law of Scotland in regard to the Hiring of Servants, *ordered* * to be brought in by Mr. Dunlop, Mr. Carnegie, and Sir Robert Anstruther:—Bill *presented*, and read 1°. [Bill 108.]

House adjourned at One o'clock.

LORDS, FRIDAY, MAY 13.

MINUTES.]—Public Bills—*First Reading* —Naval Prize* (No. 87).
Second Reading — Fish Teinds (Scotland)* (No. 62).
Committee — Regius Professorship of Greek (Oxford) (No. 44), *negatived;* Under Secretaries Indemnity* (No. 77).
Report — Under Secretaries Indemnity* (No. 77); Common Law Procedure (Ireland) Act (1853) Amendment* (No. 51).
Third Reading — Registration of County Voters (Ireland)* (No. 50).
Royal Assent—Customs and Inland Revenue [27 & 28 *Vict.* c. 18]; Charitable Assurances Enrolments [27 & 28 *Vict.* c. 13]; Land Drainage (Provisional Orders) [27 & 28 *Vict.* c. 14]; High Court at Bombay [27 & 28 *Vict.* c. 16]; Vestry Cess Abolition (Ireland) [27 & 28 *Vict.* c. 17]; Court of Chancery (Despatch of Business) 27 & 28 *Vict.* c. 15]; Promissory Notes and Bills of Exchange (Ireland) [27 & 28 *Vict.* c. 20]; Joint Stock Companies (Foreign Countries) [27 & 28 *Vict.* c. 19].

County Courts Act Amendment Bill (No. 70)—

After short Debate, Second Reading (which stands appointed for this Day) *put off* to *Monday* the 23rd *Instant.*

Denmark and Germany — War Contributions on Jutland — Question, The Earl of Ellenborough; Answer, Earl Russell 437

Regius Professorship of Greek (Oxford) Bill (No. 44)—

Moved, "That the House do now resolve itself into a Committee on the said Bill."—(*The Lord Chancellor*) 442

Amendment *moved,* to leave out ("now") and insert ("this Day three Weeks.")—(*The Earl of Carnarvon*)

After long Debate on Question, their Lordships *divided:* Contents 25, Not-Contents 55; Majority 30:—*Resolved* in the *Negative.*

List of Contents and Not-Contents 455

House adjourned at a quarter past Seven o'clock.

COMMONS, FRIDAY, MAY 13.

Army — The Enfield Rifle — Question, Lord Elcho; Answer, The Marquess of Hartington 456

France—Fisheries Convention—Question, Mr. Du Cane; Answer, Mr. Milner Gibson 457

Denmark and Germany — Prussian Exactions in Jutland—Question, Mr. Richard Long; Answer, Sir George Grey 458

Pensions to Colonial Governors—Question, Mr. Baillie Cochrane; Answer, Mr. Cardwell 458

Customs Gaugers—Question, Mr. W. E. Forster; Answer, Mr. Peel .. 459

Impurities in the Thames—Question, Mr. Clifford; Answer, Mr. Hunt .. 459

China—Policy of European Powers—Question, Col. Sykes; Answer, Mr. Layard 459

India—Delhi Prize Money — Question, Sir Minto Farquhar; Answer, Sir Charles Wood.. 460

The Bank Act, 1844—Question, Mr. Hubbard; Answer, The Chancellor of the Exchequer 460

Lambeth—Medical Diplomas—Question, Colonel French; Answer, Sir G. Grey 461

Conviction of Gipsies in Cornwall—Explanation, Sir George Grey .. 461

Education (Inspectors' Reports)—Explanation, Mr. Lowe 462

The Whitsuntide Recess—

Moved, "That the House at rising do adjourn till *Thursday* next."

Denmark and Germany—The Austrian Squadron—Observations, Mr. Darby Griffith 466

Case of Mr. Herbert—Observations, Sir Stafford Northcote .. 466

United States—The Confederate Ship "Georgia"—Observations, Mr. T. Baring; Reply, The Attorney General:—Long Debate thereon .. 467

Motion *agreed to.*

House at rising to adjourn till *Thursday* next.

SUPPLY—The Malt Duty—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"— .. 514

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Nine o'clock.

COMMONS, THURSDAY, MAY 19.

MINUTES.]—Supply—*considered in Committee*—*Resolutions* [May 12] *reported.*

Public Bills—*Ordered*—County Voters (England and Wales) *; Highways Act Amendment.

First Reading—County Voters (England and Wales* [Bill 112]; Highways Act Amendment* [Bill 113].

Second Reading—Limited Penalties* [Bill 94].

Select Committee—On Thames Conservancy, Mr. J. Ewart *discharged*, Mr. Ayrton *added.*

Committee—Union Assessment Committee Act Amendment [Bill 83]; Railway Companies' Powers* [Bill 30]; *and* Railways Construction Facilities* [Bill 29] (*by same Committee*).

Report—Union Assessment Committee Act Amendment* [Bill 83]; Railway Companies' Powers* [Bill 110]; Railways Construction Facilities* [Bill 111].

Third Reading—Summary Procedure (Scotland)* [Bill 76]; Admiralty Lands and Works [Bill 88], and *passed.*

Mr. Herbert, R.A.—Personal Explanation—Sir Stafford Northcote; Reply, Mr. Cavendish Bentinck 515

Denmark and Germany—Prussian Exactions in Jutland—Question, Mr. Whiteside; Answer, Mr. Layard 516

Denmark and Germany—The Austrian Squadron—Question, Sir John Pakington; Answer, Mr. Layard 517

Russia—Emigration of the Circassians—Question, Mr. Hennessy; Answer, Mr. Layard 517

SUPPLY—Resolutions [May 12] *reported.*

Mr. Dyce, R.A.—Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper 517

Resolutions *agreed to.*

Union Assessment Committee Act Amendment Bill [Bill 83]—

Bill *considered* in Committee 518

(In the Committee.)

Clause 1 (Notice of Appeal to be given to the Assessment Committee).

Amendment (*Mr. Dodson*); after short Debate.

Moved, at the end of the Clause, to add,

"Provided always, That no ratepayer shall have a right of appeal under the existing law to the special sessions or quarter sessions unless his objections to the valuation list shall have been made before the meeting or meetings of the assessment committee appointed under the Act to hear such objections."—(*Sir W. Jolliffe*) 518

After short Debate, Amendment *withdrawn*; Clause *agreed to.*

UNION ASSESSMENT COMMITTEE ACT AMENDMENT BILL—*continued.*
Clause 2 *agreed to.*
Clause 3 (Provision for Costs of Committee on Appeals); Amended and *agreed to.*
Clauses 4 to 7 *agreed to.*
New Clause (Provision for new plans, maps, and books of reference), (*Mr. John Peel*); after short Debate, Clause *withdrawn.*
New Clause (*Mr. Wentworth Beaumont*); after short Debate, *withdrawn.*
Remaining Clauses *agreed to.*
Bill *reported.*

Highways Act Amendment Bill—
On Motion of *Sir George Grey* (after short Debate), Bill to amend the Act for the better management of Highways in England, *ordered* to be brought in by Sir George Grey and Mr. Baring:—Bill *presented* and read 1°. [Bill 113.] 520

House adjourned at Six o'clock.

COMMONS, FRIDAY, MAY 20.

MINUTES.]—NEW WRIT ISSUED—For Gloucester City *v.* J. J. Powell, esquire, Recorder of Wolverhampton.
SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

NAVY—THE GUNS OF THE "ROYAL SOVEREIGN"—Question, Colonel C. P. Leslie; Answer, Mr. Childers 521

DENMARK AND GERMANY—PRUSSIAN EXACTIONS IN JUTLAND—Question, Mr. Whiteside; Answer, Viscount Palmerston 522

ARMY—THE GUARDS IN CANADA—Question, Major Knox; Answer, The Marquess of Hartington 522

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

ARMY—CAPTAIN GRANT'S SYSTEM OF COOKING—
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to consider the services of Captain Grant, and order him some suitable reward for his services in improving the system of Cooking in the Army, and effecting a considerable saving in the Public Expenditure for Fuel,"—(*Colonel North,*) instead thereof 523
After Debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 104, Noes 70; Majority 34.

AFFAIRS OF CHINA—Observations, Mr. Baxter; Reply, Viscount Palmerston:—Long Debate thereon 527

THE ASHANTEE WAR—Question, Sir John Pakington; Answer, Mr. Cardwell 545

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES 552
(1.) £517, to complete the sum for Embassy Houses, &c., at Paris and Madrid, *agreed to.*
(2.) £3,201, Embassy Houses, &c., at Constantinople, *agreed to.*
(3.) £75,000, New Foreign Office.
Debate arising—
Notice taken that 40 Members were not present; Committee counted, and 40 Members not being present,
Mr. Speaker resumed the Chair.
House counted, and 40 Members not being present,

House adjourned at half after Seven o'clock.

LORDS, MONDAY, MAY 23.

MINUTES.]—Public Bills — *First Reading*—Admiralty Lands and Works* (No. 88); Summary Procedure (Scotland)* (No. 89).

Second Reading—County Courts Act Amendment (No. 70).

Third Reading—Under Secretaries Indemnity* (No. 77); Common Law Procedure (Ireland) Act (1853) Amendment* (No. 51).

The Regius Professorship at Oxford — Observations, The Earl of Derby; Reply, The Lord Chancellor:—Debate thereon 554

County Courts Act Amendment Bill (No. 70)—

Moved, That the Bill be now read 2ª.—(*The Lord Chancellor*) .. 566

After long Debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at Nine o'clock.

COMMONS, MONDAY, MAY 23.

MINUTES.] — Select Committee — On Patent Office Library and Museum *nominated**; and, on May 27, Mr. Holford *discharged*, and Mr. Humphery *added*.

Public Bills —*Resolutions in Committee*—Chief Rents (Ireland) [Stamps] *re-committed**; Bank of England Notes (Scotland); Bank Acts.

Ordered—Game (Ireland)*.

First Reading — Bank of England Notes (Scotland) [Bill 115]; Game (Ireland)* [Bill 116].

Second Reading—Vacating of Seats (House of Commons) [Bill 107]; Army Prize (Shares of Deceased)* [Bill 105]; Beer Houses (Ireland) [Bill 109].

Referred to Select Committee—Pier and Harbour Orders Confirmation* [Bill 91], as to Carlingford Lough, Oban, and Rhyl.

Committee — Limited Penalties* [Bill 94]; Chain Cables and Anchors* [Bill 103] *re-committed*; Chief Rents (Ireland) [*Lords*] [Bill 52].

Report—Government Annuities, &c.,* [Bill 114], and *re-committed*; Limited Penalties* [Bill 94]; Chain Cables and Anchors* [Bill 103]; Chief Rents (Ireland)* [Bill 52].

Our Relations with the United States — Question, Mr. Watkin; Answer, Mr. Layard 587

British Subjects in China—Question, Colonel Sykes; Answer, Mr. Layard.. 588

Convicts (Ireland)—Question, Captain Stacpoole; Answer, Sir Robert Peel.. 588

Navy—The "Research" and the "Enterprise"—Question, Sir John Hay; Answer, Lord Clarence Paget:—Debate thereon 588

Denmark and Germany—The Prussians in Jutland—

Moved, "That the House at its rising do adjourn till *Thursday*."—(*Viscount Palmerston*)

Question, Mr. Whiteside; Answer, Mr. Layard:—Debate thereon .. 591

Motion *agreed to*:—House at rising do adjourn till *Thursday*.

Vacating of Seats (House of Commons) Bill [Bill 107]—

Moved, "That the Bill be now read a second time."—(*Sir George Grey*) .. 594

After Debate, Motion *agreed to*:—Bill read 2°, and *committed* for *Thursday*.

Beer Houses (Ireland) Bill [Bill 109]—

Moved, "That the Bill be now read a second time."—(*Sir Robert Peel*) .. 597

After Debate, Motion *agreed to*:—Bill read 2°, and *committed* for *Thursday*.

Bank of England Notes (Scotland) Bill—

Bill *considered* in Committee 602

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to authorise the Governor and Company of the Bank of England to issue their Notes in Scotland, and to make such Notes a legal tender there.

Resolution *reported*.

Bill *ordered* to be brought in by Sir John Hay, Mr. Baxter, Mr. Dunlop, and Mr. Cargill:—Bill *presented*, and read 1°. [Bill 115.]

CASE OF CAPTAIN MELVILLE WHITE—
Address for "Copy of the Award made by the Senate of Hamburgh in the case of Captain Melville White:"—(*Colonel French:*)
After short Debate, *agreed to* 604

BANK ACTS—*considered* in Committee—*Resolved,* 605

That it is expedient to enable certain Banking Co-partnerships which shall discontinue the issue of their own Bank Notes to sue and be sued by their public officer.

Resolution to be reported on *Thursday.*

Game (Ireland) Bill—

On Motion of Sir Hervey Bruce, Bill to alter the days for shooting Game in Ireland, *ordered** to be brought in by Sir Hervey Bruce and Colonel Forde:—Bill *presented,* and read 1°. [Bill 116.]

House adjourned at a quarter before Seven o'clock.

LORDS, THURSDAY, MAY 26.

MINUTES.]—PUBLIC BILLS — *First Reading*—Ecclesiastical Courts and Registries (Ireland) * (No. 96).
Second Reading—Scottish Episcopal Clergy Disabilities Removal (No. 79), and *referred* to a Select Committee; Divorce and Matrimonial Causes Amendment* (No. 75).
Committee—Mortgage Debentures* (No. 55), *reported.*

DENMARK AND GERMANY—THE PRUSSIANS IN JUTLAND—Question, The Earl of Ellenborough; Answer, Earl Russell:—Debate thereon 606

Scottish Episcopal Clergy Disabilities Removal Bill [H.L.] (No. 79)—
Moved, That the Bill be now read 2ª. — (*The Duke of Buccleuch*) .. 617
Amendment *moved,* to leave out ("now") and insert ("this Day Three Months.")—(*The Bishop of Durham*)
After Debate, Amendment (by Leave of the House) *withdrawn:* then the original Motion *agreed to:*—Bill read 2ª accordingly, and *referred* to a Select Committee.

And, on May 30, the Lords following were named of the Committee:—

L. Abp. Canterbury, Ld. Chancellor, L. Abp. York, L. Abp. Armagh, Ld. President, D. Richmond, D. Devonshire, D. Marlborough, E. Derby, E. Doncaster, E. Shaftesbury, E. Airlie, E. Carnarvon, E. Wicklow, E. Powis, E. Nelson, L. Bp. London, L. Bp. Durham, L. Bp. Oxford, L. Lyttelton, L. Redesdale, L. Rossie, L. Overstone, L. Cranworth.

Ecclesiastical Courts and Registries (Ireland) Bill [H.L.]—
A Bill for the Union of the Diocesan Courts and Registries in Ireland, for the Regulation of the Mode of Procedure therein, and also in the Metropolitan Courts of Armagh and Dublin, and for Appeals therefrom—Was *presented** by The Archbishop of Armagh; and read 1ª. (No. 96.)

House adjourned at a quarter before Eight o'clock.

COMMONS, THURSDAY, MAY 26.

MINUTES.] — NEW MEMBER SWORN — John Joseph Powell, esquire, *for* Gloucester City.
SELECT COMMITTEE—Case of Mr. Bewicke, Colonel Dunne *discharged,* Lord John Manners *added.*
SUPPLY — *considered in Committee* — NAVY ESTIMATES.
PUBLIC BILLS—*Resolutions in Committee*—Life Annuities and Life Assurances (Deficiency of Assets, &c.); Weighing of Grain (Port of London)*.
Ordered—Bank Acts*.
First Reading — Weighing of Grain (Port of London)* [Bill 119]; Banking Co-partnerships* [Bill 118].
Second Reading — Highways Act Amendment [Bill 113], and *committed* to a Select Committee.
Referred to Select Committee — Highways Act Amendment. (*See* p. 881.)
Committee — Vacating of Seats (House of Commons)* [Bill 107]; Army Prize (Shares of Deceased)* [Bill 105]; Beer Houses (Ireland) [Bill 109] — R.P.; Chief Rents (Ireland) [*Lords*] * [Bill 52] *re-committed.*
Report—Vacating of Seats (House of Commons)* [Bill 107]; Army Prize (Shares of Deceased)* [Bill 105].
Considered as amended—Union Assessment Committee Act Amendment* [Bill 83]; Chain Cables and Anchors* [Bill 103].
Third Reading — Limited Penalties [Bill 94], and *passed.*

ARMY—WITHDRAWAL OF THE GUARDS FROM CANADA — Question, Sir Frederic Smith; Answer, The Marquess of Hartington 633

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INDIA—THE BRITISH ENVOY TO BHOOTAN—Question, Mr. Wilbraham Egerton; Answer, Sir Charles Wood 633

STATE OF THE IONIAN ISLANDS—Question, Mr. Smollett; Answer, Mr. Cardwell 634

AFFAIRS OF CHINA—Question, Mr. J. B. Smith; Answer, Mr. Layard .. 635

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

POLAND—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the negotiations of Her Majesty's Government respecting Poland have not terminated in a satisfactory manner."—(*Mr. Hennessy,*)—instead thereof 636

After long Debate, Question, "That the words proposed to be left out stand part of the Question, put, and *agreed to.*

MISCELLANEOUS CIVIL SERVICE ESTIMATES—*Moved,*

"That the Miscellaneous Civil Service Estimates, Class 2, laid upon the table of the House, be referred to a Select Committee to examine the same in reference to the past expenditure for the Civil Services, and to report to the House any reductions, better arrangement, or other particulars connected with that branch of the Public Expenditure which in their opinion deserve the attention of the House when the said Estimates are under their consideration.—(*Mr. Augustus Smith*) 663

Motion, being irregular, not put.

NAVY—SUPERANNUATION IN THE DOCKYARDS—Question, Mr. Ferrand; Answer, Lord Clarence Paget 665

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—SUPPLEMENTARY NAVY ESTIMATES—Statement of Lord Clarence Paget 667

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £55,266, be granted to Her Majesty, to defray the Charge for increasing the Full Pay of the Executive Officers, Paymasters and Assistant Paymasters, Naval Instructors, &c., and Petty Officers of the Royal Navy, which will come in course of payment during the nine months ending on the 31st day of March, 1865."

After long Debate, Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,—(*Mr. Lindsay,*)—put, and *negatived*:—Original Question put, and *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £5,775, be granted to Her Majesty, to defray the additional Charge for altering and improving the system of Retirement of Officers of the Royal Navy, and reducing the number of Officers on the Active List of the Navy, which will come in course of payment during the nine months ending on the 31st day of March, 1865." 691

After Debate, Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Charles Berkeley,*)—put, and *negatived*:—Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow.*

Highways Act Amendment Bill [Bill 113]—

Moved, "That the Bill be now read a second time."—(*Sir George Grey*) .. 692

After Debate, Motion *agreed to.*

Bill read 2°, and committed to a Select Committee.

And, on May 30, Committee *nominated* as follows:—

Sir George Grey, Mr. Henley, Mr. Walter, Mr. Gathorne Hardy, Sir William Jolliffe, Mr. Dodson, Sir Baldwin Leighton, Mr. Scourfield, Mr. Algernon Egerton, Mr. Buller, Sir Matthew White Ridley, Mr. Thompson, Mr. Howes, Mr. William Edward Forster, and Colonel Barttelot:—Five to be the quorum.

Beerhouses (Ireland) Bill [Bill 109]—

Bill *considered* in Committee 693

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Excise Officers not to grant a Licence or Renewal Licence without Certificate of Justices).

After short Debate, Committee report Progress; to sit again on *Tuesday* next.

LIFE ANNUITIES AND LIFE ASSURANCES—[DEFICIENCY OF ASSETS, &c.]—*Considered* in Committee.

Resolved,

That it is expedient to empower the Commissioners of the Treasury to issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such sums as may be requisite to make good any deficiency that may arise in the Assets of the Commissioners for the Reduction of the National Debt applicable to the Payment of Deferred Life Annuities, and to Payments to be made on Death, and also to empower the Commissioners of the Treasury to convert certain Capital Stocks of Annuities into an equivalent amount of Annuities for a Term of years.—(*Mr. Chancellor of the Exchequer*)

Resolution to be reported *this day.*

Limited Penalties Bill [Bill 94]—

Moved, "That the Bill be now read the third time."—(*The Solicitor General*) 696

Motion *agreed to*:—Bill read 3°, and *passed.*

Weighing of Grain (Port of London) Bill—

On Motion of *Mr. Crawford,* Bill to regulate the Weighing of Grain in the Port of London, *ordered** to be brought in by Mr. Crawford, Mr. Goschen, Mr. Thomas Baring, and Mr. Hubbard:—Bill *presented,* and read 1°. [Bill 119.]

Banking Co-partnerships Bill—

Bill to enable certain Banking Co-partnerships which shall discontinue the issue of their own Bank Notes to sue and be sued by their public officer; *presented**, and read 1°. [Bill 118.]

House adjourned at half after One o'clock.

LORDS, FRIDAY, MAY 27.

MINUTES.]—SELECT COMMITTEE—Railway Companies Borrowing Powers *appointed.*

PUBLIC BILLS — *First Reading* — Limited Penalties* (No. 97).

Second Reading—Naval Prize Acts Repeal* (No. 78); Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87); Chimney Sweepers and Chimneys Regulation* (No. 76).

Committee—Fish Teinds (Scotland)* (No. 62).

MIDDLE CLASS EDUCATION—Question, Lord Brougham; Answer, Earl Granville 697

PUBLIC SCHOOLS COMMISSION—

Motion for an Address for

"Copies of any Minute of the Board of Treasury or Resolution of the Committee of the Privy Council relative to the Second Report of the Public Schools Commission."—(*Earl Stanhope*) 699

After Debate, Motion (by leave of the House) *withdrawn.*

RAILWAY COMPANIES BORROWING POWERS—

Moved, That a Select Committee be appointed to continue the Inquiry commenced last Session, and report as to what legislative Measures are desirable for the Purpose of restraining Directors of Railway Companies from exceeding the Limits fixed by their Acts of Parliament, and from evading those provisions of their Acts of Parliament which require that a certain Portion of their authorized Capital shall be subscribed and paid up before their borrowing Powers can come into operation; and also to inquire what Securities can be given to the Holders of Debentures as to the Validity and Legality of the Issue of such Bonds; *agreed to*: (The Viscount Hutchinson):

The Lords following were named of the Committee; the Committee to meet on *Tuesday* next, at Four o'clock, and to appoint their own Chairman: Ld. President, D. Devonshire, Ld. Steward, E. Airlie, E. Macclesfield, E. Powis, E. Belmore, V. Hutchinson, L. Wodehouse, L. Redesdale, L. Stanley of Alderley, L. Dartrey, L. Overstone, L. Chelmsford, L. Taunton.

House adjourned at a quarter past Seven o'clock.

COMMONS, FRIDAY, MAY 27.

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MINUTES.]—SELECT COMMITTEE—On Patent Office Library and Museum, Mr. Holford *discharged*, and Mr. Humphery *added.*

SUPPLY — *considered in Committee**—Committee—R.P.

Resolutions [May 26] *reported.*

PUBLIC BILLS — *Ordered* — Juries in Criminal Cases*; Petty Offences Law Amendment*; Court of Queen's Bench (Ireland)*; Married Women's Acknowledgments*.

First Reading—Juries in Criminal Cases* [Bill 120]; Petty Offences Law Amendment* [Bill 121]; Married Women's Acknowledgments* [Bill 122]; Court of Queen's Bench (Ireland)* [Bill 123].

Second Reading — Public and Refreshment Houses (Metropolis) [Bill 92].

Select Committee — Cattle Diseases Prevention and Cattle, &c., Importation* [Bills 27 & 28], Mr. Bruce *discharged*, and Mr. Baring *added.*

Committee — Union Assessment Committee Act Amendment* (*re-committed*) [Bill 83].

Report—Union Assessment Committee Act Amendment*.

Considered as amended — Vacating of Seats (House of Commons)* [Bill 107]; Union Assessment Committee Act Amendment* [Bill 83].

Third Reading — Union Assessment Committee Act Amendment* [Bill 83]; Army Prize (Shares of Deceased)* [Bill 105]; Chain Cables and Anchors* [Bill 103], and *passed.*

PORTPATRICK HARBOUR—Question, Mr. Torrens; Answer, Mr. Milner Gibson 719

BRADFORD RESERVOIRS—Question, Mr. Ferrand; Answer, Sir George Grey .. 719

PATRIOTIC FUND COMMISSION—Question, Mr. W. E. Forster; Answer, Mr. Corry 720

DENMARK AND GERMANY—TREATY OF LONDON—Question, Mr. Baillie Cochrane; Answer, Mr. Layard 720

DENMARK AND GERMANY—THE PRUSSIANS IN JUTLAND—Question, Mr. Darby Griffith; Answer, Viscount Palmerston 720

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

INDIA—BANDA AND KIRWEE BOOTY—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to proceed in the distribution of the Banda and Kirwee Booty, upon the principle of actual capture, as recommended in the Report of the Royal Commission on Army Prize; and, should there be any dispute as to the troops entitled upon that principle to share in the distribution, to refer the question to some competent judicial tribunal,"—(*Sir Stafford Northcote,*)—instead thereof 721

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

REGISTRATION OF TITLES IN IRELAND—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire and report as to the best system for Registering Titles to Land in Ireland, and to frame a measure for that purpose; also to consider and report as to the creation of transferable Debentures upon Land in Ireland,"—(*Mr. Scully,*)—instead thereof 736

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

LAW LIFE ASSURANCE COMPANY—CIVIL BILL EJECTMENTS—Observations, Mr. Longfield; Reply, Lord John Browne:—Debate thereon 746

PUBLIC MEETINGS IN THE PARKS — Observations, Mr. Whalley; Reply, Sir George Grey 769

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee.

Committee report Progress; to sit again on *Monday* next.

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LIFE ANNUITIES AND LIFE ASSURANCES — [DEFICIENCY OF ASSETS, &c.]— Resolution [May 26] *reported.*

Public and Refreshment Houses (Metropolis) Bill [Bill 92]—
Moved, "That the Bill be now read a second time."—(*Sir George Grey*) .. 777
After short Debate, Motion *agreed to.*
Bill read 2°, and *committed* for *Monday,* 6th June.

Juries in Criminal Cases Bill—
On Motion of *Sir Colman O'Loghlen,* Bill to regulate and amend the Law in relation to the keeping together and discharge of Juries in Criminal Cases, *ordered** to be brought in by Sir Colman O'Loghlen and Mr. Longfield :—Bill *presented,* and read 1°. [Bill 120.]

Petty Offences Law Amendment Bill—
On Motion of *Mr. Whalley,* Bill to amend the Law as regards persons charged with Petty Offences, and to enable such persons, and their wives or husbands, to give evidence, *ordered** to be brought in by Mr. Whalley and Mr. M'Mahon :—Bill *presented,* and read 1°. [Bill 121.]

Court of Queen's Bench (Ireland) Bill—
On Motion of *Mr. Attorney General for Ireland,* Bill to amend the practice and procedure at the Crown side of the Court of Queen's Bench in Ireland, *ordered** to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel :—Bill *presented,* and read 1°. [Bill 123.]

Married Women's Acknowledgments Bill—
On Motion of *Mr. Attorney General for Ireland,* Bill to facilitate the taking of Acknowledgments of Married Women in England and Ireland, *ordered** to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel :—Bill *presented,* and read 1°. [Bill 122.]

House adjourned at One o'clock.

LORDS, MONDAY, MAY 30.

MINUTES.]—PUBLIC BILLS—*First Reading* —Public Schools (No. 100); Chain Cables and Anchors* (No. 101); Union Assessment Committee Act Amendment* (No. 102).
Select Committee—Scottish Episcopal Clergy Disabilities Removal* (No. 79), *nominated.* (*See* May 26, p. 632.)
Committee—Local Government Supplemental* (No. 71); Divorce and Matrimonial Causes Amendment* (No. 75).

Public Schools Bill [H.L.]—
Bill for Annexing certain Conditions to the Appointment of Persons to offices in the Governing Bodies of certain Public Schools and Colleges, *presented* by *The Earl of Clarendon* 779
Bill read 1ª; to be *printed*; and to be read 2ª on *Monday* next. (No. 100.)

VACCINATION—Question, Lord Lyttelton; Answer, The Earl of Shaftesbury .. 779

NEW ZEALAND — Question, Lord Lyttelton; Answer, Earl Granville :—Long Debate thereon 779

House adjourned at a quarter before Eight o'clock.

COMMONS, MONDAY, MAY 30.

MINUTES.] — SUPPLY —*considered in Committee*—CIVIL SERVICE ESTIMATES.
PUBLIC BILLS — *Ordered* — Coventry Free Grammar School*; Sale of Gas (Scotland)*; Burials Registration*; Church of England Estates*.
First Reading — Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland)* [Bill 125]; Burials Registration* [Bill 126]; Church of England Estates* [Bill 127].
Second Reading—Writs Registration (Scotland) [Bill 84], *Debate adjourned*; Administration of Trusts (Scotland)* [Bill 95]; Banking Co-partnerships* [Bill 118]; College of Physicians* [Bill 98].
Select Committee—On Highways Act Amendment [Bill 113], *nominated* (*List of Committee*).
Third Reading — Vacating of Seats (House of Commons)* [Bill 107].

NAVY—THE "RESEARCH" — Question, Sir Frederic Smith; Answer, Lord Clarence Paget 801

SUPPLY OF SILVER COIN—Question, Mr. Baines; Answer, Mr. Peel .. 802

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THE RUSSO-AMERICAN TELEGRAPH — Question, Mr. Watkin; Answer, Mr. Cardwell 802

UNION OF THE BRITISH AMERICAN PROVINCES—Question, Mr. Hopwood; Answer, Mr. Cardwell 803

OFFICIALS IN THE IONIAN ISLANDS — Question, Mr. Roebuck; Answer, Mr. Cardwell 803

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE STEAM RAMS — Question, Mr. Hodgkinson; Answer, The Attorney General 804

THE VOLUNTEER REVIEW—Question, Major Knox; Answer, Sir George Grey 808

THE SPIRIT DUTIES—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the existing Duties on Spirits should be reduced"—(*Mr. Whiteside*),—instead thereof 810

Question proposed, "That the words proposed to be left out stand part of the Question,"

After long Debate, Amendment, by leave, *withdrawn*.

MR. HOME AND THE ROMAN GOVERNMENT—Question, Mr. Roebuck; Answer, Mr. Layard 839

Main Question put, and *agreed to*.

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES—PUBLIC WORKS AND BUILDINGS.

(In the Committee.)

(1.) Question again proposed,

"That a sum, not exceeding £55,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for erecting a New Office for the Secretary of State for Foreign Affairs." 844

Whereupon, Motion made, and Question proposed,

"That the Item of £4,899 8*s*. 9*d*., for Preliminary Expenses of Designs for a Foreign Office, which were not adopted, be omitted from the proposed Vote."—(*Mr. Augustus Smith*)

After Debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.

(2.) £6,750, Industrial Museum, Edinburgh, *agreed to*.

(3.) £3,355, Aberdeen University, *agreed to*

(4.) £6,574, To complete the sum for the Probate Court Registries .. 846
After short Debate, Vote *agreed to*.

(5.) £574, to complete the sum for the General Register House, Edinburgh.

(6.) £19,000, to complete the sum for the Public Record Repository.

(7.) £15,000, to complete the sum for New Westminster Bridge Approaches 847
After short Debate, Vote *agreed to*.

(8.) £7,930, to complete the sum for new Westminster Bridge.

(9.) £3,260, Architectural Designs, &c., for Public Buildings .. 848
After short Debate, on Question — The Committee *divided;* Ayes 84, Noes 21; Majority 63.
Vote *agreed to*.

(10.) £4,000, Nelson's Column 851
After Debate, Vote *agreed to*.

(11.) £96,000, Harbours of Refuge 854
After short Debate, Vote *agreed to*.

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SUPPLY—CIVIL SERVICE ESTIMATES—*continued.*

(12.) Motion made, and Question proposed,

"That a sum, not exceeding £47,875, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for Works and Expenses at the New Packet Harbour and Harbour of Refuge at Holyhead, Portpatrick Harbour, and of Works at Spurn Point" 856

Whereupon, Motion made, and Question proposed,

"That the Item of £8,727, for Portpatrick Harbour, be omitted from the proposed Vote." —(*Mr. Torrens*)

After short Debate, Question put, and *negatived.*
Original Question put, and *agreed to.*

(13.) Motion made, and Question proposed,

"That a sum, not exceeding £72,452, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland." 858

Whereupon, Motion made, and Question proposed,

"That the Item of £950, for additions and alterations to Model Agricultural Schools be reduced by the sum of £600."—(*Lord Naas*)

After short Debate, Question put, and *negatived.*
Original Question put, and *agreed to.*

(14.) £13,000, to complete the sum for the New Record Buildings (Dublin).

(15.) £1,100, to complete the sum for the National Gallery (Dublin).

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £13,703, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for erecting and maintaining certain Lighthouses abroad" 860

Whereupon, Motion made, and Question proposed,

"That the Item of £2,000, for the Little Basses Rocks Light Ship at Ceylon, be omitted from the proposed Vote."—(*Mr. Augustus Smith.*)

After short Debate, Question put, and *negatived.*
Original Question put, and *agreed to.*

£4,000, Lunatic Asylum, Isle of Man 861
After short Debate, Question put: — The Committee *divided;* Ayes 73, Noes 95; Majority 22.

(17.) £17,000, Sheriff Court-Houses (Scotland) 863
After short Debate, Vote *agreed to.*

(18.) £20,000, Rates for Government property 863
After short Debate, Vote *agreed to.*

(19.) £53,000, Land at &c., Kensington Gore 866
After short Debate, Vote *agreed to:*—Resolutions to be reported *To-morrow.*

Writs Registration (Scotland) Bill [Bill 84]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate*) 869
Amendment proposed, "That the Debate be now adjourned."—(*Major Hamilton*) 879
After Debate, Amendment *agreed to:*—Debate adjourned to *Thursday*, 9th of June.

Coventry Free Grammar School Bill—

On Motion of *Mr. Bruce*, Bill for confirming a scheme of the Charity Commissioners for the Charity called "The Free Grammar School," in the city of Coventry, *ordered* * to be brought in by Mr. Bruce and Sir George Grey :—Bill *presented*, and read 1°. [Bill 124.]

Burials Registration Bill—

On Motion of *Mr. Bovill*, Bill to make further provisions for the Registration of Burials in England, *ordered* * to be brought in by Mr. Bovill, Mr. Macaulay, and Mr. Walter :—Bill *presented*, and read 1°. [Bill 126.]

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Church of England Estates Bill—

On Motion of *Mr. Henry Seymour*, Bill for facilitating the management and improvement of certain Estates belonging to the Church of England, *ordered** to be brought in by Mr. Henry Seymour, Mr. Alderman Copeland, Mr. Locke King, and Mr. Henry Fenwick :—Bill *presented*, and read 1°. [Bill 127.]

Highways Act Amendment Bill—

Select Committee on the Highways Act Amendment Bill *nominated** as follows :—Sir George Grey, Mr. Henley, Mr. Walter, Mr. Gathorne Hardy, Sir William Jolliffe, Mr. Dodson, Sir Baldwin Leighton, Mr. Scourfield, Mr. Algernon Egerton, Mr. Buller, Sir Matthew White Ridley, Mr. Thompson, Mr. Howes, Mr. William Edward Forster, and Colonel Barttelot :—Five to be the quorum.

House adjourned at half after one o'clock.

LORDS, TUESDAY, MAY 31.

MINUTES.]—PUBLIC BILLS—*First Reading* —Vacating of Seats (House of Commons)* (No. 105); Army Prize (Shares of Deceased)* (No. 106).
Second Reading — Penal Servitude Acts Amendment* (No. 66); Admiralty Lands and Works* (No. 88).
Report — Local Government Supplemental* (No. 71).
Third Reading — Fish Teinds (Scotland)* (No. 62), and *passed.*

THE LAW OF HYPOTHEC—Petition—Observations, Lord Brougham .. 881

Penal Servitude Acts Amendment Bill (No. 23)—

Moved, "That the Bill be now read 2a" 882

After long Debate, Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at a quarter before Ten o'clock.

COMMONS, TUESDAY, MAY 31.

MINUTES.]—SELECT COMMITTEE—On Education (Inspectors' Reports), *nominated*, Debate *adjourned.*
Report—Poor Relief Committee (No. 349).
PUBLIC BILLS — *Ordered* — Metropolitan Traffic; Charitable Trusts Fees*.
First Reading — Metropolitan Traffic [Bill 129]; Charitable Trusts Fees* [Bill 128].
Second Reading—Valuation of Rateable Property (Ireland)* [Bill 102].
Committee — Beer Houses (Ireland)* [Bill 109].
Report—Beer Houses (Ireland)* [Bill 109].

SEIZURE OF THE CHINCHA ISLANDS — Question, Mr. Weguelin; Answer, Mr. Layard 911

THE CONFEDERATE RAMS—Question, Mr. Hodgkinson; Answer, Lord Clarence Paget 912

MR. HERBERT'S PICTURE—Question, Mr. Cox; Answer, Mr. Cowper .. 912

THE CONFEDERATE STATES—Question, Mr. Baxter; Answer, Mr. Lindsay .. 912

MILITIA REGIMENTS — Question, Colonel Dickson; Answer, The Marquess of Hartington 913

THE BRAZILIAN GOVERNMENT AND MR. REEVES — Question, Mr. Newdegate; Answer, Mr. Layard 913

NAVY — THE TRIAL OF THE "RESEARCH"—Question, Sir James Elphinstone; Answer, Lord Clarence Paget 914

ARMY—MR. LYNALL THOMAS'S GUN—Question, Mr. Gregory; Answer, The Marquess of Hartington 914

AFFAIRS OF POLAND—Question, Mr. Hennessy; Answer, Viscount Palmerston 915

AFFAIRS OF CHINA—RESOLUTION—

Motion made, and Question proposed,

"That, in the opinion of this House, the policy of non-intervention, by force of arms, in the internal political affairs of Foreign Countries, which we profess to observe in our relations with the States of Europe and America, should be observed in our intercourse with the Empire of China."—(*Mr. Cobden*) 916

After long Debate, Motion, by leave, *withdrawn.*

Metropolitan Traffic Bill—

On Motion of *Mr. Alderman Salomons*, Bill to facilitate the Traffic of the Metropolis by improving the communications across the River Thames, *ordered* * to be brought in by Mr. Alderman Salomons, Mr. Locke, Mr. Jackson, and Mr. Taverner Miller :—Bill *presented*, and read 1°. [Bill 129.]

SLAVE TRADE (WHITE NILE)—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Her Majesty's Government and Mr. Petherick, H.B.M. Consul at Khartouna, relating to Slavery and the Slave Traffic that exists on the White Nile, from the year 1860 to the present time:

"Of all Correspondence between the British Consul General of Egypt and Consul Petherick on the same subject, and during the same period:

"Of all Correspondence between the Foreign Office and any other Departments of Her Majesty's Government and the British Consul General in Egypt, upon the same subject, and during the same period:

"And, of the Charges, and of the Correspondence connected with these Charges, sent by the people of Khartouna to the British Consul General in Egypt, accusing Consul Petherick of having been engaged in Slave Trading on the White Nile, together with the British Consul General's Reply to these people's accusations, and of his representations (if any) made to Consul Petherick on the same subject."—(*Mr. Wyld*) ... 981

Motion, by leave, *withdrawn*.

EDUCATION (INSPECTORS' REPORTS)—

Motion made, and Question proposed,

"That Mr. Bruce be nominated one of the Members of the Select Committee on Education (Inspectors' Reports)."—(*Viscount Palmerston*) 982

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the said Select Committee do consist of five Members, to be nominated by the General Committee of Elections."—(*Mr. Clay*) 985

Question proposed, "That the words proposed to be left out stand part of the Question."

Motion made, and Question proposed, "That the Debate be now adjourned:" —(*Mr. Hennessy*:)—The House *divided*; Ayes 30, Noes 64; Majority 34 997

Motion made, and Question proposed, "That this House do now adjourn:"— —(*Colonel Dickson*:)—The House *divided*; Ayes 32, Noes 62; Majority 30 999

Question again proposed, "That the words proposed to be left out stand part of the Question" 1001

Debate adjourned till *Thursday*.

Charitable Trusts Fees Bill

On Motion of *Mr. Hankey*, Bill for defraying out of Fees a portion of the expense of carrying into effect "The Charitable Trusts Act, 1853," *ordered* * to be brought in by Mr. Hankey, Sir Francis Goldsmid, and Mr. G. Shaw Lefevre: — Bill *presented*, and read 1°. [Bill 128.]

House adjourned at a quarter before Two o'clock.

COMMONS, WEDNESDAY, JUNE 1.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee* — Merchant Shipping Act (Provisional Order)*.
Ordered — Merchant Shipping Act (Provisional Order)*.
Second Reading—Servants Hiring (Scotland)* [Bill 108].
Committee—Tests Abolition (Oxford) [Bill 18] —R.P.; Elections Petitions [Bill 17], Debate *adjourned*.

THE BIRKENHEAD IRON-CLADS—Question, Mr. J. Tollemache; Answer, The Attorney General 1001

Tests Abolition (Oxford) Bill [Bill 18]—

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair" 1002

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," —(*Mr. Trefusis,*)—instead thereof 1008

Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 236, Noes 226; Majority 10.

After long Debate, Main Question put, and *agreed to.*

Bill *considered* in Committee:—Committee report Progress; to sit again on *Wednesday*, 29th June.

Elections Petitions Bill [Bill 17]—

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair" 1044

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the expediency of amending the Election Petitions Act (1848), and the Act for the better discovery and prevention of Bribery and Treating at Elections,"—(*Mr. Ayrton,*)—instead thereof 1046

Question proposed, "That the words proposed to be left out stand part of the Question."

Debate *adjourned* till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

LORDS, THURSDAY, JUNE 2.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Ecclesiastical Courts and Registries (Ireland) (No. 96); Summary Procedure (Scotland)* (No. 89).

Committee—Mortgage Debentures (No. 99).

Third Reading — Local Government Supplemental * (No. 71), and *passed.*

FORTIFICATIONS—DEFENCES OF THE BRISTOL CHANNEL—Question, Lord Portman; Answer, Earl De Grey and Ripon 1046

THE CIRCASSIANS—Question, Viscount Stratford de Redcliffe; Answer, Earl Russell 1047

Mortgage Debentures Bill (No. 99)—

Moved, "That the House do now resolve itself into a Committee upon the said Bill."—(*Lord Redesdale*) 1048

After short Debate, Motion *agreed to:*—House in Committee accordingly.

Clause 32 (Investment of Trust Money on Mortgage Debentures) .. 1053

After short Debate, Clause *negatived:*—Amendments made.

The Report thereof to be received on *Tuesday*, the 14th *Instant*, and Bill to be printed, as amended. (No. 107.)

Ecclesiastical Courts and Registries (Ireland) Bill (No. 96)—

Moved, "That the Bill be now read a second time."—(*The Archbishop of Armagh*)—Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday* next 1058

Oyster Fishery (England and Wales) Bill [H.L.]—

A Bill for the Encouragement, Promotion, and Regulation of the Oyster Fisheries of England and Wales, for increasing the Production of Oysters, and facilitating the Breeding and Rearing thereof—Was *presented** by The Lord Somerhill; and read 1ª. (No. 108.)

House adjourned at a quarter past Seven o'clock.

COMMONS, THURSDAY, JUNE 2.

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MINUTES.]—SELECT COMMITTEE—On Education (Inspectors' Reports), *nomination*—Debate *adjourned.*
SUPPLY—*Resolutions* [May 30] *reported**.
PUBLIC BILLS — *Ordered* — Fish (Freshwater Streams)*.
First Reading—Fish (Freshwater Streams) * [Bill 130]; Pilotage Order Confirmation * [Bill 131].
Second Reading—Court of Chancery (Ireland) [Bill 78]; Court of Queen's Bench (Ireland)* [Bill 123]; Married Women's Acknowledgments* [Bill 122].
Committee — Banking Co-Partnerships* [Bill 118]; Life Annuities and Life Assurances* [Bill 56]; College of Physicians * [Bill 98].
Report — Banking Co-Partnerships * [Bill 118]; Life Annuities and Life Assurances * [Bill 56]; College of Physicians * [Bill 98].
Withdrawn — Rivers Pollution (Scotland) * [Bill 106]; Public Works (Ireland) * [Bill 101].

THE HUDSON'S BAY COMPANY—Question, Mr. Crawford; Answer, Mr. Arthur Mills 1060

MIDDLESEX SESSIONS—MR. SERJEANT PAYNE—Question, Mr. Clay; Answer, Sir George Grey 1061

ACCIDENT IN PLYMOUTH SOUND—Question, Sir Massey Lopes; Answer, The Marquess of Hartington 1063

DISCIPLINE AND DIETARY IN GAOLS—Question, Mr. Bazley; Answer, Sir George Grey 1063

MURDER OF MR. JAMES GREY ON BOARD THE "SAXON."—Question, Sir James Elphinstone; Answer, Mr. Layard 1064

ARMY—PERCUSSION CAPS FOR MILITARY PRACTICE — Question, Mr. Morrison; Answer, The Marquess of Hartington 1064

ORDERS OF THE DAY—

Ordered, That the Orders of the day be postponed till after the notice of Motion relative to Education (Endowed Schools).—(*Sir George Grey.*)

EDUCATION (ENDOWED SCHOOLS)—

Motion made, and Question proposed,

"That this House, having considered the Minute of Council of the 11th day of March, 1864, on Endowed Schools, is of opinion that it does not meet the objections made to the Minute of the 19th day of May, 1863."—(*Mr. Adderley.*) 1065

After Debate, Question put:—The House *divided;* Ayes 111, Noes 119; Majority 8.

EDUCATION (INSPECTORS' REPORTS)—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [31st May],

"That Mr. Bruce be one of the Members of the Select Committee on Education (Inspectors' Reports),"—(*Viscount Palmerston,*)—

—and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the Select Committee do consist of five Members, to be nominated by the General Committee of Elections,"—(*Mr. Clay,*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question" 1084

After short Debate, Question put, and *negatived.*

Question proposed,

"That the words 'the Select Committee do consist of five Members, to be nominated by the General Committee of Elections,' be added,"—(*Mr. Clay,*)—instead thereof ... 1091

Amendment proposed,

To the said proposed Amendment, by adding, at the end thereof, the words "and that two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of voting."—(*Mr. Edward Pleydell Bouverie*) 1092

Question, "That those words be there added," put, and *agreed to.*
Amendment, as amended, *agreed to.*
Main Question, as amended, put, and *agreed to.*

EDUCATION (INSPECTORS' REPORTS)—*continued.*

Ordered,

That the Select Committee do consist of five Members, to be nominated by the General Committee of Elections, and that two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of voting:—Power to send for persons, papers, and records.

And, on June 7, Committee *nominated* as follows:—

John George Dodson, Esq., Sir Philip de Malpas Grey Egerton, Bart., Lord Hotham, the Hon. Charles Howard, Edward Howes, Esq.

Also, The Lord Advocate, and Lord Robert Cecil, but without the power of voting.

Court of Chancery (Ireland) Bill [Bill 78]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Hagan*) 1093

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Longfield*) 1099

Question proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday* next.

Fish (Freshwater Streams) Bill—

On Motion of *Mr. Neate*, Bill for the better preservation of Fish in Freshwater Streams in England, *ordered** to be brought in by Mr. Neate and Mr. Malins:—Bill *presented**, and read 1°. [Bill 130.]

Pilotage Order Confirmation Bill—

Bill for confirming a Provisional Order concerning Pilotage made by the Board of Trade, under "The Merchant Shipping Act Amendment Act, 1862," relating to Hartlepool, *presented**, and read 1°. [Bill 131.]

House adjourned at a quarter after One o'clock.

LORDS, FRIDAY, JUNE 3.

MINUTES.]—PUBLIC BILLS—SELECT COMMITTEE — *Report* — Insane Prisoners Act Amendment* (*P. P.* Nos. 110 & 111).

Committee — Chimney Sweepers and Chimneys Regulation (No. 76); Naval Prize Acts Repeal* (No. 78); Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87).

Report — Naval Prize Acts Repeal* (No. 78); Divorce and Matrimonial Causes (Amendment)* (No. 103).

Third Reading — Scots Episcopal Fund*, and *passed.*

JAMAICA—PAPERS MOVED FOR—

1. Copy of all Correspondence between the Secretary of State for the Colonies and the late Governor and late Lieutenant Governor of Jamaica respecting the Establishment of Party Government or Responsible Government in that Island:
2. Copy of a Report presented to the House of Assembly of Jamaica by a Committee appointed to consider and report to the House on certain Points connected with the proposed Tramway between Spanish Town and Porus:
3. Correspondence between Lieutenant Governor Eyre and the Secretary of State for the Colonies relative to that Tramway from June 1862 to the present Time:
4. Copy of that Part of Lieutenant Governor Eyre's Speech in the Assembly on 4th November 1862 which relates to that Tramway:
5. Copy of all Correspondence between the Lieutenant Governor of Jamaica and Mr. Espeut, a Member of the House of Assembly in Jamaica, relative to the Option allowed to that Gentleman either to support the Lieutenant Governor in the Assembly or resign his Seat therein, under the Threat of Dismissal from his Office of District Official Assignee of the Insolvent Court; also all Correspondence between the Secretary of State for the Colonies and the Lieutenant Governor of Jamaica or between the Secretary of State for the Colonies and any other Person upon the same Subject:
6. Copy of a Memorial lately sent to Her Majesty by the House of Assembly of Jamaica, and Reply of the Secretary of State for the Colonies thereto:
7. Copy of all Correspondence between the Lieutenant Governor of Jamaica and the Secretary of State for the Colonies relating to such Memorial.—(*Lord Dunsany*) ... 1119

Motion amended, by inserting the words "or Extracts;" and Address *agreed to.*

Chimney Sweepers and Chimneys Regulation Bill (No. 76)—

Moved, "That the House do now resolve itself into a Committee on the said Bill."—(*The Earl of Shaftesbury*) 1123

Motion *agreed to:*—House in Committee accordingly.

Clauses 1 to 5 *agreed to*, with Amendments.

Clause 6 (Restriction on Employment of Children under Ten) *agreed to*.

Clause 7 (Chimney Sweeper entering House to sweep Chimney, &c., not to bring with him Person under Sixteen), *agreed to* 1133

Clause 8 (Penalties for these Offences).

Moved to add the words,

"If any occupier of a house shall knowingly allow any person under sixteen years of age to be sent up a chimney in the house he occupies, he shall be liable to a penalty not exceeding £10.—(*Earl Grey*) 1133

After short Debate, Amendment *withdrawn*:—Clause *agreed to*.

Clause 9 (Power for Constable to arrest Offender), and Clause 10 (Power for Constable to detain Person employed) *struck out*.

Clause 12 (Burden of Proof of Age to lie on Chimney Sweeper), *agreed to* ... 1134

The Report of the Amendment to be received on *Thursday* next, and Bill to be printed as amended. (No. 112.)

Preamble *agreed to*, with an Amendment; and Title amended by striking out the words "and Chimneys."

House adjourned at a quarter past Seven o'clock.

COMMONS, FRIDAY, JUNE 3.

MINUTES.]—Select Committee—On Bankruptcy Act, Mr. George Carr Glyn *discharged*, Mr. Taverner John Miller *added*.

Supply — *considered in Committee* — Committee, r.p.

Public Bills — *Ordered* — Accidents' Compensation Act Amendment *.

Second Reading — Burials Registration * [Bill 126].

Considered as amended—Life Annuities and Life Assurances* [Bill 56]; Chief Rents (Ireland) (*Lords*)* [Bill 117].

Third Reading—Banking Co-Partnerships * [Bill 118]; College of Physicians * [Bill 98], and *passed*.

Private Bills—Standing Order (No. 142) read.

Motion made, and Question proposed, "That the said Standing Order be repealed."—(*Lord Stanley*) 1134

Question put, and *negatived*.

Treatment of the British Consul in Abyssinia — Question, Mr. Henry Seymour; Answer, Mr. Layard 1145

Indian Finance—Question, Mr. J. B. Smith; Answer, Sir Charles Wood .. 1146

Affairs of the Ionian Islands—Question, Mr. Baillie Cochrane; Answer, Mr. Layard 1147

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Greenwich Hospital—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable that the Admiralty adopt the recommendation of the Royal Commission of 1860, confirmed by the Report of Sir Richard Bromley, one of the present Commissioners, and by the letter of Admiral Sir James Gordon, the Governor of Greenwich Hospital, that the present system of double government be abolished,"—(*Sir John Hay*,)—instead thereof 1147

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn*.

Administration of Scotch Affairs—

On Motion of Sir James Fergusson for a Select Committee 1167

Notice taken that 40 Members were not present; House counted, and 40 Members being found present—

After further Debate, Notice taken that 40 Members were not present; House counted, and 40 Members being present, ADMINISTRATION OF SCOTCH AFFAIRS—*continued.*

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire how far the number of the Members of the Administration, charged with the conduct of the affairs of Scotland, and having Seats in Parliament, is commensurate with the requirements of that part of the United Kingdom,"—(*Sir James Fergusson,*) instead thereof 1174

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

EPPING FOREST—Question, Mr. Torrens; Reply, Mr. Peel 1199

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of any Orders or Correspondence regarding inclosures in the Royal Forests in Essex since, or in consequence of, the Report of the Select Committee of last Session,"—(*Mr. Torrens,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Amendment, by leave, *withdrawn.*

MASTERS IN THE NAVY—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Tuesday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions for putting the Staff Captains, Commanders, and Masters of the Royal Navy upon an equality in pay, rank, and eligibility for receiving marks of distinction, with any other class of Officers in that Service,"—(*Sir Lawrence Palk,*)—instead thereof 1209

Question proposed, "That the words proposed to be left out stand part of the Question.

After short Debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

SUPPLY—SUPPLY *considered** in Committee.

Committee report Progress; to sit again on *Monday* next.

Accidents' Compensation Act Amendment Bill—

On Motion of *Mr. Ferrand,* Bill to amend the Act ninth and tenth Victoria, chapter ninety-three, for compensating the families of persons killed by Accidents, *ordered** to be brought in by Mr. Ferrand and Colonel Edwards.

House adjourned at Two o'clock till Monday next.

LORDS, MONDAY, JUNE 6.

MINUTES.]—PUBLIC BILLS—*First Reading*—Banking Co-Partnerships* (No. 113); College of Physicians* (No. 114).

Second Reading—Public Schools [H.L.] (No. 30).

Report—Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87).

Third Reading—Divorce and Matrimonial Causes (Amendment) [H.L.]* (No. 103), and *passed.*

ARTILLERY PRACTICE IN PLYMOUTH SOUND—Question, The Duke of Marlborough; Answer, Earl De Grey and Ripon 1223

SIR ROWLAND HILL—

Message from The QUEEN, *delivered* by The Lord President, and read by The Lord Chancellor, as follows:— 1224

"VICTORIA R.

"Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important Improvements in Postal Administration, and being desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon him, recommends it to the House of Lords to concur in enabling Her Majesty to grant Sir Rowland Hill the Sum of £20,000."

*Ordered**, That the said Message be taken into consideration on *Friday* next; and the Lords Summoned.

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[*June* 6.] Page

THE COUNTESS OF ELGIN AND KINCARDINE—

Message from The QUEEN, *delivered* by The Lord President, and read by The Lord Chancellor, as follows:— 1225

"VICTORIA R.

"Her Majesty, taking into consideration the distinguished Services performed throughout a long Series of Years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, and being desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon his Widow Mary Louisa, Countess of Elgin and Kincardine, recommends it to the House of Lords to concur in enabling Her Majesty to make Provision for securing to the Countess of Elgin a Pension of £1,000 per Annum for the Term of her natural Life."

*Ordered**, That the said Message be taken into consideration on *Friday* next; and the Lords Summoned.

REV. FORTESCUE ANDERSON—Motion for

"Copies or Extracts of any Correspondence which has taken place between Her Majesty's Government and the Cabinet of St. Petersburg on the Imprisonment in Grodno of the Reverend Fortescue Anderson, a British Subject, during the Autumn of 1863; also, Copies of any Correspondence which has taken place between Her Majesty's Government and the Reverend Fortescue Anderson on his Imprisonment" 1225

After short Debate, Motion *agreed to.*

CROWDED STATE OF PARK LANE—Observations, The Earl of Lucan; Reply, The Earl of St. Germans 1230

Public Schools Bill [H.L.] (No. 30)—

Moved, That the Bill be now read 2ª 1236

After long Debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter past Nine o'clock.

COMMONS, MONDAY, JUNE 6.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Second Reading*—Weighing of Grain (Port of London) [Bill 119] (*count out*).

Committee — Government Annuities (*re-committed*)* [Bill 114]; Public and Refreshment Houses (Metropolis)* [Bill 92]; Railway Companies Powers (*re-committed*)* [Bill 110]; Railways Construction Facilities [Bill 111], R.P.; Railways (Ireland) Acts Amendment* [Bill 99], R.P.

Report — Government Annuities (*re-committed*)* [Bill 114]; Public and Refreshment Houses (Metropolis)* [Bill 132]; Railway Companies' Powers (*re-committed*)* [Bill 110].

Third Reading — Life Annuities and Life Assurances* [Bill 56], and *passed.*

NEW ZEALAND LOAN—Question, Mr. Aytoun; Answer, Mr. Cardwell .. 1261

MILITARY EXPENDITURE OF CEYLON—Question, Mr. Lyall; Answer, Mr. Cardwell 1261

GERMANY AND DENMARK—THE CONFERENCE—Question, Mr. Bernal Osborne; Answer, Viscount Palmerston 1262

THE WAR IN NEW ZEALAND—Question, Mr. Arthur Mills; Answer, Mr. Cardwell 1263

SIR ROWLAND HILL—

Message from Her Majesty *brought up* and read by Mr. Speaker (all the Members being uncovered), as follows:— 1263

VICTORIA R.

Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important improvements in postal administration, and being desirous, in recognition of such services, to confer some signal mark of Her favour upon him, recommends to Her faithful Commons that She should be enabled to grant Sir Rowland Hill the sum of Twenty Thousand Pounds.

Referred* to the Committee of Supply.

[*June* 6.] Page

THE COUNTESS OF ELGIN AND KINCARDINE—

Message from Her Majesty *brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:— 1264

VICTORIA R.

Her Majesty, taking into consideration the distinguished Services performed throughout a long series of years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, and being desirous, in recognition of such Services, to confer some signal mark of Her favour upon his widow, Mary Louisa, Countess of Elgin and Kincardine, recommends to Her faithful Commons that She should be enabled to make provision for securing to the Countess of Elgin a pension of One Thousand Pounds per annum for the term of her natural life.

Committee * thereupon on *Thursday*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

OFFICERS OF THE INDIAN ARMIES—Question, Colonel Sykes; Answer, Mr. Vansittart 1264

DENMARK AND GERMANY—THE CONFERENCE—Question, Lord Henry Lennox; Answer, Mr. Bernal Osborne 1276

ECCLESIASTICAL REGISTRY—Question, Mr. Henry Seymour; Answer, Sir George Grey 1291

Motion *agreed to*.

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES—

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £10,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the erection of the New National Gallery at Burlington House" ... 1297

After long Debate, the Committee *divided;* Ayes 122, Noes 174; Majority 52.

(1.) £51,127, to complete the sum for the Houses of Parliament.

(2.) £39,147, to complete the sum for the Treasury.

(3.) £19,883, to complete the sum for the Home Office.

(4.) £53,015, to complete the sum for the Foreign Office 1332
After short Debate, Vote *agreed to.*

(5.) £23,421, to complete the sum for the Colonial Office.

(6.) £17,306, to complete the sum for the Privy Council Office .. 1333
After short Debate, Vote *agreed to.*

Resolutions to be reported *To-morrow*:—Committee to sit again on *Wednesday*.

Railways Construction Facilities (*Re-committed*) **Bill** [Bill 111]—

Bill *considered* in Committee 1336

After short Debate, Committee report Progress; to sit again on *Thursday*.

Weighing of Grain (**Port of London**) **Bill** [Bill 119]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Crawford*) 1337

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Sir John Shelley*) 1338

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock.

LORDS, TUESDAY, JUNE 7.

MINUTES.]—PUBLIC BILLS—*First Reading*—Life Annuities and Life Assurances* (No. 116); Facilities for Divine Service in Collegiate Schools* (No. 117) [H.L.].

Second Reading—Union Assessment Committee Act Amendment (No. 102).

Committee—Penal Servitude Acts Amendment (No. 66); Admiralty Lands and Works (No. 88); Insane Prisoners Act Amendment* (No. 111).

Third Reading—Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87), and *passed.*

Union Assessment Committee Act Amendment Bill (No. 102)—

Moved, That the Bill be now read 2^{a}.—(*Lord Wodehouse*) 1338

After short Debate, Motion *agreed to*:—Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Penal Servitude Acts Amendment Bill (No. 66)—

Order of the Day for the House to go into Committee read.—(*The Lord President*) 1339

After short Debate, House in Committee.

Clause 1 *agreed to.*

Clause 2 (Length of Sentences of Penal Servitude).

Amendment moved at the end of Clause to add the following words:—

"And if Two previous Convictions of Felony, including summary Convictions under the Criminal Justice Act, shall be proved against a Prisoner found guilty of an Offence now punishable by Penal Servitude, he shall be liable to Penal Servitude for Seven Years, and this shall be the least Sentence that can be passed upon him."—(*Earl Grey*) ... 1341

After short Debate, Amendment *agreed to*:—Clause *agreed to.*

Clause 3 (Punishment of Offences in Convict Prisons) *agreed to.*

Clause 4 (Forfeiture of Licence) 1342

Moved, to leave out from ("therein") to ("or") in line 38.—(*Lord Houghton.*)

After short Debate, on Question, That the words proposed to be left out stand Part of the Clause? Their Lordships *divided*; Contents 49, Not-Contents 41: Majority 8.

Resolved in the *Negative.*

An Amendment made, by inserting the words "being a male" in line 36.

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

The Report of the Amendments to be received on *Monday* next; and Bill to be printed as amended. (No. 118.)

Admiralty Lands and Works Bill (No. 88)

House in Committee (according to Order) 1350

Clauses 1 to 13 *agreed to.*

Clause 14 (Exception from Incorporation of Provisions as to Sale of Superfluous Lands).

Amendment of The Earl of Powis to omit certain words.

Amendment *withdrawn.*

Clause *agreed to.*

Amendments made: the Report thereof to be received on *Monday* next; and Bill to be printed as amended. (No. 119.)

Facilities for Divine Service in Collegiate Schools Bill [H.L.]—

A Bill to provide additional Facilities for the Performance of Divine Service for Collegiate Schools and Colleges in Communion with the United Church of England and Ireland—Was *presented** by The Bishop of Oxford; and read 1^{a}. (No. 117.)

House adjourned at a quarter past Eight o'clock.

COMMONS, TUESDAY, JUNE 7.

MINUTES.]—SELECT COMMITTEE—On Education (Inspectors' Reports), nomination of Committee (*List of Committee*).

PUBLIC BILLS — *Resolution in Committee* — Uniformity Act.

Ordered — Uniformity Act; Railway Travelling (Ireland); Municipal Corporations (Ireland)*; Justices of the Peace Procedure*; Superannuations (Union Officers)*.

EDUCATION (INSPECTORS' REPORTS)—

Sir William Miles *reported** from the General Committee of Elections: That, in pursuance of the Instruction of the House, they had nominated the following Five Members to constitute the Committee on Education (Inspectors' Reports):—John George Dodson, Esq.; Sir Philip De Malpas Grey Egerton, Bart.; Lord Hotham; The Honourable Charles Howard; Edward Howes, Esq. And that they had also named The Lord Advocate and Lord Robert Cecil to serve on the Committee to examine Witnesses, but without the power of voting.

Report to lie upon the table.

VOTES OF CREDIT FOR CHINA — Question, Sir Stafford Northcote; Answer, Mr. Peel 1352

NAVY—ROYAL NAVAL RESERVE—Question, Mr. H. Berkeley; Answer, Lord Clarence Paget 1353

DISCRIMINATING DUTIES—

Motion made, and Question proposed,

"That an Address for Copy of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive, relating to the abrogation of the Discriminating Duties still levied upon British vessels and their cargoes trading with those countries."—(*Mr. Lindsay*) 1353

Amendment to insert "or Extracts"—(*Mr. Milner Gibson*)—*agreed to.*

Motion, as amended, *agreed to.*

Address for

"Copy or Extracts of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive, relating to the abrogation of the Discriminating Duties still levied upon British Vessels and their cargoes trading with those Countries."

AGRICULTURAL STATISTICS—Resolution—

Motion made, and Question proposed,

"That, in the opinion of this House, the collection and early publication of the Agricultural Statistics of Great Britain would be advantageous to the public interest."—(*Mr. Caird*) 1362

After long Debate, *Previous Question* put, "That that Question be now put." (*Viscount Palmerston*)—The House *divided;* Ayes 74, Noes 62; Majority 12.

Main Question put, and *agreed to.*

Resolved,

"That, in the opinion of this House, the collection and early publication of the Agricultural Statistics of Great Britain would be advantageous to the public interest."

UNIFORMITY ACT—

Resolution *considered* in Committee 1383

(In the Committee.)

Moved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.—(*Mr. E. P. Bouverie.*)

After short Debate, Resolution *agreed to* and *reported.*

Bill *ordered* to be brought in by Mr. Edward Pleydell Bouverie and Mr. Pollard-Urquhart.

Railway Travelling (Ireland) Bill—

On Motion of *Sir Colman O'Loghlen,* Bill further to secure to the public the means of travelling by Railway in Ireland, *ordered* * to be brought in by Sir Colman O'Loghlen, Colonel Vandeleur, Mr. Monsell, Colonel Dickson, and Captain Stacpoole.

Municipal Corporations (Ireland) Bill—

On Motion of *Mr. M'Mahon,* Bill to assimilate the Law of Ireland to that of England as to the qualification of Burgesses in Municipal Corporations, *ordered* * to be brought in by Mr. M'Mahon, Sir Colman O'Loghlen, and Mr. Blake.

Justices of the Peace Procedure Bill—

On Motion of *Mr. Paull,* Bill to consolidate and amend the Acts regulating Procedure before Justices of the Peace out of Quarter Sessions in England, *ordered* * to be brought in by Mr. Paull, Mr. Richard Hodgson, and Mr. Staniland.

Superannuations (Union Officers) Bill—

On Motion of *Mr. Villiers,* Bill to provide for Superannuation Allowances to Officers of Unions and Parishes, *ordered* * to be brought in by Mr. Villiers and Mr. Gilpin.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Eight o'clock.

COMMONS, WEDNESDAY, JUNE 8.

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MINUTES.]—Supply—*Resolutions* [June 6] *reported.*

Public Bills—*Ordered* — County Constabulary Superannuation * ; Game (Ireland) (No. 2) *.

First Reading—Uniformity Act Amendment* [Bill 134] ; Superannuations (Union Officers) * [Bill 133]; County Constabulary Superannuation * [Bill 136]; Railway Travelling (Ireland) * [Bill 137]; Justices of the Peace Procedure * [Bill 138] ; Municipal Corporations (Ireland) * [Bill 139] ; Game (Ireland) (No. 2)* [Bill 140].

Second Reading—Intoxicating Liquors [Bill 44] *negatived ;* Valuation of Lands and Heritages (Scotland) Act Amendment [Bill 81], *Debate adjourned ;* Sale of Gas (Scotland) * [Bill 125].

Report of Select Committee — Thames Conservancy Bill * (Nos. 373 & 135).

Third Reading—Railway Companies' Powers* [Bill 110] ; Chief Rents (Ireland) (*Lords*)* [Bill 117], and *passed.*

London Docks, St. Katharine's Dock, and Victoria (London) Dock Amalgamation Bill [*Lords*]—

Motion made, and Question proposed, "That the Bill be now read a second time" 1386

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Locke.*)

Question proposed, "That the word 'now' stand part of the Question."

After short Debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to* :—Bill read 2°.

Intoxicating Liquors Bill [Bill 44]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Lawson*) 1390

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Captain Jervis*) 1399

Question proposed, "That the word 'now' stand part of the Question."

After long Debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided ;* Ayes 35, Noes 292; Majority 257 :—Words *added.*

Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for three months.

List of the Ayes 1423

Valuation of Lands and Heritages (Scotland) Act Amendment Bill [Bill 81]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Dunlop*) 1423

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Mackie*) 1427

Question proposed, "That the word 'now' stand part of the Question."

Debate *adjourned* till *To-morrow.*

Superannuations (Union Offcers) Bill—

Bill to provide for Superannuation Allowances to Officers of Unions and Parishes, *presented* *, and read 1°. [Bill 133.]

Uniformity Act Amendment Bill—

Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning, *presented* *, and read 1°. [Bill 134.]

County Constabulary Superannuations Bill—

On Motion of *Sir John Trollope*, Bill for amending the Law relating to the Superannuation of the County Constabulary, *ordered* * to be brought in by Sir John Trollope and Colonel Packe :—Bill *presented*, and read 1°. [Bill 136.]

Game (Ireland) (No. 2) Bill—

On Motion of *Sir Hervey Bruce*, Bill to amend the Law regulating the shooting and sale of Game in Ireland, *ordered** to be brought in by Sir Hervey Bruce and Colonel Forde :—Bill *presented*, and read 1°. [Bill 140.]

Railway Travelling (Ireland) Bill—

Bill further to secure to the Public the means of travelling by Railway in Ireland, *presented* *, and read 1^{o}. [Bill 137.]

Justices of the Peace Procedure Bill—

Bill to consolidate and amend the Acts regulating Procedure before Justices of the Peace out of Quarter Sessions in England, *presented**, and read 1^{o}. [Bill 138.]

Municipal Corporations (Ireland) Bill—

Bill to assimilate the Law of Ireland to that of England as to the qualification of Burgesses in Municipal Corporations, *presented**, and read 1^{o}. [Bill 139.]

House adjourned at five minutes before Six o'clock.

LORDS, THURSDAY, JUNE 9.

MINUTES.]—PUBLIC BILLS—*First Reading*—Attorneys and Solicitors Remuneration, &c., [H.L.] * (No. 120); Railway Companies Powers * (No. 121).

Second Reading—Court of Justiciary (Scotland)* (No. 82).

Report—Chimney Sweepers and Chimneys Regulation [H.L.] (No. 112).

DENMARK AND GERMANY—THE ARMISTICE—Question, The Earl of Shaftesbury; Answer, Earl Russell 1438

Chimney Sweepers and Chimneys Regulation Bill (No. 112)—

Amendments reported (according to Order) 1439

New Clause—

If any Occupier of a House shall knowingly allow any person under Twenty-one Years of Age to be sent up a Chimney in the House he occupies, he shall be liable to a Penalty not exceeding Ten Pounds.—(*Earl Grey*) 1439

Amendment (by Leave of the House) *withdrawn*: Bill to be read 3^{a} *To-morrow*.

ENLISTMENT OF IRISH IMMIGRANTS—*Moved*,

"That an humble Address be presented to Her Majesty for Copies of or Extracts from any Despatches from Her Majesty's Minister at Washington relating to the Proceedings or Report of the Select Committee of the United States Congress on Immigration, or to Bills upon that subject brought into Congress."

And also,

"Copies of or Extracts from Despatches or Reports respecting the Enlistment of Irish Immigrants at Boston and Portland in the month of March last, or to the Enlistment of any of Her Majesty's Canadian Subjects in the United States Army."—(*The Marquess of Clanricarde*) 1439

After short Debate, Motion *agreed to*.

COUNTY COURTS ACT AMENDMENT BILL—Question, The Earl of Derby; Answer, The Lord Chancellor 1454

Attorneys and Solicitors Remuneration, &c., Bill [H.L.]—

A Bill to alter the Law relating to the Remuneration of Attorneys and Solicitors by their Clients, and also in other respects to amend the Law as administered in Courts of Equity—Was *presented** by The Lord Chancellor; and read 1^{a}. (No. 120.)

House adjourned at a quarter before Seven o'clock.

COMMONS, THURSDAY, JUNE 9.

MINUTES.]—PUBLIC BILLS—*Resolutions in Committee*—Countess of Elgin and Kincardine [Queen's Message, 6th June]; Greek Loan (Consolidated Fund).

First Reading—Settled Estates Act Amendment (*Lords*)* [Bill 142].

Second Reading—Street Music (Metropolis) [Bill 90]; Writs Registration (Scotland) [Bill 84] *withdrawn.*

Committee—Collection of Taxes (*re-committed*) [Bill 96]; Railways Construction Facilities (*re-committed*) [Bill 110]—R.P. Valuation of Rateable Property (Ireland)* [Bill 102].

Report—Collection of Taxes (*re-committed*) [Bill 96]; Valuation of Rateable Property (Ireland)* [Bill 102].

Withdrawn—Writs Registration (Scotland) [Bill 84]; Church Building and New Parishes Acts Amendment [Bill 61].

NAVY—INSPECTION OF THE "RESEARCH"—Question, Sir John Hay; Answer, Lord Clarence Paget 1455

THE COLONY OF LAGOS—Question, Mr. Arthur Mills; Answer, Mr. Cardwell .. 1456

OYSTER DREDGING AT BEACHY HEAD—Question, Mr. Cave; Answer, Mr. Milner Gibson 1457

DENMARK AND GERMANY—THE CONFERENCE — Question, Mr. Darby Griffith; Answer, Viscount Palmerston 1458

COUNTESS OF ELGIN AND KINCARDINE—[*Queen's Message, 6th June*]—*Considered* in Committee.

(In the Committee.)

Resolution,

"That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 20th day of November, one thousand eight hundred and sixty-three, and to be settled in the most beneficial manner upon Mary Louisa, Countess of Elgin and Kincardine, widow of the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, for the term of her natural life."—(*Viscount Palmerston*) 1458

Resolution *agreed to*:—Resolution to be reported *To-morrow.*

Collection of Taxes (*re-committed*) **Bill** [Bill 96]—

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair" 1463

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient that the Land Tax, Assessed Taxes, and the Income Tax should be collected by the officers of the Inland Revenue,"—(*Sir Henry Willoughby,*) —instead thereof 1467

Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Question put:—The House *divided;* Ayes 137, Noes 103; Majority 34.

Main Question put, and *agreed to*:—Bill *considered* in Committee .. 1478

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Commissioners of Inland Revenue to give Notice to Commissioners of Land Tax of intention to appoint Officers of Inland Revenue to be Collectors of Taxes, unless the Board of Commissioners of Land Tax respectively express their dissent).

Amendment proposed,

To leave out the Proviso at the end of the Clause—namely, "Provided always, That nothing in this Act contained shall be deemed to extend or apply to the Circuit of Receipt called 'The London Receipt,' as settled under the authority of the third section of the Act passed in the first and second years of the reign of King William the Fourth, chapter eighteen, and the sixth section of the Act passed in the fifth and sixth years of the reign of the same King, chapter twenty."—(*Mr. Horsfall.*) 1478

After short Debate, Question put, "That the Proviso stand part of the Clause."
The Committee *divided;* Ayes 73, Noes 62; Majority 11.
Amendment *negatived*:—Clause *agreed to.*
Clauses 3 to 11, inclusive, *agreed to.*
Clause 12 (Persons refusing to pay the Taxes after demand made to be returned in Schedules of Defaulters) 1482
After short Debate, Amendment of Mr. Hunt, by leave, *withdrawn*:—Clause *agreed to.*

Clauses 13 to 17 *agreed to.*
Clause 18 (Poundage to Collectors appointed under this Act repealed) 1484
After short Debate, Clause *agreed to.*

Clauses 19 and 20 *agreed to.*
Clause 21 (Treasury may award Compensation to Collectors whose Services are discontinued by the operation of this Act).
After short Debate, Clause *agreed to.*

Bill *reported,* without Amendment.

Writs Registration (Scotland) Bill [Bill 84]—

Order read, for resuming Adjourned Debate on Question [30th May], "That the Bill be now read a second time" 1485

Question again proposed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir James Fergusson*) 1493

WRITS REGISTRATION (SCOTLAND) BILL—*continued.*

Question proposed, "That the word 'now' stand part of the Question."

After long Debate, Amendment, and Motion, by leave, *withdrawn:*—Bill *withdrawn.*

Church Building and New Parishes Acts Amendment Bill [Bill 61]—

Motion made, and Question proposed, "That the said Order be discharged." —(*Mr. Attorney General*) 1509

After long Debate, Question put, and *agreed to.*

Order for Second Reading *discharged:*—Bill *withdrawn.*

GREEK LOAN—(CONSOLIDATED FUND)—

Considered in Committee 1527

(In the Committee.)

Resolution,

"That Her Majesty be authorized to relinquish, in favour of King George the First, the King of the Hellenes, during his reign, the sum of Four Thousand Pounds sterling a year, and to that extent to release the Greek Treasury from the obligation of a certain arrangement, concluded at Athens in the month of June, 1860, in reference to the Greek Loan."—(*Mr. Chancellor of the Exchequer.*)

Resolution *agreed to:*—Resolution to be reported *To-morrow.*

Railways Construction Facilities (*re-committed*) **Bill** [Bill 110]—

Bill *considered* in Committee 1528

(In the Committee.)

Motion, "That the 9th Clause be struck out."—(*Mr. Whalley.*)

Motion made, and Question proposed, "That the Chairman do report Progress and ask leave to sit again."—(*Viscount Galway.*)

After short Debate, Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

Street Music (Metropolis) Bill [Bill 90]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Bass*) 1529

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Hankey*) 1530

Question proposed, "That the word 'now' stand part of the Question."

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Butt.*)

Question put:—The House *divided;* Ayes 19, Noes 56; Majority 37.

Question, "That the word "now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to:*—Bill read 2°, and *committed* for *Wednesday,* 9th June.

House adjourned at a quarter before Two o'clock.

LORDS, FRIDAY, JUNE 10.

MINUTES.]—PUBLIC BILLS—*First Reading* —Church Services (Apocrypha) [H.L.]* (No. 125); Clerks of the Peace Removal [H.L.]* (No. 126).

Second Reading—Chain Cables and Anchors (No. 101).

Select Committee—Report—Scottish Episcopal Clergy Disabilities Removal [H.L.]* (No. 123).

Committee—Court of Justiciary (Scotland)* (No. 82).

Report—Scottish Episcopal Clergy Disabilities Removal [H.L.]* (No. 124); Insane Prisoners Act Amendment * (No. 110).

Third Reading—Chimney Sweepers and Chimneys Regulation [H.L.]* (No. 112).

Chain Cables and Anchors Bill (No. 101)—

Moved, That the Bill be now read 2ª.—(*The Earl of Hardwicke*) .. 1534

After short Debate, Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

GREENWICH HOSPITAL—Observations, The Earl of Hardwicke; After short Debate, Reply, The Duke of Somerset 1535

Church Services (Apocrypha) Bill [H.L.]—

A Bill to amend the Law relating to the reading of Portions of the Apocrypha in the Services of the United Church of England and Ireland—Was *presented** by The Lord GAGE, and read 1ª. (No. 125.)

Clerks of the Peace Removal Bill [H.L.]—

A Bill for amending the Law relating to the Removal of Clerks of the Peace—Was *presented** by The Lord CHANCELLOR, and read 1ª. (No. 126.)

House adjourned at half past Six o'clock.

COMMONS, FRIDAY, JUNE 10.

MINUTES.]—SUPPLY — *considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Resolution reported*—Countess of Elgin and Kincardine [Queen's Message, 6th June]; Greek Loan (Consolidated Fund).

Ordered—Countess of Elgin and Kincardine; Greek Loan (Consolidated Fund).

Second Reading—Weighing of Grain (Port of London)* [Bill 119] (*count out*).

DENMARK AND GERMANY—THE ARMISTICE—Question, Mr. Disraeli; Answer, Viscount Palmerston 1542

EDUCATION—COMMITTEE OF INSPECTORS' REPORTS — Question, Lord Robert Cecil; Answer, Mr. H. A. Bruce 1543

INDIAN PENSIONS—Question, Mr. Arthur Mills; Answer, Sir Charles Wood .. 1544

ARMY—MARRIED SOLDIERS' QUARTERS, ALDERSHOT — Question, Sir Harry Verney; Answer, The Marquess of Hartington 1544

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

COMMITTEES ON PRIVATE BILLS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the duty of ascertaining the facts upon which legislation in respect to Private Bills is to proceed should be discharged by some tribunal external to this House,"—(*Lord Robert Cecil,*)—instead thereof ... 1545

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment, by leave, *withdrawn.*

GOLD CURRENCY FOR INDIA— Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the increasing trade and commerce of India, and the consequent increasing demand for a portable circulating medium, requires that a Gold Currency should be established in that Empire," —(*Mr. John Benjamin Smith*), instead thereof 1573

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment, by leave, *withdrawn.*

EDUCATION (SCOTLAND)—Question, Mr. Dunlop; Answer, Mr. H. A. Bruce .. 1591

NAVY—SCHOOL OF NAVAL ARCHITECTURE—PAPERS MOVED FOR—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture," —(*Mr. Augustus Smith,*)—instead thereof 1593

Motion made, and Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Question put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES—

(In the Committee.)

(1.) Queen's Message [6th June] read; £20,000, Sir Rowland Hill, K.C.B. After short Debate, Vote *agreed to.*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £48,543, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, the Joint Stock Companies Registration Office, and the Designs Office" 1601

Motion made, and Question,

"That the Item of £450, for the Salary of Librarian to the Board of Trade, be omitted from the proposed Vote,"—(*Mr. Augustus Smith,*)—put, and *negatived* 1603

Original Question put, and *agreed to.*

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Cox,*)—put, and *negatived.*

(3.) £1,908, Lord Privy Seal.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Cox*) 1604

The Committee *divided;* Ayes 7, Noes 59; Majority 52.

Vote *agreed to.*

(4.) £5,744, Civil Service Commissions.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £14,491, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses in the Department of Her Majesty's Paymaster General, including the Branch Pay Office in Dublin" ... 1604

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Hennessy.*)

After short Debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

COUNTESS OF ELGIN AND KINCARDINE—[*Queen's Message, 6th June.*]

Resolution *reported* 1604

"That the annual sum of One Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 20th day of November, one thousand eight hundred and sixty-three, and to be settled in the most beneficial manner upon Mary Louisa, Countess of Elgin and Kincardine, widow of the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, for the term of her natural life."

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Viscount Palmerston, and Mr. Chancellor of the Exchequer.

GREEK LOAN (CONSOLIDATED FUND)—

Resolution *reported* 1605

"That Her Majesty be authorized to relinquish, in favour of King George the First, the King of the Hellenes, during his reign, the sum of Four Thousand Pounds sterling a year, and to that extent to release the Greek Treasury from the obligation of a certain arrangement, concluded at Athens in the month of June, 1860, in reference to the Greek Loan."

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Viscount Palmerston, Mr. Chancellor of the Exchequer, and Mr. Layard.

Accidents' Compensation Act Amendment Bill—

Bill to amend the Act ninth and tenth Victoria, chapter ninety-three, for Compensating the Families of Persons killed by Accident; *presented**, and read 1°. [Bill 143.]

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at One o'clock.

LORDS, MONDAY, JUNE 13.

MINUTES.]—*Sat First in Parliament*—The Viscount Hereford, after the death of his Father.

PUBLIC BILLS—*Committee*—Public Schools (No. 100) [H.L.]; Scottish Episcopal Clergy Disabilities Removal * (No. 123) [H.L.]

Report — Admiralty Lands and Works * (No. 88); Courts of Justiciary (Scotland) * (No. 82).

Third Reading — Insane Prisoners Act Amendment * (No. 111).

COUNTESS OF ELGIN AND KINCARDINE—QUEEN'S MESSAGE OF MONDAY LAST—

Order of the Day for the consideration of the QUEEN'S MESSAGE of Monday last read.

MESSAGE read.

Moved, "That an humble Address be presented to Her Majesty," &c.—(*The Lord President*) 1607

Address Ordered, *Nemine Dissentiente*, to be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty's most gracious Message informing this House,

"That Her Majesty, taking into consideration the distinguished Services performed throughout a long Series of Years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, is desirous, in recognition of such Services, to confer some signal mark of Her Favour upon his Widow, Mary Louisa, Countess of Elgin and Kincardine;" and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for securing to Mary Louisa, Countess of Elgin and Kincardine, a Pension of £1,000 a Year for her natural Life.

And the said Address was Ordered to be presented to Her Majesty by the Lords with White Staves.

WEST RIDING OF YORKSHIRE ASSIZES—THE ASSIZE TOWN—*Moved,*

That an humble Address be presented to Her Majesty, praying that the late Decision of the Privy Council, ordering the Removal of the West Riding Assizes from York to Leeds instead of to Wakefield, be re-considered.—(*Lord Wharncliffe*) 1613

After Debate, on Question, their Lordships *divided;* Contents 80, Not-Contents 54; Majority 26:—Division List 1624

Motion *agreed to.* And the said Address to be *presented* to Her Majesty by the Lords with White Staves.

Public Schools Bill (No. 100) [H.L.]—

Moved, That the House do now resolve itself into a Committee on the said Bill 1625

Motion *agreed to*:—House in Committee accordingly:—Amendments made:—The Report thereof to be received *To-morrow;* and Bill to be *printed* as amended. (No. 128.)

House adjourned at half past Eight o'clock.

COMMONS, MONDAY, JUNE 13.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

Resolutions [June 10] *reported**.

PUBLIC BILLS—*Resolutions in Committee*—New Zealand (Guarantee of Loan).

Ordered—Lunacy (Scotland) *; Local Government Supplemental (No. 2)*.

First Reading — Greek Loan * [Bill 144]; Lunacy (Scotland)* [Bill 146]; Local Government Supplemental (No. 2)* [Bill 147]; Chimney Sweepers' Regulation * [Bill 148] (*Lords*).

Second Reading—Pilotage Order Confirmation * [Bill 131]; Superannuations (Union Officers) * [Bill 133]; Coventry Free Grammar School * [Bill 124]; Settled Estates Act Amendment * [Bill 142] (*Lords*); County Constabulary Superannuation * [Bill 136].

Report of Select Committee — Metropolitan Subways * (No. 42).

Committee—Public and Refreshment Houses (Metropolis, &c.) * (*re-committed*) [Bill 132]; Burials Registration * [Bill 126].

Report — Public and Refreshment Houses (Metropolis, &c.) * (*re-committed*) [Bill 132]; Burials Registration * [Bill 126].

Considered as amended—Government Annuities, &c. * [Bill 114]; Beer Houses (Ireland) * [Bill 109].

Third Reading—Collection of Taxes * [Bill 96] (*Debate adjourned*).

Herne Bay, Hampton, and Reculver Fishery Bill (*Lords*)—

Motion made, and Question proposed, "That the Bill be now read a second time" 1634

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Edward Baring.*)

Question proposed, "That the word 'now' stand part of the Question." After short Debate, Question put, and *agreed to.*

Main Question put, and *agreed to*:—Bill read 2°, and *committed.*

NAVY—NAVAL STATIONS IN THE PACIFIC — Question, Mr. Watkin; Answer, Mr. Childers 1636

THE NATIONAL GALLERY—Question, Mr. Hibbert; Answer, Mr. Gregory .. 1636

CHINA—MAJOR GORDON'S APPOINTMENT—Question, Mr. Liddell; Answer, Mr. Layard 1639

VACCINATION ACT—Question, Sir John Pakington; Answer, Mr. H. A. Bruce 1640

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

INDIA—CLAIMS OF AZEEM JAH—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the claims of his Highness Azeem Jah to the title and dignity of the Nawab of the Carnatic; and further to report upon the circumstances under which the Treaty entered into between his Highness's father, Azeem ul Dowlah and the East India Company, dated the 31st day of July, 1801, has been declared void,"—(*Mr. Smollett,*)—instead thereof 1641

Motion made, and Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Question put:—The House *divided;* Ayes 62, Noes 45; Majority 17.

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—CIVIL SERVICE COMMISSION—

(In the Committee.)

The following Votes to complete were then *agreed to* without Debate:—

(1.) £2,928, to complete the sum for the Office of the Controller General of the Exchequer.

(2.) £22,903, to complete the sum for the Office of Works and Public Buildings.

(3.) £20,225, to complete the sum for the Office of Woods, Forests, and Land Revenues.

(4.) £14,651, to complete the sum for the Office of Public Records, &c.

(5.) £213,810, to complete the sum for Poor Law Commissions.

(6.) £41,867, to complete the sum for the Establishment of the Mint.

(7.) £26,647, to complete the sum for the Inspectors of Factories, &c.

(8.) £4,235, to complete the sum for the Exchequer and other Offices in Scotland.

(9.) £4,434, to complete the sum for the Household of the Lord Lieutenant of Ireland.

(10.) £11,695, to complete the sum for the Offices of the Chief Secretary for Ireland.

(11.) £2,782, to complete the sum for the Office of Inspectors of Lunatic Asylums, Ireland.

(12.) Motion made, and Question proposed,

"That a sum, not exceeding £17,431, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses of the Office of Public Works in Ireland" 1669

Whereupon Motion made, and Question proposed,

"That the Item of £500, for the Salary of the Inspecting Commissioners of Fisheries, be omitted from the proposed Vote."—(*Mr. Butt*) 1671

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Hennessy*) 1672

After short Debate, Motion, by leave, *withdrawn.*

Question again proposed,

"That the Item of £500, for the Salary of the Inspecting Commissioners of Fisheries, be omitted from the proposed Vote."—(*Mr. Butt*) 1673

After short Debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(13.) £26,512, to complete the sum for the Commissioners of Audit.

(14.) £14,125, to complete the sum for the Copyhold, Inclosure, and Tithe Commission 1674

After short Debate, Vote *agreed to.*

(15.) £9,290, to complete the sum for Imprest Expenses under the Inclosure and Drainage Acts.

(16.) £50,955, to complete the sum for the General Register Office.

(17.) £11,440, to complete the sum for the National Debt Office.

(18.) £2,795, to complete the sum for the Public Works Loan Commission, and West India Islands Relief Commission 1674

After short Debate, Vote *agreed to.*

(19.) £5,172, to complete the sum for the Lunacy Commission.

(20.) £1,223, General Superintendent of County Roads, South Wales .. 1675

After short Debate, Vote *agreed to.*

(21.) £1,453, to complete the sum for Registrars of Friendly Societies.

(22.) £14,823, to complete the sum for the Charity Commission .. 1676

After short Debate, Vote *agreed to.*

(23.) £4,442, to complete the sum for the Local Government Act Office.

(24.) £1,244, to complete the sum for the Landed Estates Record Offices .. 1676

After short Debate, Vote *agreed to.*

(25.) £446, to complete the sum for Quarantine Expenses, and

(26.) £24,000, to complete the sum for Secret Service.

(27.) £254,165, to complete the sum for Printing and Stationery .. 1678

After Debate, Vote *agreed to.*

(28.) £101,300, to complete the sum for Postage of Public Departments .. 1680

After short Debate, Vote *agreed to.*

(29.) £25,115, to complete the sum for Law Charges, England.

(30.) £144,923, to complete the sum for Prosecutions at Assizes and Quarter Sessions.

(31.) £184,050, to complete the sum for Police Counties and Boroughs, Great Britain 1682

Amendment proposed,

"That the deductions now made were contrary to the provisions and intentions of the Act of Parliament, 19 & 20 *Vict.* c. 69, which never contemplated that payments made by the Police to the Superannuation Fund and fines should be taken account of in calculating the amount to be paid by the Treasury."—(*Sir W. Miles.*)

After short Debate, Amendment *withdrawn*:—Vote *agreed to.*

The following Votes to complete were then *agreed to*, also without Debate:—

(32.) £1,188, to complete the sum for the Crown Office, Queen's Bench.

(33.) £8,700, to complete the sum for the High Court of Admiralty and Admiralty Court, Dublin.

(34.) £2,358, to complete the sum for Expenses of late Insolvent Debtors' Court.

(35.) £62,580, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes.

(36.) £112,000, to complete the sum for the County Courts .. 1685

After short Debate, Vote *agreed to.*

The following Votes to complete were then *agreed to,* also without Debate :—

(37.) £2,900, to complete the sum for the Office of Land Registry.
(38.) £14,633, to complete the sum for the Police Courts (Metropolis).
(39.) £106,894, to complete the sum for the Metropolitan Police.
(40.) £17,850, Revising Barristers, England and Wales.
(41.) £786, Compensations under Divorce and Matrimonial Causes Act.
(42.) £13,143, to complete the sum for compensations under Bankruptcy Act, 1861.
(43.) £2,577, to complete the sum for the Salaries of the Lord Advocate and Solicitor General, Scotland.
(44.) £13,174, to complete the sum for the Court of Session, Scotland.
(45.) £7,811, to complete the sum for the Court of Justiciary, Scotland.
(46.) £2,800, to complete the sum for Criminal Prosecutions under authority of the Lord Advocate.
(47.) £680, to complete the sum for the Salaries, &c., Exchequer, Scotland, Legal Branch.
(48.) £26,231, to complete the sum for Expenses connected with the Sheriff Court, Scotland.

(49.) £14,105, to complete the sum for Salaries of the Procurators Fiscal, Scotland 1686
After short Debate, Vote *agreed to.*

(50.) £10,250, to complete the sum for Salaries of the Sheriff's Clerks, Scotland 1687
After short Debate, Vote *agreed to.*

The following Votes were then *agreed to,* also without Debate :—

(51.) £3,000, Expenses in matters of Tithes, &c., Scotland.
(52.) £11,778, to complete the sum for the General Register House, Edinburgh.
(53.) £1,295, Commissary Clerk Office.
(54.) £1,472, Accountant in Bankruptcy.
(55.) £45,134, to complete the sum for Law Charges and Criminal Prosecutions, Ireland.

(56.) £3,717, to complete the sum for the Court of Chancery, Ireland .. 1688
After short Debate, Vote *agreed to.*

(57.) £7,462, to complete the sum for the Courts of Queen's Bench, Common Pleas, and Exchequer, Ireland.
(58.) £6,000, to complete the sum for Process Servers, Ireland.
(59.) £3,932, to complete the sum for Registrars to the Judges, &c., Ireland.
(60.) £1,200, to complete the sum for Compensations to Seneschals, &c., of Manor Courts in Ireland.

(61.) £1,360, to complete the sum for the Office for Registration of Judgments, Ireland 1688
After short Debate, Vote *agreed to.*

(62.) £100, Fees to Commissioners of High Court of Delegates, Ireland.
(63.) £4,403, to complete the sum for the Court of Bankruptcy and Insolvency, &c., Ireland.
(64.) £7,650, to complete the sum for the Court of Probate, Ireland.
(65.) £7,819, to complete the sum for the Landed Estates Court, Ireland.
(66.) £1,150, Consolidated Office of Writs, Dublin.
(67.) £420, Revising Barristers, Dublin.
(68.) £36,000, to complete the sum for Police Justices, &c., Dublin.
(69.) £556,535, to complete the sum for the Constabulary Force, Ireland.
(70.) £1,714, to complete the sum for the Four Courts, Marshalsea Prison, Dublin.
(71.) £13,980, to complete the sum for Inspection, &c., of Prisons, Reformatories, and Industrial Schools.

(72.) £300,627, to complete the sum for Government Prisons and Convict Establishments at Home 1689
After short Debate, Vote *agreed to.*

(73.) £218,286, to complete the sum for Maintenance of Prisoners in County Gaols, &c.

(74.) £16,380, to complete the sum for Transportation of Convicts.

(75.) £101,783, to complete the sum for Convict Establishments, Colonies .. 1690
After short Debate, Vote *agreed to.*

Resolutions to be reported *To-morrow:*—Committee to sit again on *Wednesday.*

NEW ZEALAND (GUARANTEE OF LOAN)—

Papers relative to New Zealand Loan [presented 9th June] *referred.*
Resolution *considered* in Committee 1690

(In the Committee.)

Resolution,

That Her Majesty be authorized to guarantee the liquidation of a Loan, to an amount not exceeding One Million Pounds, for the service of the Colony of New Zealand, together with interest thereon not exceeding Four Pounds per Centum per annum; and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable by Her Majesty under such guarantee.—(*Mr. Cardwell.*)

After Debate, Resolution *agreed to* :—Resolution to be reported *To-morrow.*

Lunacy (Scotland) Bill—

On Motion of *The Lord Advocate,* Bill to continue the Deputy Commissioners in Lunacy in Scotland, and to make further provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy, *ordered** to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar :—Bill *presented**, and read 1°. [Bill 146.]

Local Government Supplemental (No. 2) Bill—

On Motion of *Mr. Baring,* Bill to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Kingston-upon-Hull, Stockport, Penzance, Shanklin, Stroud, Portsmouth, Tunbridge Wells, Woolwich, and Tormoham, *ordered** to be brought in by Mr. Baring and Sir George Grey :—Bill *presented**, and read 1°. [Bill 147.]

House adjourned at a quarter before Two o'clock.

LORDS, TUESDAY, JUNE 14.

MINUTES.]—PUBLIC BILLS—*Select Committee*—On Improvement of Land Act, 1864* (No. 36) [H.L.]; Report (*P. P.* No. 130).
Committee— Union Assessment Committee Act Amendment* (No. 102); Ecclesiastical Courts and Registries (Ireland) (No. 96) [H.L.]
Report—Improvement of Land Act (1864)* (No. 36) [H.L.]; Mortgage Debentures (No. 107) [H.L.]; Public Schools* (No. 128) [H.L.]; Scottish Episcopal Clergy Disabilities Removal* (No. 123) [H.L.]
Third Reading—Courts of Justiciary (Scotland)* (No. 82), and *passed.*

LORD ELGIN AND LORD CANNING—Explanation, The Marquess of Clanricarde 1698

SIR ROWLAND HILL, K.C.B.—ADDRESS ON THE QUEEN'S MESSAGE—

Order of the Day for the consideration of the QUEEN'S MESSAGE of the 6th instant read.

MESSAGE read 1702

Moved, "That an humble Address be presented to Her Majesty," &c.—(*The Lord President.*)

Motion *agreed to.*

Address Ordered, *Nemine Dissentiente,* to be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Majesty's most gracious Message informing this House,

"That Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important Improvements in Postal Administration, is desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon him;" and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for the Accomplishment of this Purpose."

And the said Address was Ordered to be presented to Her Majesty by the Lords with White Staves.

Mortgage Debentures Bill (No. 107)—

Amendments *reported* (according to Order) 1706

After short Observation, Amendment *negatived:*—Bill to be read 3ª on *Thursday* next.

Ecclesiastical Courts and Registries (Ireland) Bill (No. 96)—
House in Committee 1706
Clauses 1 to 82 *agreed to.*
Moved to omit Clauses 83, 84, and 85.—(*The Archbishop of Armagh.*)
Motion *agreed to*:—Clauses *struck out.*
Remaining Clauses *agreed to.*
Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 132).
House adjourned at half past Seven o'clock.

COMMONS, TUESDAY, JUNE 14.

MINUTES.]—SUPPLY — *Resolutions* [June 13] *reported.*
PUBLIC BILLS — *Resolution reported* — New Zealand (Guarantee of Loan)*.
Ordered—Portsmouth Dockyard (Acquisition of Lands)*; Registration of Deeds (Ireland)*; New Zealand (Guarantee of Loan)*.
First Reading—New Zealand (Guarantee of Loan)* [Bill 150].
Second Reading — Factory Acts Extension [Bill 55].
Committee—Valuation of Rateable Property (Ireland)* [Bill 141].
Report— Valuation of Rateable Property (Ireland) (*re-committed*)* [Bill 141].
Third Reading — Beer Houses (Ireland)* [Bill 109], and *passed.*
Withdrawn—Valuation of Lands and Heritages (Scotland) Act Amendment *[Bill 81].

The House met at Twelve of the clock.

Factory Acts Extension Bill [Bill 55]—
Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. H. A. Bruce*) 1708
After long Debate, Motion *agreed to*:—Bill read 2°, and *committed* for *Thursday.*

CAPE COAST—THE ASHANTEE WAR—Question, Sir John Hay; Answer, The Marquess of Hartington 1728
That the following papers be laid upon the table of the House. — (*Sir John Hay*)—
"Statements of the number of Officers and Men in the Cape Coast command on the 1st day of July, 1863:
Of the number of Officers and Men landed from the *Megœra,* at Cape Coast, in August 1863:
Return of the number of Officers and Men landed from the *Tamar,* at Cape Coast, on the 9th day of April, 1864:
Nominal List of the thirteen Officers who have died up to last Returns;
Nominal List of the fifteen Officers invalided up to last Returns:
Nominal List of the nine Officers remaining sick at Cape Coast:
List of the number of Men dead since the 1st day of July last:
List of the number of Men invalided since the 1st day of July last:
List of the number of Men in Hospital at last Return:
And, Statement of the remaining Effective Force at Cape Coast Castle on the 14th day of May."

NATIONAL EDUCATION (IRELAND)—Question, Sir Edward Grogan; Answer, Sir Robert Peel 1729
INDIA—THE INDIAN ARMY—Question, Sir Minto Farquhar; Answer, Sir Charles Wood 1729
VICTORIA—EXPULSION OF THE TICKET-OF-LEAVE MEN — Question, Mr. Blake; Answer, Mr. Cardwell 1729
DENMARK AND GERMANY—THE CONFERENCE—Question, Mr. Bernal Osborne; Answer, Viscount Palmerston 1730
BRITISH TROOPS IN CANADA—Question, Mr. Adderley; Answer, Mr. Cardwell 1731
INCOME TAX—RESOLUTION—
Motion made, and Question proposed,
"That the inequalities and injustice attending the operation of the existing Property and Income Tax disqualify it for being continuously reimposed in its present form as one of the means of levying the National Revenue."—(*Mr. Hubbard*) 1750
After long Debate, Question put:—The House *divided;* Ayes 28, Noes 67; Majority 39.

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NATIONAL EDUCATION (IRELAND)—RESOLUTION—

Motion made, and Question proposed,

"That, in the opinion of this House, the Rules sanctioned by the Commissioners of National Education in Ireland on the 21st day of November, 1863, are, so far as regards their operation on the aid afforded to Convent and Monastic Schools, at variance with the principles of the system of National Education."—(*Sir Hugh Cairns*) ... 1761

Debate *adjourned* till *To-morrow.*

Portsmouth Dockyard (Acquisition of Lands) Bill—

On Motion of *Lord Clarence Paget,* Bill to authorise the Acquisition of Lands by the Admiralty, with a view to the extension of Portsmouth Dockyard, and for other purposes connected therewith, *ordered** to be brought in by Lord Clarence Paget and Mr. Childers.

Registration of Deeds (Ireland) Bill—

On Motion of *Sir Edward Grogan,* Bill to make valid Defective Registration of Deeds in certain cases in Ireland, *ordered** to be brought in by Sir Edward Grogan, Mr. George, and Mr. Vance.

House adjourned at a quarter before Two o'clock.

COMMONS, WEDNESDAY, JUNE 15.

MINUTES.] — PUBLIC BILLS—*Ordered* — Poor Law Guardians' Election *.

First Reading—Naval and Victualling Stores (*Lords*)* [Bill 151]; Portsmouth Dockyard (Acquisition of Lands)* [Bill 152]; Poor Law Guardians Election * [Bill 153].

Second Reading—Costs Security [Bill 58]; Forfeiture of Lands and Goods [Bill 21]; County Voters Registration [Bill 112].

Committee—Servants Hiring (Scotland) [Bill 108]; Election Petitions * [Bill 17], *Debate further adjourned;* County Constabulary Superannuation * [Bill 136].

Report — Servants Hiring (Scotland)* [Bill 108]; County Constabulary Superannuation * [Bill 136]; Railway Passengers Assurance Company (*Lords*) *.

Forfeiture of Lands and Goods Bill [Bill 21]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charles Forster*) 1800

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Hunt*) 1804

Question proposed, "That the word 'now' stand part of the Question."

After short Debate, Question put, and *agreed to.*

Main Question put, and *agreed to* :—Bill read 2°, and *committed* for *Monday* next.

Costs Security Bill [Bill 58]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Butt*) 1811

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Whiteside*) 1813

Question proposed, "That the word 'now' stand part of the Question."

After short Debate, Question put:—The House *divided;* Ayes 99, Noes 64; Majority 35.

Main Question put, and *agreed to* :—Bill read 2°, and *committed* for *Wednesday* next.

County Voters Registration Bill [Bill 112]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Dodson*) 1815

After short Debate, Motion *agreed to* :—Bill read 2°, and *committed* for *Wednesday* next.

Servants Hiring (Scotland) Bill [Bill 108]—

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." 1819

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Black,*)—instead thereof. 1821

SERVANTS HIRING (SCOTLAND) BILL—*continued.*

Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Question put, and *agreed to.*

Main Question put, and *agreed to:*—Bill *considered* in Committee .. 1823

(In the Committee.)

Preamble—

Amendment proposed,

In page 1, line 3, after the word "months," to insert the words "and whereas differences of usage are followed in certain counties or districts of Scotland in the observance of the half-yearly terms of Whitsunday and Martinmas respectively; and whereas this practice."—(*Sir James Fergusson.*)

Question put, "That those words be there inserted:"—The Committee *divided;* Ayes 116, Noes 7; Majority 109:—Bill *reported.*

Poor Law Guardians Elections Bill—

On Motion of *Mr. Barnes,* Bill to empower the occupiers of small tenements in certain cases to vote in the Election of Guardians of the Poor, *ordered** to be brought in by Mr. Barnes, Mr. Bazley, and Mr. Hadfield:—Bill *presented**, and read 1°. [Bill 153.]

House adjourned at five minutes before Six o'clock.

LORDS, THURSDAY, JUNE 16.

MINUTES.]—PUBLIC BILLS—*First Reading*—Beer Houses (Ireland)* (No. 134).
Committee — Chain Cables and Anchors (No. 101); Improvement of Land Act (1864) (No. 122) [H.L.]
Report—Chain Cables and Anchors (No. 101).
Third Reading—Mortgage Debentures * (No. 107) [H.L.]; Public Schools (No. 128) [H.L.]; Scottish Episcopal Clergy Disabilities Removal* (Nos. 123 & 124) [H.L.], and *passed.*

NAVAL GUNNERY—Question, The Earl of Hardwicke; Answer, The Duke of Somerset 1824

COUNTY COURTS AMENDMENT BILL—Petition, Lord Brougham 1824

Chain Cables and Anchors Bill (No. 101)—

House in Committee (according to Order) 1826

After short Debate, Bill reported without Amendment; and to be read 3ª *To-morrow.*

Improvement of Land Acts (1864) Bill (No. 122)—

House in Committee (according to Order) 1826

After short Debate, the Clauses of the Bill, as amended by the Select Committee, were then presented, read, and *agreed to.*

Public Schools Bill [H.L.] (No. 128)—

Moved, That the Bill be now read 3ª 1829

After short Debate, Motion *agreed to:*—Bill read 3ª and passed, and sent to the Commons.

NEEDLEWOMEN OF LONDON—REPORT OF THE COMMISSION—Question, The Earl of Carnarvon; Answer, Earl Granville 1834

House adjourned at half past Seven o'clock.

COMMONS, THURSDAY, JUNE 16.

MINUTES.]—SUPPLY—*considered in Committee*—Civil Service Estimates.
Resolutions [June 14] *reported.*
PUBLIC BILLS—*Resolutions in Committee*—Inland Revenue (Stamp Duties).
Ordered — Local Government Act (1858) Amendment*; Cranbourne Street.
First Reading — Cranbourne Street* [Bill 154]; Local Government Act (1858) Amendment [Bill 155]; Countess of Elgin and Kincardine's Annuity [Bill 156]; Punishment of Rape [Bill 157] (*Lords*).
Second Reading—Local Government Supplemental (No. 2) [Bill 80]; Accidents Compensation Act Amendment [Bill 143]
Committee — Election Petitions [Bill 17]; Adjourned Debate [1st June], *further adjourned.*
Third Reading—Public and Refreshment Houses (Metropolis, &c.) [Bill 132.]

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CITY TRAFFIC REGULATIONS—Question, Mr. Doulton; Answer, Sir G. Grey .. 1836

RAILWAYS IN CHINA—Question, Mr. Henry Seymour; Answer, Mr. Layard .. 1836

EDUCATION — SCIENCE CERTIFICATE—Question, Mr. W. Mundy; Answer, Mr. H. A. Bruce 1837

IRELAND—DAUNT'S ROCK—Question, Mr. Horsfall; Answer, Mr. M. Gibson .. 1837

THE IRISH FISHERIES—Question, Mr. Monsell; Answer, Mr. O'Hagan (The Attorney General for Ireland) 1837

ARMY—THE ARMSTRONG GUN—Question, Mr. Hussey Vivian; Answer, The Marquess of Hartington 1838

THE ASHANTEE WAR—Question, Sir John Hay; Answer, Lord C. Paget .. 1839

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE CHARITY COMMISSIONERS—Amendment proposed,

"To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the construction, the expense, and the working of the Board of Charity Commissioners," — (*Mr. Ferrand,*) instead thereof 1841

Question proposed, "That the words proposed to be left out stand part of the Question.

After long Debate, Question put:— The House *divided;* Ayes 116, Noes 40; Majority 76.

Main Question put, and *agreed to.*

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES— .. 1882

(In the Committee.)

(1.) £3,200, to complete the sum for the Civil Establishments, Bermudas.
After short Debate, Vote *agreed to.*

(2.) £3,213, to complete the sum for the Ecclesiastical Establishments, British North American Provinces.

(3.) £1,000, Indian Department, Canada 1882
After short Debate, Vote *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £21,278, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies" ... 1885

Whereupon Motion made, and Question proposed,

"That the Item of £450, for the Presiding Magistrate of Anguilla, be omitted from the proposed Vote."—(*Mr. Hennessy*) 1886

Question put:—The Committee *divided;* Ayes 34, Noes 45; Majority 11.

Original Question put, and *agreed to.*

(5.) £6,200, to complete the sum for Justices, West Indies.
Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £14,355, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Civil Establishments on the Western Coast of Africa" 1888

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir John Trelawny*) .. 1889

After short Debate, Motion, and Original Question, by leave, *withdrawn.*

(6.) £2,924, to complete the sum for St. Helena.

(7.) £700, Orange River Territory (Cape of Good Hope).

(8.) £960, Heligoland 1890
After short Debate, Vote *agreed to.*

(9.) £3,608, to complete the sum for the Falkland Islands.

(10.) £3,825, to complete the sum for Labuan.
(11.) £300, Pitcairn Islanders, Norfolk Island 1890
After short Debate, Vote *agreed to.*
(12.) £7,720, to complete the sum for Emigration 1891
After Debate, Vote *agreed to.*
(13.) £32,550, to complete the sum for the Treasury Chest 1896
After short Debate, Vote *agreed to.*
(14.) £12,500, for the Zambesi Expedition 1896
After short Debate, Vote *agreed to.*
(15.) £2,000, for the Niger Expedition 1897
After short Debate, Vote *agreed to.*
(16.) £55,000, to complete the sum for Captured Negroes, Bounties on Slaves, &c. 1897
After short Debate, Vote *agreed to.*
(17.) £7,650, to complete the sum for Commissions for Suppression of Slave Trade 1898
After short Debate, Vote *agreed to.*

(18.) Motion made, and Question proposed,
"That a sum, not exceeding £124,503, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Consular Establishments abroad" ... 1900
Whereupon Motion made, and Question proposed,
"That the Item of £400, for the Salary of the Consul at Rome, be omitted from the proposed Vote,"—(*Mr. Henry Seymour*) 1904
After Debate, Question put, and *negatived:*—
Original Question again proposed.
Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Henry Seymour*) .. 1911
After short Debate, Question put:—The Committee *divided;* Ayes 40, Noes 111; Majority 71:—
Original Question again proposed.
Whereupon Motion made, and Question, "That the Chairman do now leave the Chair."—(*Mr. Darby Griffith*) 1911
After short Debate, Question put, and *negatived:*—
Original Question put, and *agreed to.*
Resolutions to be reported *To-morrow:*—Committee to sit again *To-morrow.*

SUPPLY—CIVIL SERVICE ESTIMATES—REPORT—

Report [14th of June]—postponed Resolutions *considered.*
Seventh Resolution read 2° 1912
Amendment proposed, to leave out "£26,647," and insert "£25,202,"—(*Mr. Butt,*)—instead thereof.
Question proposed, "That '£26,647' stand part of the Resolution."
Amendment, by leave, *withdrawn:*—Resolution *agreed to.*
Ninth Resolution *agreed to.*
Twelfth Resolution *further postponed* till *To-morrow.*
Seventy-fifth Resolution *agreed to.*

Election Petitions Bill [Bill 17]—

Motion made, and Question put, "That this House do now adjourn."—(*Sir Francis Goldsmid*) 1914
The House *divided;* Ayes 19, Noes 28; Majority 9.
Adjourned Debate on Amendment on going into Committee [1st June] *further adjourned* till *Tuesday,* 28th June.

ARMY—SANITARY MEASURES (CAMPS, &c)—

Motion made, and Question proposed,
"That a Select Committee be appointed to inquire whether it be possible, by sanitary or other measures, to mitigate some of the evils to which Soldiers and Sailors quartered in permanent Camps or in Garrison or Seaport Towns are peculiarly exposed, and which, impairing the efficiency and increasing the cost of the services, are known to exercise a no less injurious influence upon the health, strength, and character of the nation."—(*Sir John Trelawny*) 1914
After short Debate, Motion, by leave, *withdrawn.*

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Local Government Act (1858) **Amendment Bill**—

On Motion of *Mr. Neate*, Bill to amend the Local Government Act of 1858, so far as it applies to Oxford, *ordered* * to be brought in by Mr. Neate and Sir Wiliam Heathcote:—Bill *presented* *, and read 1°. [Bill 155.]

House adjourned at a quarter before Two o'clock.

LORDS, FRIDAY, JUNE 17.

MINUTES.]—*Sat First in Parliament*—The Lord Oriel, after the Death of his Father.

PUBLIC BILLS—*First Reading*—Public and Refreshment Houses (Metropolis, &c.)* (No. 135).

Second Reading—Church Services (Apocrypha) (No. 125) [H.L.], Order for 2R. *discharged.*

Report—Penal Servitude Acts Amendment No. (118); Union Assessment Committee Act Amendment * (No. 131); Ecclesiastical Courts and Registries (Ireland)* (No. 132); Improvement of Land Act, 1864 * (No. 122).

Withdrawn—County Courts Acts Amendment* (No. 70) [H.L.]; Church Services (Apocrypha) (No. 125); Turnpike Roads* (No. 24).

COUNTESS OF ELGIN AND KINCARDINE—

MESSAGE from The QUEEN respecting The Countess of Elgin and Kincardine—The QUEEN's Answer to the Address of Monday last on said Message, *reported* *.

SIR ROWLAND HILL, K.C.B.—

MESSAGE from The QUEEN respecting Sir Rowland Hill, K.C.B.—The QUEEN's Answer to the Address of Tuesday last on said Message, *reported* *.

WEST RIDING ASSIZES—HER MAJESTY'S ANSWER TO THE ADDRESS—

"I have received your Address, praying that the late Decision of the Privy Council ordering the Removal of the West Riding Assizes from York to Leeds instead of to Wakefield may be re-considered."

"I have to inform you, that in pursuance of the Provisions of an Act passed in the Third and Fourth Years of His late Majesty King William the Fourth, intituled 'An Act for the Appointment of convenient Places for the Holding of Assizes in England and Wales,' an Order was made by Me, with the Advice of My Privy Council, on the 10th Instant, ordering and directing that Assizes for the West Riding of Yorkshire shall be held at Leeds, and the 6th Day of August next has been since fixed by My Judges of Assize for the Midland Circuit for holding the next Assizes for the West Riding in that Town."

"I have directed that a Copy of this Order shall be laid before you. If it should hereafter appear, that with a view to the more cheap, speedy, and effectual Administration of Justice, it may be expedient to appoint some other Place for holding an Assize in the West Riding, the Subject shall again be referred for the Consideration and Advice of My Privy Council."

County Courts Acts Amendment Bill—[H.L.] (No. 70)—

Bill *withdrawn.*

DENMARK AND GERMANY—Question, The Earl of Ellenborough; Answer, Earl Russell 1917

THE BURIAL SERVICE—Question, Lord Ebury; Answer, The Archbishop of Canterbury 1928

Church Services (Apocrypha) Bill (No. 125)—

Moved, That the Bill be now read 2ª.—(*Viscount Gage*) 1930

Amendment moved, to leave out ("now") and insert ("this Day Six Months.")—(*The Archbishop of Canterbury.*)

Amendment, and original Motion (by Leave of the House), *withdrawn*; and Order of the Day for the Second Reading *discharged.*

Penal Servitude Acts Amendment Bill (No. 118)—

Amendments *reported* (according to Order) 1934

Clause 4 (Forfeiture of Licence) 1937

Amendment *moved*, after ("subsequently") to leave out ("once in each month") and insert ("if required to do so by the Conditions of his License.")—(*The Earl of Lichfield.*)

Question proposed, "That the words proposed to be left out stand part of the Clause, their Lordships *divided*; Contents 36, Not-Contents 44; Majority 8:—*Resolved* in the *Affirmative.*

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House adjourned at Eight o'clock.

COMMONS, FRIDAY, JUNE 17.

MINUTES.]—Select Committee—*Report*—Case of Mr. Bewicke, Committee [*P. P.* No. 395].

Supply—*considered in Committee*—Committee R.P.

Resolutions [June 14] *reported.*

Public Bills — *Resolutions in Committee* — Sheriffs Substitute (Scotland) [Salaries].

Ordered—Inland Revenue (Stamp Duties)*; Herring Fisheries (Scotland) Acts Amendment*.

First Reading—Inland Revenue (Stamp Duties)* [Bill 159]; Divorce and Matrimonial Causes (Amendment)* [*Lords*] [Bill 162]; Scottish Episcopal Clergy Disabilities Removal* [*Lords*] [Bill 161].

Second Reading — Greek Loan* [Bill 144]; Chimney Sweepers Regulation* [*Lords*] [Bill 148]; Game (Ireland) (No. 2)* [Bill 140], *postponed.*

Committee—Factory Acts Extension [Bill 55]; Superannuations (Union Officers)* [Bill 133]; Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland)* [Bill 125].

Report — Judgments, &c. Law Amendment* [Bill 160]; Superannuations (Union Officers)* [Bill 133]; Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland)* [Bill 125].

Considered as amended — Servants Hiring (Scotland)* [Bill 108].

Third Reading—Valuation of Rateable Property (Ireland)* [Bill 141]; County Constabulary Superannuation* [Bill 136].

Factory Acts Extension Bill [Bill 55]—

Bill *considered* in Committee. 1939

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Definitions).

Clause *agreed to*:—Remaining Clauses *agreed to.*

Schedule (Manufactures and Employments to which Act applies).

Committee report Progress; to sit again on Monday, 27th June.

India—The Rajah of Dhar—Question, Lord Stanley; Answer, Sir Charles Wood 1948

India — The Native Press — Question, Mr. Adam; Answer, Sir Charles Wood 1949

India—British Burmah—Question, Sir Andrew Agnew; Answer, Sir Charles Wood 1949

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

The Ashantee War—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "Her Majesty's Government, in landing Forces on the Gold Coast for the purpose of waging war against the King of Ashantee, without making any sufficient provision for preserving the health of the Troops to be employed there, have incurred a grave responsibility; and that this House laments the want of foresight which has caused so large a loss of life,—(*Sir John Hay,*)—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question" 2017

After long Debate, The House *divided;* Ayes 233, Noes 226; Majority 7.

Main Question put, and *agreed to.*

Supply *considered** in Committee:—Committee report Progress; to sit again on *Monday* next.

Supply—Resolutions *reported* 2023

Resolutions *agreed to.*

Herring Fisheries (Scotland) Acts Amendment Bill—

On Motion of *The Lord Advocate,* Bill to amend the Acts relating to the Herring Fisheries in Scotland, *ordered** to be brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.

Inland Revenue (Stamp Duties) Bill—

Bill for granting to Her Majesty certain Stamp Duties, and to amend the Laws relating to the Inland Revenue; *presented,* and read 1°*. [Bill 159.]

House adjourned at Two o'clock.

COMMONS, MONDAY, JUNE 20.

Page

MINUTES.]—New Writ Issued—For Durham County (Northern Division) *in the room of* Lord Adolphus Vane Tempest, deceased.

Public Bills—*Ordered*—Sheriffs Substitute (Scotland) Salaries*; Contagious Diseases*.

First Reading—Contagious Diseases * [Bill 163].

Second Reading— Gaols [Bill 93]; Railway Travelling (Ireland) [Bill 137], *negatived;* Lunacy (Scotland)* [Bill 146]; Countess of Elgin and Kincardine's Annuity* [Bill 156]; Naval and Victualling Stores [Bill 151] (*Lords*); Punishment of Rape* [Bill 157] (*Lords*); Divorce and Matrimonial Causes (Amendment)* [Bill 162] (*Lords*).

Committee—Railways Construction Facilities (*re-committed*)* [Bill 111]; Pilotage Orders Confirmation* [Bill 131]; Pier and Harbour Orders Confirmation (*re-committed*)* [Bill 149].

Report— Railways Construction Facilities* [Bill 111]; Pilotage Orders Confirmation* [Bill 131]; Pier and Harbour Orders Confirmation* [Bill 149].

Considered as amended— Superannuations (Union Officers)* [Bill 133]; Sale of Gas (Scotland)* [Bill 125].

Third Reading—Government Annuities, &c. [Bill 114]; Collection of Taxes [Bill 96], *negatived;* Burials Registration* [Bill 126]; Servants Hiring (Scotland)* [Bill 108].

Company of African Traders — Question, Lord Elcho; Answer, The Chancellor of the Exchequer 2026

Slave Trade — The "Castilla," "Lola," "Laura"—Question, Mr. Cave; Answer, Lord Clarence Paget 2026

Transfer of Land (Ireland)—Question, Mr. Scully; Answer, Mr. O'Hagan (The Attorney General for Ireland) 2027

Navy—The "Gladiator"—Question, Sir James Elphinstone; Answer, Lord Clarence Paget 2028

Denmark and Germany—The Conference—Question, Mr. Disraeli; Answer, The Chancellor of the Exchequer 2029

India—The Late Marquess of Dalhousie—Question, Sir James Fergusson; Answer, Mr. H. Baillie 2035

Government Annuities, &c., Bill [Bill 114]—

Moved, "That the Bill be now read the third time."—(*Mr. Chancellor of the Exchequer*) 2036

After Debate, Motion *agreed to:*—Bill read 3° and *passed.*

Goals Bill [Bill 93]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir George Grey*) 2046

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Newdegate*) 2060

Question proposed, "That the word 'now' stand part of the Question."

Question put:—After long Debate, The House *divided;* Ayes 116, Noes 49; Majority 67.

Main Question put, and *agreed to:*—Bill read 2°, and *committed* for *Monday.*

Collection of Taxes Bill [Bill 96]—

Order read, for resuming Adjourned Debate on Question [13th June], "That the Bill be now read the third time." 2088

Question again proposed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir John Trollope.*)

Question proposed, "That the word 'now' stand part of the Question."

After Debate, Question put:—The House *divided;* Ayes 128, Noes 132; Majority 4:—Words *added.*

Main Question, as amended, put, and *agreed to:* — Third Reading *put off* for three months.

Railway Travelling (Ireland) Bill [Bill 137]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Colman O'Loghlen*) 2102

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Blake*) .. 2106

Question proposed, "That the word 'now' stand part of the Question."

After short Debate, Question put:—The House *divided;* Ayes 21, Noes 40; Majority 19:—Words *added.*

Main Question, as amended, put, and *agreed to:*—Second Reading *put off* for three months.

Naval and Victualling Stores Bill [Bill 151] (*Lords*)—

Moved, "That the Bill be now read a second time" 2108

Motion *agreed to:*—Bill read 2°, and *committed* for *Monday* next.

Sheriffs Substitute (Scotland) Salaries—

Resolution *reported.*

"That the Lords Commissioners of the Treasury be authorized to increase the Salaries of certain Sheriffs Substitute in Scotland."

Resolution *agreed to.*

Bill *ordered** to be brought in by Mr. Massey, The Lord Advocate, and Sir William Dunbar.

Contagious Diseases Bill—

On Motion of *Lord Clarence Paget,* Bill for the prevention of Contagious Diseases at certain Naval and Military Stations, *ordered** to be brought in by Lord Clarence Paget, Sir John Pakington, Sir Morton Peto, and Sir James Fergusson:—Bill *presented,* and read 1°.* [Bill 163.]

House adjourned at a quarter before Two o'clock.

LORDS.

SAT FIRST.

Friday, May 6.

The Lord Wentworth.

Monday, June 13.

The Viscount Hereford, after the Death of his Father.

Friday, June 17.

The Lord Oriel, after the Death of his Father.

TOOK THE OATH.

Friday, May 6.

The Lord Wentworth.

Tuesday, May 10.

The Lord Bishop of Cork.

COMMONS.

NEW WRITS.

Wednesday, May 4.

For *Stockport*, *v.* James Kershaw, Esq., deceased.

Friday, May 20.

For *Gloucester City*, *v.* John Joseph Powell, Esq., Recorder of Wolverhampton.

Monday, June 20.

For *Durham City* (Northern Division), *v.* Lord Adolphus Vane Tempest, deceased.

NEW MEMBERS SWORN.

Tuesday, May 10.

Stockport—Edward William Watkin, Esq.

Thursday, May 26.

Gloucester City—John Joseph Powell, Esq.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Sixth Session of the *Eighteenth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 31 May 1859, and from thence Continued till 4 February 1864, in the Twenty-seventh
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, May 4, 1864.

MINUTES.]—New Writ Issued — For Stockport, *v.* James Kershaw, esquire, deceased.

Public Bills — *Ordered* — Pier and Harbour Orders Confirmation.

First Reading—Boiler Explosions* [Bill 89]; Street Music (Metropolis)* [Bill 90]; Pier and Harbour Orders Confirmation* [Bill 91]; Public and Refreshment Houses (Metropolis)* [Bill 92].

Second Reading—Admiralty Lands and Works* [Bill 88].

Committee—Weights and Measures (Metric System) [Bill 24] — R.P.; Chief Rents (Ireland) (*Lords*) [Bill 52]—R.P.

Third Reading—Promissory Notes and Bills of Exchange (Ireland)* [Bill 38].

WEIGHTS AND MEASURES (METRIC SYSTEM) BILL.—[Bill 24.]

COMMITTEE.

Order for Committee read.

Moved, "That Mr. Speaker do now leave the Chair."—(*Mr. W. Ewart.*)

Mr. HUMBERSTON observed, that there was a very general feeling in the country in favour of uniformity of weights and measures, but it was desirable that that object should be accomplished by much more simple machinery than was proposed by the hon. Member for Dumfries (Mr. W. Ewart). Englishmen were not, in his opinion, prepared to give up their ancient system, to which they had been so long accustomed, for one bearing foreign names, the introduction of which, if sanctioned by the House, would not be so easily accomplished as the hon. Gentleman seemed to imagine. He did not see how their foreign trade would be extended by the adoption of that system; because, in most of the foreign countries with which they traded, the metric system did not exist. Even supposing it was introduced in this country, he did not see how they could introduce it into their colonies. How were they to compel its adoption by the colonies or in India, where there was a strong opposition to such measures? He did not think that either the external or internal trade of the country would be promoted by the introduction of the metric system. All that was required by the agricultural interests was uniformity in the system by which their produce was bought and sold. The great majority of the buyers and sellers were practical people; and it was for such persons, and not for scientific men, that the House should legislate. As matters stood, however, he could but think that the hon. Member for Dumfries (Mr. W. Ewart) had confined his Bill to a proposal for rendering the weights and measures of the country uniform ; according to the system now in force, he would have received general support. The common sense of the country was against the adoption of the metric system, and when the Question was put that the Speaker should leave the chair he should say "No."

Mr. ADDERLEY considered that the principle of this Bill had been already sufficiently discussed, having been twice affirmed by the House. The hon. Gentleman the Member for Chester (Mr. Humberston) said he preferred a simple system, but the great merit of the metric system was its preeminent simplicity. The present system was confused ; and, therefore, they sought to introduce the simpler system, not only on account of its intrinsic merits, but because other countries had adopted it. As to the colonies, the fact was they could not adopt the metric system because we prevented them. Many of the eminent firms in England had been obliged to adopt the system, by reason of their extensive dealings with other countries, and they found it to work well and satisfactorily, and by reason of its simplicity they were enabled to carry on their business with a reduced staff. There was a letter in *The Times* to-day, signed "Decimal Point," only the point was omitted, in which he supposed the latest arguments against the metric system were embodied. It was said the English yard was as good as the French metre, and no doubt they might have done the same thing with the yard as with the metre if they had been foremost in the field ; other nations would have taken to the system with our yard for its unit ; but the question now was, whether they could force other nations to adopt our yard in lieu of their already adopted metre. The chief advance made by the metric system was neither the application of the decimal or any other system of notation, but the adoption of a single unit, whether yard or metre, of all measure, linear, or of area, of weight, or capacity. The internal trade of the country required the adoption of an universal standard as well as the external trade. He conceived that none would be more benefited by the introduction of this simple system than the agricultural interests. A bushel of corn, or rood of land, had become unintelligible terms, and every transaction was in uncertain measures and intricate calculations. The common sense of the country was not against this simpler system, any more than the common sense of the House, which had twice affirmed the principle. It only required to be known, and was sure of adoption. Legislation was wanted only to give legal force to contracts made in its terms.

Mr. DARBY GRIFFITH said, he must deny that the principle of the metric system had been affirmed by the House. The Bill had only been allowed by the courtesy of the right hon. Gentleman the President of the Board of Trade and the House to be read a second time in order that the question might be discussed in Committee.

Motion *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (The Use of Metric Weights and Measures allowed.)

Mr. MILNER GIBSON said, he objected to the words in line 10,

> "That from and after the passing of this Act the weights and measures of the metric system shall be legal weights and measures."

A clause of that description could not come into operation until there existed in the country a power of verification by comparison of metric weights and measures in use with an authorized standard. In fact, the clause involved that most important question, whether they were going to establish a new national standard, and to have copies of it sent through the country, in order that Inspectors of weights and measures might have the opportunity by comparison of verifying the metric weights and measures. They did not proceed in reference to a national standard by mere enactment. They had, first of all, a Commission of competent men to ascertain—in fact, to make the standard. There was no metre in this country which they could take as authoritative without careful examination by a competent Commission. When the Houses of Parliament were burnt, the national standard yard was destroyed. But they proceeded to restore it—not by a simple enactment saying that something should be a yard, but by appointing a Commission consisting of some of the most scientific men in the kingdom, who carefully, by comparison with copies of the standards which existed, restored the national standard yard which was now deposited in the Exchequer. Now, in regard to the metre, they were in a somewhat similar position. They would have to proceed by a careful inquiry by a Royal Commission, and make a metric standard. They did not know what a metre was. They were told it was to be found in Paris, and that a metre had been deposited in the Royal Society half a century ago, but had it ever been ascertained to be correct? Great changes took place in metallic substances, and who knew whether the metre in the Royal Society was correct? They seemed to be proceeding without proper information. They could not declare that certain weights and measures should be legal until they had first of all made their standard. They proposed to enact that certain weights and measures called metric should be legal; but what were they? The answer ought to be, "They are certain weights and measures which correspond with a standard deposited in some State Department." They had not deposited any standard. They had not made any standard. Therefore they were proceeding too rapidly. His hon. Friend ought first of all to have provided that a national standard should be constructed and deposited in a State Department, and that Inspectors and others under the Weights and Measures Acts might have the opportunity of comparing and verifying other weights and measures by reference to it. That appeared to be a very necessary preliminary. His opinion was that his hon. Friend would do better not to attempt to establish any new national standard. He should merely confine himself to enacting that contracts should not be deemed invalid on the ground that the weights and measures therein referred to were metric weights and measures. If a new standard metre were now constructed, and copies sent to all the considerable towns of the kingdom, it was doubtful whether any retail trader would at this time go to the expense of providing himself with a metric set of weights and measures, at a cost of £30 or £40, merely upon the chance that some customer might prefer to buy his tea or sugar by metric weights instead of by ounces and pounds. He doubted whether, in the retail trade of this country, the metrical system would ever voluntarily be adopted. He hoped, therefore, that his hon. Friend would act upon the suggestion which he had made.

Mr. AYRTON said, he had been one of those who, when it was proposed to make the metric system compulsory, considered it would be proceeding too fast; but he now thought that, if the House adopted the Bill as it stood, they would be proceeding too slowly. He had anticipated some of the objections of the right hon. Gentleman, and had given notice of Amendments which he thought would tend to improve the Bill as a working measure. There would be a great difficulty in at once enacting that the standard of the Royal Society should be the legal standard of the metrical system, as there was no law governing that society in its care of that standard, and therefore one of the Amendments suggested that the Bill should enact what were the equivalents between the metrical system and the present recognized standards. That being done, another clause should authorize the Government to prepare standards, and six months would be sufficient time for the preparation of those standards, to be kept in the Imperial exchequer. Then as to the distribution of exact copies of the standards throughout the country, he really did not see that that would be so expensive a proceeding as to cause any alarm in that House. If the course he had suggested were adopted, the public would acquire a theoretical and practical knowledge of those standards, and in time they would be so well informed of them that it would be agreed that their use might be made compulsory, which would be an enormous gain to the country.

Mr. BLAKE said, that from his experience of the working of the metric system in France and Russia, he was convinced of its great advantages. He had been particularly impressed by the facility and the rapidity with which it was applied even in the most uncivilized parts of the latter country. He had very little doubt that, after a few years' experience of its advantages in England, the House would be able to pass a measure which would render its adoption compulsory. He admitted that the system would not become general until it was made compulsory; but that not being possible at the present moment, he thought the Bill was the best that could be devised to further the adoption of the metric system.

Mr. PACKE expressed his approval of the metric system, which would be a great convenience to farmers in their corn transactions. He had always been a friend to the adoption of the principle contained in the Bill, which was so simple that it only required the lapse of a short time to convince the people that the decimal system was the simplest, and would in the end be found the best. Nothing could be of greater advantage than the establishment of a uniform system of weights and measures throughout the country.

Mr. MILNER GIBSON said, it would be necessary in the first place that they should obtain a proper standard. The hon. Member for Dumfries (Mr. W. Ewart) said that the Royal Society had a proper metre which was deposited there in 1816, and that that would serve as a standard; for himself he knew nothing of it, but it was obvious that, having been there for half a century, it would not be advisable to adopt such a standard off hand. Three Commissions or Committees had formerly been appointed on this subject, all of which had arrived at different conclusions. Until they had a proper standard furnished he did not see how they were to make any satisfactory progress in this matter. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) proposed by one of his Amendments to define exactly what a metre was, and he declared that it was 39·371 inches. With all respect he could not regard the hon. and learned Gentleman as a decisive authority upon such a point, especially when he remembered that various commissions of *savans* had reported diversely as to the standard metre of France. Previous inquiry must take place before Parliament could pass any enactment upon that subject.

Mr. AYRTON said, he had not ventured to define the equivalent of the metre, but had taken it from the Bill before the House. The exact proportion of those measures was a subject for very grave consideration, but with the enormous body of the civil service at their back, he thought it would not be a very difficult matter for the Government to ascertain the exact proportion between the metre and an English yard in inches and decimals. Considering the immense sum paid for the civil service, that was not too much to expect from them. He did not undertake to establish the precise equivalent, but held that the figures proposed to the House were to be taken simply as representing a principle.

Mr. LOCKE said, he was astonished to hear the statement of the right hon. Gentleman the President of the Board of Trade, that he did not know what was a metre. His predecessor had experienced a similar difficulty, and it appeared that the Government, with all the civil service at their command, had not been able to solve the difficulty. If the right hon. Gentleman had only run over to Boulogne he would have found a standard, for there was not a town in France of any importance where the standards of weights and measures were not kept. He really thought that, considering our *entente cordiale* with France, though it might not be what it was two years ago, had his right hon. Friend written a polite note to the Minister of the Interior, he would have obtained the necessary information. But the right hon. Gentleman, with all his ability, was not of an inquiring turn of mind, and had been content to remain as ignorant upon the point as he was last year. The right hon. Gentleman was surrounded by *savans*, and he had told the House that three sets of *savans* had reported upon the point, but had not been able to agree. If the right hon. Gentleman would procure a set of weights and measures from France, there would be no difficulty in reproducing them without the aid of *savans*. The Board of Trade, however, did not like trouble, nor did it approve any measure that was likely to give trouble. Any ordinary mechanic who worked with square and rule would solve the difficulty; but let the right hon. Gentleman keep clear of the *savans*, for, like the tailor of Laputa, who made his coats on mathematical principles and never fitted anybody, our *savans* could never do anything except in the most scientific and therefore most incomprehensible manner. He thought the Amendments of his hon. and learned Friend the Member for the Tower Hamlets (Mr. Ayrton) might be adopted, leaving it to the Board of Trade to discover the actual relations between English and French measures. When that was done, the result could be inserted in the Schedule.

Viscount GALWAY said, he was not aware that in the corn markets of the West Riding of Yorkshire any difficulty was experienced with the present modes of measurement, however much it might be otherwise in Leicestershire. There was at present a standard in every town and county in England, and there was no difficulty in ascertaining what it really was. The usual mode of selling was by the load, consisting of three bushels, and the bushel of corn was fixed at 60lb. weight, so that no metric system was required to make those bargains intelligible. He could not help thinking that this Bill, as a permissive measure, would create much more confusion than at present existed.

MR. POLLARD-URQUHART thought that a simplification of the weights and measures throughout the country was very much required, and in that opinion he was borne out by the evidence of the witnesses who had been examined before the Committee, of which he had been a member.

MR. ADDERLEY begged to express his gratification that the opposition of the Government had been confined to so small a point. The legalization of contracts in this country under the metric system was the pith of the Bill, and as the right hon. Gentleman the President of the Board of Trade had expressed his readiness to introduce clauses for that purpose, he would advise the hon. Member for Dumfries (Mr. W. Ewart) to accept that offer if he could not carry his Bill in its entirety. In reference to the remarks of the noble Lord the Member for East Retford (Viscount Galway) he said, that in his county there were thirty-six different bushels, and he was informed that in Lancashire there were more than double that number. With respect to the creation of a standard, there could be no difficulty in obtaining an actual metre from Paris, and the clauses of the Bill would not come into operation until the metre was ascertained. The great advantage of the system was, that if they once got the metre they had ascertained the whole system. No other standard was required, every kind of measure being taken from that one unit. Copying an existing standard was not required, as when the standards were destroyed with the Houses of Parliament, fresh calculations were required to enable them to be replaced. A Royal Commission, therefore, would be of no use. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) spoke of enacting a scale of equivalents, but the Bill as it stood did that. If the Bill could not now be carried through the House on account of the Members not being sufficiently acquainted with the subject, he should advise its promoters to accept the proposal of the Government, which would place the measure in quite a new position before the country. Once legalized, the system would soon recommend itself; and then, whatever further provisions might be found necessary, would be more easily adopted.

MR. W. EWART said, he must complain that his right hon. Friend had given him no notice of the views with which he regarded the Bill or of his intention to oppose it. He thought he was entitled to such information in common justice and courtesy. The metric system was used in different parts of the country, and all the Bill proposed was to legalize what had been done under it. His right hon. Friend, without notice, had proposed an Amendment which was opposed to the whole Bill. He had tried to sound the right hon. Gentleman as to his intentions, but the right hon. Gentleman only replied in an oracular manner. "I shall be ready for you." The standard now in the possession of the Royal Society had been sent from France, and had been used on various occasions. The standard he proposed to introduce would unquestionably be one that could generally be applied. He would ask his right hon. Friend if he would agree to the appointment of a Commission for the purpose of determining a good standard, and whether he was prepared to bring in a Bill to legalize contracts made upon the metric system, because if he would do so he would withdraw the Bill now under discussion, believing that the Government would be enabled to bring forward a better measure than any which could be introduced by an individual Member of the House. If the right hon. Gentleman would not do so, no other course remained open to him but to proceed with the Bill.

MR. MILNER GIBSON said, he was sorry that the hon. Member for Dumfries (Mr. Ewart) seemed to think that he had been taken by surprise in the matter. He had never said that he would bring in a Bill on the subject. He had said that he should have no objection to propose a clause to something like this effect:—

> "That notwithstanding anything contained in any Act of Parliament, no contract should be deemed invalid or open to objection on the ground that the weights and measures therein expressed were those commonly known as the metric weights and measures, and that the table (to be annexed) should be deemed to set forth the equivalents between the imperial and metric systems."

Legalizing contracts expressed in metric terms was a very different thing from establishing a new national standard. The one he was prepared to do, but the other he could not support. To establish a new standard, leaving all the present weights and measures in operation, would not tend to the simplification of commercial transactions. They had for years been trying to secure uniformity, and if it could be accomplished, it would be most desirable; but custom and usage were stronger than Acts of Parliament in such matters. He was not sanguine that the permissive sanction of a system would lead to its introduction. He had no wish at present to go beyond the recommendation of the Astronomer Royal, which was not for a new national standard, but only for a recognition of the relation between foreign measures and our own standard. He could not agree to the establishment of a new standard, as proposed by the Bill. If his hon. Friend would defer his Bill until he had seen the clauses which he proposed to submit, he would be able to decide whether or not they met his views. The object of his hon. Friend was to legalize contracts expressed in the terms of the metric system, and the clauses referred to would do that.

Mr. AYRTON thought that the object of his hon. Friend the Member for Dumfries (Mr. W. Ewart) would be attained if he accepted the proposal of the right hon. Gentleman the President of the Board of Trade.

Mr. W. EWART said, it was rather hard that his unfortunate Bill should be treated so summarily when it had already been on the paper for more than a month. Would his right hon. Friend consent to the appointment of a Commission in addition to laying the clause upon the table?

Mr. MILNER GIBSON said, he could not give any undertaking of that nature without conferring with his Colleagues. The proposal he had made was a reasonable one, and beyond it he was not prepared to go.

Mr. COBDEN said, that he had been a little puzzled to understand his right hon. Friend's distinction between a Bill to declare that certain contracts under a certain system of weights and measures should be legal, and a measure declaring that such contracts should not be illegal. He knew that his right hon. Friend had a very discriminating mind, and was sometimes able to perceive subtle distinctions where he must confess that he himself was at fault. In the present instance, he had not been able to gather the full purport of the distinction made. There was another difficulty through which he could not see his way. He understood that his right hon. Friend proposed that the hon. Member for Dumfries (Mr. W. Ewart) should put the Bill in the form he suggested, and that he would give, on the authority of the Board of Trade, certain equivalents representing the relative proportion between the French and English weights and measures, but his right hon. Friend did not answer the question how he was going to ascertain the standard that would be satisfactory. He wanted to know from his right hon. Friend how he was to get the table of equivalents. If his right hon. Friend would satisfy the hon. Member for Dumfries that he was prepared to give those equivalents, and to put the Bill in a form that would carry out the object he contemplated, he would advise his hon. Friend the Member for Dumfries to postpone the measure in order that his right hon. Friend might propose the Bill in his own form, on the understanding, however, that his right hon. Friend would supply the House with the information they required, and which could only be ascertained authoritatively from the Board of Trade. If that were done, they could, before the end of the Session, have the Bill in a form that would satisfy his hon. Friend the Member for Dumfries, and would attach to his right hon. Friend the responsibility as well as the credit of being the author of it.

Mr. DARBY GRIFFITH remarked that in his opinion the difference sought to be established was merely one between fact and principle. The right hon. Gentleman the President of the Board of Trade (Mr. Milner Gibson) had simply asserted a fact, whereas the hon. Member for Rochdale (Mr. Cobden) wished to establish a principle.

Mr. W. EWART said, that upon the understanding that his right hon. Friend the President of the Board of Trade was prepared to undertake what he had proposed to the House, he would move that the Chairman report Progress.

Mr. AYRTON begged to second the Motion of the hon. Gentleman the Member for Dumfries (Mr. W. Ewart), as his right hon. Friend had agreed to bring in a clause legalizing the employment of the metric system, and had undertaken to propose the true equivalent between the metric system and the imperial standard in use in this country. On that understanding he would leave the Bill in the charge of his right hon. Friend.

House *resumed.*

Committee report Progress; to sit again on *Wednesday* next.

CHIEF RENTS (IRELAND) BILL (*Lords.*)
[BILL 52.]—COMMITTEE.

Order for Committee read.

Colonel FRENCH said, that the House was entitled to some explanation of the objects of the Bill.

Mr. LONGFIELD said, that he had, on a former occasion, made a long statement to the House in explanation of the objects of the Bill, and his only desire was to save tiring hon. Members with a repetition. On that occasion the hon. and gallant Member for Roscommon (Colonel French) was unfortunately absent. The Bill was of a permissive character, and sought to facilitate the redemption of Chief Rents in Ireland without necessitating the expensive course that was now necessary.

Bill *considered* in Committee.

(In the Committee.)

Colonel DUNNE said, that this Bill was to introduce into Ireland the recognition of limited interests in property, not at present recognized by the law of England. He considered it undesirable that there should be different legislation in this country and in Ireland, and he therefore suggested that the provisions of the Bill should be extended to England.

Mr. POLLARD-URQUHART expressed a hope that the Bill would not be subjected to any unnecessary delay, as any measure which would simplify the management of property in Ireland would be attended with great benefit. The Bill would make a great improvement in the law of Ireland, and he could see no reason why it should not be passed into law.

Mr. BRADY said, that the fourth clause of the Bill gave the power to any possessor of a head rent to sell it to the person in possession of the land, and to the person in possession of the land to buy it, and to make it a charge upon his successor. He thought that would be very objectionable, and considered the Bill wholly unnecessary.

Mr. BAGWELL said, the Bill was a permissive one, and was much required. He wished it were compulsory, as great good would be effected by it.

Mr. GEORGE said, he thought that a Bill of such importance ought to have been introduced by the Government and not by a private Member. If it would be good for Ireland it ought to be good for England, and as it was the tendency of the day to assimilate the law of the two countries, a Bill of this importance should be in the hands of the Government, and ought not to be brought forward without an expression of opinion on the part of the Irish Law Officers. It was a permissive Bill, and it was found that permissive Bills were generally inoperative in Ireland. He hoped that if it were passed it would be confined to perpetuities, and would not be extended to leases for a term of years; and provision would be made to prevent life tenants of the head rent and the land from acting in a fraudulent manner.

Colonel FRENCH said that, in his opinion, in the proposed and similar legislation, property in Ireland had been hardly dealt with; in fact, he looked upon the Incumbered Estates Act as robbery by Act of Parliament. However, the greatest objection he had to the present measure was that it would be entirely useless, and would lead to greater complications and difficulties than at present existed. If there were any necessity for such a measure it ought to be taken up by the Government, and not left in the hands of a private Member. He begged to move that the Chairman do report Progress.

Mr. LONGFIELD expressed a hope that that Motion would not be agreed to. The arguments of his hon. and gallant Friend the Member for Roscommon (Colonel French) were about the most absurd he had ever listened to, and, in fact, were founded on complete ignorance. As to making that Act applicable to England as well as Ireland, it was forgotten that the whole law of landlord and tenant in Ireland was entirely different from that of England; and the present Bill, necessary though it was for Ireland, was, therefore, not suitable for England. He was quite willing to adopt any Amendment that might be suggested to protect remainder-men against fraud.

Sir EDWARD GROGAN said, that this was a very singular Bill, for there was not a word in it alluding to the rights of the remainder-men. He thought the mistake was, that notwithstanding the promise given by his hon. Friend (Mr. Longfield) on a former occasion, that he would re-consider the objectionable clauses, they were left in precisely the same condition. Every disinterested person with whom he had conversed on the subject held, that to pass that Bill would be to open the door to unlimited fraud in Ireland; and if the hon. and gallant Member for Roscommon (Colonel French) should carry his Motion to a division, he would support him.

Colonel DUNNE said, he rather suspected that it was the intention of the authors of the Bill to proceed by degrees to the abolition of small settlements in Ireland, pursuing the principle of the Incumbered Estates Act, which he looked upon with great dislike. If the Bill were not a dangerous one, it ought to be extended to this country. He should support the Motion that the Chairman do report Progress.

Mr. DAWSON said, he had been opposed to the Bill at first, but on examining its provisions, and referring to high legal authorities, he felt bound to say that his opinion had changed, and that he now believed the measure would be very innocuous, which might be of use in many instances, and he should now support its general principles.

Mr. LONGFIELD said, that the reason he had not re-considered the objectionable clauses was, that he had not had time since he gave his promise.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Colonel French*).

The Committee *divided:* — Ayes 29; Noes 57: Majority 28.

Clause 1 (Explanation of Terms).

Sir EDWARD GROGAN begged to move the insertion of words, in order to confine the operation of the Bill to perpetuities, subject to annual fee-farm rents.

Mr. LONGFIELD said, he could not understand the Amendment, because fee-simple properties paid no rent.

Mr. GEORGE said, the object of the Amendment was quite clear and right—to confirm the operation of the Bill to perpetuities subject to yearly fee-farm rents, and not to let it apply to leases for lives or for short terms of years (two hundred) which the Bill did as it then stood.

Sir COLMAN O'LOGHLEN said, he now understood the object of the Amendment, but the words proposed by the hon. Baronet the Member for Dublin (Sir Edward Grogan) did not bear the meaning intended. However, it went to the principle of the Bill, and he hoped the Committee would not agree to it.

Mr. O'HAGAN said, that he had stated before that he thought the Bill would be unsatisfactory unless it were radically changed; but he believed its principle, if carefully guarded, would be innocuous, and might be to some extent beneficial, provided better protection were afforded to the interests of remaindermen.

Mr. POLLARD-URQUHART said, he would support the Amendment, as erring, if erring at all, on the safe side.

Amendment *negatived.*

Colonel Dunne

Mr. HASSARD begged to move the insertion of words extending the definition of "persons" so as to include any "bodies corporate, aggregate, or sole."

Amendment *agreed to.*

Clause added to the Bill.

Clause 2 (Enabling the Owner of the Land and the Owner of the Rent to agree for the Redemption of such Rent) *agreed to.*

Clause 3 (Providing for the Application of the Price of the Redemption).

Mr. HASSARD begged to move the insertion of words requiring money paid for the redemption of rents to be paid "to trustees appointed by the deed or instrument whereby the estate or interest of such owner of such rent shall be limited."

Mr. LONGFIELD said, he accepted the Amendment as an improvement on the measure.

Amendment *agreed to,* with the addition of the words, "or to be appointed, where necessary, by the Landed Estates Court."

Clause *agreed to.*

Clause 4, struck out. Clauses 5, 6, and 7 *agreed to.*

Clauses 8 and 9 struck out. Clauses 10 and 11 *agreed to.*

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

LEAVE. FIRST READING.

Considered in Committee.

(In the Committee).

Mr. MILNER GIBSON said, he rose to move for leave to bring in a Bill to confirm certain Provisional Orders of the Board of Trade under the General Pier and Harbour Act (1861) relating to various places enumerated.

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act (1861), relating to Brighton, Eastbourne, Sandown, Walton-on-the-Naze, Clevedon, Rhyl, Bray, Kircubbin, Walton (Suffolk), Holywood, Exe Bight, Lytham, Ardglass, Filey, Greenock, Carlingford Lough, Wexford, Torquay, and Oban.

Resolution *agreed to.*

Mr. CRAUFURD expressed a hope that the Orders would not be confirmed with respect to Oban, the inhabitants and authorities of which borough had received no sufficient notice of this proposal, the effect of which would be to levy a heavy tax upon them, and greatly to cripple the trade of the place, without conferring any advantage whatever upon the navigation. He begged to move that the words "and Oban" be omitted from the order.

Mr. MILNER GIBSON said, the provisional order in question had been framed in accordance with the provisions of the General Pier and Harbour Act of 1861. No provisional order could have any force until it had been confirmed by Parliament, and it was for the purpose of having the order confirmed that a Bill was brought in.

Amendment *negatived.*

Bill *ordered* to be brought in by Mr. Milner Gibson and Mr. Hutt.

Bill *presented,* and read 1°. [Bill 91.]

House *resumed.*

House adjourned at half after Four o'clock.

HOUSE OF COMMONS,

Thursday, May 5, 1864.

MINUTES.]—Select Committee—*Report*—On Dockyards [First Report] (No. 270).

Supply—*considered in Committee*— Army Estimates—Committee—r.p.

Public Bills — *Ordered* — Gaols * ; Limited Penalties *.

First Reading — Gaols * [Bill 93]; Limited Penalties * [Bill 94].

Second Reading — Under Secretaries Indemnity [Bill 85] ; Union Assessment Committee Act Amendment [Bill 83]; Joint Stock Companies (Foreign Countries) (*Lords*) * [Bill 87].

Committee—Local Government Supplemental * ; Naval Agency and Distribution *, *re-committed ;* Naval Prize Acts Repeal *, *re-committed ;* Naval Prize *, *re-committed.*

Report — Local Government Supplemental * [Bill 80] ; Naval Agency and Distribution * [Bill 39] ; Naval Prize Acts Repeal * [Bill 40] ; Naval Prize * [Bill 41].

AFFAIRS OF SIAM AND TRINGANU.

QUESTION.

Sir JOHN HAY said, he would beg to ask the Secretary of State for India to lay upon the table of the House the following additional Correspondence on the affairs of Siam and Tringanu :—Prime Minister of Siam to Sir R. Schomburgk, September 14th, 1863 ; Reply, same date ; Same to same, September 17th ; Reply, September 19th ; Ex Sultan to Prime Minister, September 28th ; Prime Minister to British Consul, September 29th ; Same to same, October 12th ; Reply, October 13th; Prime Minister to Dutch Consul, of which copies are sent, October 12th ; Replies, October 12th, 13th, and 16th ; and any other Correspondence in elucidation of this matter?

Sir CHARLES WOOD replied, that the whole of the documents enumerated had not reached either the Foreign Office or his Department, but he would lay on the table those which had been received.

LAND TENURE (IRELAND).

QUESTION.

Mr. MAGUIRE said, he rose to ask Mr. Attorney General for Ireland, Whether he considers the Tenure and Improvement of Land Act of 1860 a sufficient protection for the Irish tenant, and a sufficient inducement to the expenditure of the tenant's capital, labour, and skill in effecting improvements; and if he considers the existing Law to be deficient, either as a stimulus to increased exertion or as a protection for the enjoyment of its results, is he prepared to advise Her Majesty's Government to introduce a measure either now or at a future time with a view to its amendment ?

Mr. O'HAGAN (The Attorney General for Ireland) said, in reply to the somewhat novel Question of the hon. Member, that he hoped the measure referred to would have a more practical operation than it had yet had ; but if he were to give an opinion upon the subject, he must also give the reasons of that opinion, and that would lead him into making a speech, which would not be in accordance with the rules of the House. In reply to the second Question, he must decline to state what advice he had given or would in future give in his official capacity to Her Majesty's Government, but that advice would be based upon a sincere desire to promote the welfare of Ireland.

RELATIONS WITH BRAZIL.

QUESTION.

Mr. MACAULAY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it be true that the Brazilian Government, since his declaration made in February, that Her Majesty's Government had from the beginning accepted the proposed mediation or good offices of the King of Portugal, have now signified their acceptance; whether the King of Portugal adheres to his offer, and whether it is an offer of mediation or good offices; whether any Communication has been received by Her Majesty's Government from that of Brazil in reply to the following passage in Earl Russell's Despatch of June 6, 1863, on suspending diplomatic relations:—

> "Her Majesty's Government hope that the Government of Brazil will, in its future intercourse with Great Britain, through whatever channel that intercourse may be carried on, act with that courtesy which is usual between Governments; and also that the Brazilian Government will, without further delay, frankly enter into the communication of their views as to the means by which a settlement of the long pending claims may best be arrived at."

And whether there is any objection to present to Parliament the Correspondence about British Claims on Brazil, as the Brazilian Government have laid the Correspondence before the Brazilian Legislature, and statements founded on that publication have appeared in England?

Mr. LAYARD replied, that the Government had not received any official communication announcing that the Emperor of Brazil had accepted the mediation offered by the King of Portugal, but he had seen it stated in the newspapers that the Emperor of Brazil had announced his intention of accepting that mediation. The impression of the Portuguese Minister at this Court was, that a satisfactory communication would shortly be made to Her Majesty's Government on the subject. He believed the offer was one of mediation, not of good offices. Since the suspension of relations, no communication had taken place between Her Majesty's Government and the Government of Brazil, and consequently no reply had been received to the despatch of Earl Russell. He (Mr. Layard) thought it would be better not to produce any of the Correspondence at present, as there was reasonable ground for hoping that relations would be speedily resumed between the two Governments.

POOR RELIEF COMMITTEE.

QUESTION.

Mr. GOSCHEN said, he wished to ask the President of the Poor Law Board, Whether the Select Committee on Poor Relief will make a Report this Session; and, if so, whether in time for legislation on the subject; and if it is the intention of Her Majesty's Government to bring forward any measure founded thereupon during the present Session?

Mr. C. P. VILLIERS, in reply, said, he was of opinion that the Select Committee on Poor Relief would make their Report very shortly, and therefore in time for legislation on the subject. With respect to what measure the Government would bring forward founded on that Report, he would, if his hon. Friend would allow him, prefer to give an answer to that Question when the Government had received that Report.

BATTERSEA PARK.—QUESTION.

Mr. AYRTON said, he would beg to ask the First Commissioner of Works, Whether he has issued any instructions to put an end to the appropriation of a part of Battersea Park as a Cricket Ground for the exclusive use of the Civil Service?

Mr. COWPER said, he had been made aware, by the petitions which had been presented, that there was a feeling of jealousy among the young men who played cricket in Battersea Park on account of the regulations now in force, but the inquiries he had made justified him in asserting that there was no ground for dissatisfaction. The game would be spoilt if persons were left to pitch their wickets as they pleased. The ground at Battersea, devoted to cricketing, was divided into five portions, and in such a way as to avoid conflicts. The first and largest portion was for the use of persons not members of clubs, the second was reserved for the practice of organized clubs, a third part for the matches of organized clubs, a fourth portion was reserved for the Battersea Institution Club, and the fifth portion was allotted to the Civil Service Club. There was room for all. The ground appropriated to the use of the Civil Service Club was not at first better than the other parts of the cricket ground; if it were so now, this was owing to the expenditure of the club in mowing, rolling, and levelling it.

Mr. COX said, he wished to know whether the space allotted to the Civil Service Club did not include 18,000 square yards?

Mr. COWPER said, that in the space allotted to other clubs there was room to play eighteen games at a time; but in the portion granted to the Civil Service Club, which numbered 230 members, only a much smaller number of games could be played.

THE ROYAL ACADEMY AND THE SOUTH KENSINGTON MUSEUM.

QUESTION.

LORD ELCHO said, he wished to ask the First Commissioner of Works, Whether Parliament will have an opportunity of expressing an opinion upon any new constitution that may be proposed for the Royal Academy before Her Majesty's Government take any steps to provide increased accommodation for the Annual Exhibition and Schools of the Academy. He would further beg to ask whether, as the name of the successful competitors are affixed to their designs for the New Museum at South Kensington now exhibiting, there will be any objection to affix the names of the artists to the unsuccessful designs?

MR. COWPER, in reply, said, his noble Friend would have ample opportunity of bringing before the House the subject to which his first question referred, if he should think it necessary to do so; and, probably, the proper way of doing so would be to move an Address to the Crown. With respect to the architectural designs for the New Museum at South Kensington, he had to state that upon receiving the awards of the judges he opened the envelopes which bore the particular mottoes outside and the author's names within, and by that means he ascertained the names of the three successful competitors. He had not felt justified in opening the other envelopes, as the competitors might wish to remain anonymous. He proposed, however, to issue an advertisement inviting the competitors to signify their wishes upon that point.

LORD ELCHO said, he also wished to ask if it be the intention of the Government, during the present Session, to submit to Parliament any proposal for giving increased accommodation to the National Gallery?

MR. COWPER said, that the Government proposed to lay upon the table of the House the Estimate for building a National Gallery upon the site of Burlington House. If those Estimates were accepted, it would follow that steps must be taken for the disposal of the buildings at present occupied by the pictures belonging to the Trustees of the National Gallery.

MR. GREGORY said, he would beg to ask the First Commissioner of Works, Whether the Reply of the Royal Academy to the Report of the Commission of Inquiry will be laid before the House, and whether the Report of the Trustees of the National Gallery on the proposed new National Gallery at Burlington House will be laid before the House?

MR. COWPER said, the Reply of the Royal Academy to the Report of the Commissioners would be laid before the House. With regard to the National Gallery, he was in communication with the Trustees upon the subject, and at the conclusion of the Correspondence he hoped to have the opportunity of laying before the House the opinion of the Trustees upon the design for the National Gallery.

MALICIOUS BURNINGS (IRELAND).

QUESTION.

CAPTAIN ARCHDALL said, he rose to ask the Chief Secretary for Ireland, Whether the Government have received any report of the malicious burning on the night of the 21st instant, of the outhouses of John Kelly, of Ballinbeg, near Moate, in the county of Westmeath, whereby twelve head of cattle, and property to the value of nearly £200, were consumed; whether this John Kelly is the same party who successfully prosecuted at the Summer Assizes, 1862, in Mullingar, Patrick Eagan and the two Duigans, who were then convicted and sentenced by Chief Justice Monaghan to the heaviest punishment the law sanctioned for the crime they had committed, and who were liberated by the Lord Lieutenant before the term of their sentence had expired; and upon whose recommendation the Lord Lieutenant ordered the release of these men, and whether any reference was made to the Judge who tried them, or to the Lieutenant of the county, before such a step was taken?

SIR ROBERT PEEL said, in reply, that the Government had received some report with reference to the burning of the property, not, however, of John Kelly, as stated by the hon. Member, but of Patrick Kelly. He was informed that that person had laid no information against any one, and that he was not examined at the Assizes, although he was summoned to attend. Two of the persons referred to by the hon. Member in his Question were out of the country at the time of the malicious burning, one of them having enlisted in the army, and the other having been in England for some time. Their release before the expiration of the full period of their sentence was the result of orders issued by the Lord Lieutenant, upon his own authority, and in virtue of his prerogative. In adopting this step his Excellency did not communicate with the Lieutenant of the county, but reference had been made to the Judge some time previously.

THE CASE OF MR. BEWICKE.

QUESTION.

Mr. H. BERKELEY said, he would beg to ask the Secretary of State for the Home Department, On what grounds the convict Hutchinson, sentenced to four years' penal servitude for perjury, in the case of conspiracy against Mr. Bewicke, of Threepwood Hall, had been released on a ticket-of-leave, after sixteen months' imprisonment?

Sir GEORGE GREY said, in reply, that the hon. Member had made a slight mistake. Hutchinson had not been indicted for a conspiracy, and he was released at the end of eighteen months, and not sixteen, as stated by the hon. Member. That commutation of his sentence took place upon the express recommendation of the Judge by whom the sentence was passed. Very soon after the conviction, the learned Judge informed the Under Secretary of State that though he had deemed it to be necessary at the time of the trial to pass a severer sentence upon Hutchinson than upon the other prisoners, yet the evidence was not so conclusive in his case as it was in that of Dodd. But for some circumstances which had occurred, the Judge said he believed the jury would have taken that fact into consideration in deciding upon their verdict. There was a great difference between four years' penal servitude and the other two terms of imprisonment, in the one case twelve months, and in the other two years, and he had intended after a time to recommend a mitigation of the sentence he had passed. He subsequently expressly recommended that Hutchinson should be discharged, and, in accordance with that recommendation, he was liberated after undergoing eighteen months' imprisonment.

Mr. H. BERKELEY: But was the Judge aware of the character of the man?

Sir Robert Peel

THE BARQUE "SCIENCE."

QUESTION.

Mr. BLAKE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he can state if the case of the barque *Science*, of Waterford, seized on 6th November at Matamoras by a Federal war vessel, has yet been adjudicated on; and, if not, whether the British Government intend remonstrating with the United States Government on their delay in coming to a decision on the matter?

Mr. LAYARD said, in answer to the Question of the hon. Gentleman, he had to state that the case to which he alluded was, as far as Her Majesty's Government was aware, going through the ordinary stages in a Prize Court. Despatches had been received from our Consul at New Orleans saying that the inquiry was still progressing. Her Majesty's Government did not see that there was anything in the case which called for any special interference on their part.

COURTS OF JUSTICE (MONEY) BILL.

QUESTION.

Mr. ARTHUR MILLS said, he wished to ask Mr. Attorney General, When the Courts of Justice (Money) Bill will be introduced by the Government?

The ATTORNEY GENERAL said, in reply, that the Bill was not prepared at present, and he could not state when it would be ready. He believed, however, that it would be brought forward immediately after the holydays.

UNITED STATES—FORGED REPORT OF THE SECRETARY OF THE CONFEDERATE NAVY.

EXPLANATION.

The ATTORNEY GENERAL said, he would take the opportunity of directing the attention of the House to another subject. It would be within the recollection of the House that much attention had been excited by a report from Mr. Mallory, the Secretary of the Navy of the Confederate States, which was subsequently stated to be a forgery. He had received an extremely courteous communication from that gentleman, in which he stated that the document was a forgery throughout. Mr. Mallory had also requested him to make the House acquainted with his denial of the authenticity of the document.

NATIONAL EDUCATION (IRELAND).

QUESTION.

Sir **HUGH CAIRNS** said, he wished to ask Mr. Attorney General for Ireland, as a Commissioner of National Education, Whether Inspector Sheridan has ever made the Report on Convent Schools referred to in his Report laid upon the table, 6th April, 1864, by the following words, "I have it in view to inspect all the Convent Schools in my group of districts as soon as I can command sufficient time, and to make them the subject of a Special Report;" whether any orders were given to him not to make such Report; whether the revised Rules of the Board, dated the 21st November, 1863, as to Convent and Monastical Schools, have been approved of by the Lord Lieutenant; and whether care will be taken that these Rules be not acted upon until this House shall have had an opportunity of expressing its opinion upon them?

Mr. **O'HAGAN** said, in reply, that Mr. Inspector Sheridan had made no such Report. With regard to the second Question asked by the hon. Member, he would state that no orders had been given to Mr. Inspector Sheridan by the Commissioners or any one else to prevent him from making such a Report. The Rules referred to by the hon. Member were not considered by the Commissioners or by himself to involve any fundamental change in the present system, and they had not, therefore, been submitted to the Lord Lieutenant for his sanction. His Excellency had, however, seen them. The House would have the opportunity of considering the subject, because the Rules would not come into operation until the Education Estimates had received the sanction of the House.

DENMARK AND GERMANY — THE CONFERENCE.—QUESTION.

Mr. **DISRAELI**: I am, Sir, unwilling to embarrass Her Majesty's Government at the present time, but it does appear to me that, in the existing critical state of affairs, the House of Commons ought to be kept acquainted in general terms with the progress of the Conference; and I hope that, notwithstanding the ludicrous light in which hon. Gentlemen opposite appear to view this important Question, I may be permitted to ask, Whether it is true that the Conference has again adjourned; and, if so, whether Her Majesty's Government will inform the House what is the reason of that adjournment, and on what day the Conference may be expected to reassemble?

Sir **GEORGE GREY**: The Conference met yesterday, and has been adjourned till Monday next, but I cannot state the reason. It is the opinion of the members of the Conference that it is essential to the success of the Conference itself that their proceedings should be strictly private. It is, therefore, quite out of my power to inform the right hon. Gentleman why, on yesterday, it was adjourned till Monday.

SUPPLY—ARMY ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir **HENRY WILLOUGHBY** said, there was one remarkable omission in the Army Estimates, and that was as to the number of persons employed in the different establishments. Formerly that information was supplied, and as it was undesirable to lose it, he hoped the noble Marquess the Under Secretary for War would follow the example of Sir George Lewis in 1862, and supply that information in a separate paper. The House had voted the sum of £119,000 as the balance of Indian disallowances. He wished to know the number of years over which the settlement ran; whether other and larger sums had not been disallowed by the Indian authorities, and, if so, out of what grants, and by what authority, those sums were paid? If the noble Marquess could not reply to that Question offhand, perhaps he would explain the facts by means of a Parliamentary paper. He wished the noble Marquess also to explain how it happened that a large sum of money which was received on account of the sale of certain public land, or land held in trust by the Crown, at Brighton, did not appear in the War Office accounts? He wished to know whether that office was not the proper department to receive and account for the same?

Mr. **ANGERSTEIN** said, he wished to draw the attention of the House to the difference between the number of soldiers' wives now permitted to embark with a regiment for foreign service and the number permitted to reside in barracks at home. By an order issued by the late Lord Herbert on the 12th of September, 1860, the arrangements with regard to the percentage of soldiers' wives who were allowed to reside in barracks, and of those who were allowed to embark when their husbands were going abroad, were altered. The percentage in the former case was at present eight, and the percentage in the latter only six. If eight companies of a regiment were ordered on foreign service, twenty-four families were sent from head quarters to the depôt. A depôt rarely exceeded 200 men under the command of a captain; and when it was remembered that as a general rule the only means of subsistence a soldier's wife could have was by washing, the House would see that much distress must be caused by such a large accession of women and children to a military depôt. He wished to ask his noble Friend the Under Secretary for War, whether the subject had not been for a very long time under the consideration of the Government; whether there was any intention to increase the number of soldiers' wives allowed to embark with their husbands; and whether, if the Government did not intend to do that, they would reduce the number of soldiers' wives allowed to reside in barracks? It might be argued, that to increase the number of women allowed to go abroad would lead to a large increase of expense. It would do so, but the present state of things was a serious hindrance to good feeling on the part of the men; and the soldier had shown that he appreciated and deserved the efforts which of late years had been made to improve his condition. On the other hand, it would be said that to reduce the number of the women allowed to reside in barracks would be a hard measure; but it would equalize the pressure. He should, of course, prefer the former remedy, as the soldiers whose case he referred to married with the permission of their commanding officer.

LORD LOVAINE said, he wished to call the attention of the House to the undue advantage given to civilians over officers of the army by the scale of travelling expenses at present allowed by the War Office. The allowance to officers over the rank of colonel was 20*s.* a day, and to those under that rank 10*s.* a day; while to civilians in the War Office there was a uniform allowance of 16*s.*, and 4*s.* per day additional when it was necessary for them to have a servant. He begged to ask the noble Marquess the Under Secretary for War, whether it was intended by Her Majesty's Government to amend those regulations with the view of removing the anomaly?

THE MARQUESS OF HARTINGTON said, he was not aware that the late Sir George Lewis had, as the hon. Baronet the Member for Evesham (Sir Henry Willoughby) had stated, promised those Returns, but he saw no objection to their production, and he thought they might conveniently be furnished in the form of an Appendix to the Report. At the same time, to produce a perfectly correct Return would be impossible, owing to the fluctuating number of men employed in the different establishments from time to time. In future he expected the Vote to which the hon. Baronet referred would be presented to the House in a form which would enable hon. Members to exercise a greater control over the sum paid than they did at present. The system of double entry was being introduced as fast as possible in the manufacturing departments; and when it was in full operation the House would have the accounts at an earlier period than at present, and they would have in greater detail not only the sum proposed to be spent, but also the sort of work which it was intended to turn out during the year. In reply to the second Question, if the hon. Baronet had asked him when he was moving the supplemental estimate how the balance between the War Department and the Indian Government was arrived at, he might have been able to inform him. The papers relating to both Questions were still in his possession, and he hoped at a future day to be able to answer the inquiries of the hon. Baronet. In reply to the hon. Member for Greenwich (Mr. Angerstein), he begged to state that it was quite true that Lord Herbert increased the number of soldiers who were allowed to marry whilst their regiments were at home, and the number of soldiers' wives allowed to live in barracks, thinking thereby to improve the condition of the soldier; but when the regiment was ordered on foreign service it became quite a different question. Not only considerable expense was incurred for the carriage of the wives and children of the soldiers, but the soldiers' wives occupied barrack room, received allowances for fuel and light, and they also drew rations. Thus considerable additional expenses were incurred. If the wives and families were taken out at all they must be lodged in barracks, because there were no other places for them. In many of the outlying stations there was a deficiency of accommodation for the soldiers themselves, and it would be almost impossible to provide accommodation for an additional number of soldiers' wives and families. Still he was ready to admit that there was great hardship in the case. The subject had been brought under the consideration of the Secretary of State for the Home Department by the Commander-in-Chief. He could only say that it was a matter which involved considerable expense, and that it was at present under the consideration of the Secretary of State. With regard to the Question of the noble Lord the Member for North Northumberland (Lord Lovaine), he begged to say that there had been many changes made in the scale of personal allowances to officers when travelling. The present allowances were 20*s.* to field officers, 10*s.* to other officers, 16*s.* to clerks, and 4*s.* to servants. Formerly all officers, when sent on duty, were allowed 15*s.* a day, and civilians employed in the War Department 20*s.* The subject of allowances was under consideration with a view to bring them under a more comprehensive rule. It was admitted that 10*s.* a day did not cover the travelling expenses of officers, and he thought that the allowance should be in accordance with the position of the parties. He believed that 16*s.* was allowed to clerks because it was not expected that they would have to travel about, while officers on the other hand never expected to be kept in one place. It was proposed to make some further change, which would give a more satisfactory personal allowance to field officers travelling on Her Majesty's service. The subject was under consideration, and he hoped that some satisfactory arrangement would be arrived at.

Motion *agreed to.*

SUPPLY.

Supply *considered* in Committee.

(In the Committee.)

(1.) £262,216, Army Medical Establishment, Services and Supplies.

Colonel NORTH said there could be no doubt whatever that the medical service of the army was under-handed. His Royal Highness the Duke of Cambridge, Sir Richard Airey, and other officers of distinction, had given evidence to that effect before the Committee of 1856. The Commander-in-Chief said that in time of peace every regiment should have one surgeon and two assistant surgeons, and in time of war one surgeon and three assistant surgeons. At present there were 200 vacancies in the army, and only fourteen persons presented themselves for examination to fill those vacancies. The age of entrance for the candidates was in consequence raised from twenty-five to thirty years, and yet only six persons presented themselves for examination on the next occasion. During the last few weeks the War Office issued an advertisement to the effect that they would accept applications from any qualified surgeons under forty years of age. That was surely a most unsatisfactory state of things, which could only be accounted for by the unpopularity of the service. He believed that the medical officers of the army deserved better treatment. Lord de Roos, Sir Richard Airey, and other officers bore the strongest testimony to the zeal, ability, and energy of the medical officers during the Crimean war. Sir A. Smith had been most unfairly treated on account of the state of the medical department during that war. But the fact was that during forty years of peace the medical department had become under-handed in consequence of a false economy, and hence arose the inefficiency which was manifested during the Crimean war. He received letters from young medical men blaming Dr. Gibson, the Director General of the Medical Department. But he did not think Dr. Gibson was to blame. They were told that the Channel fleet was in the Downs, and they did not know from hour to hour whether they might not be at war. Yet the medical department of the army was in such a state that no gentlemen of ability in their profession wished to join the service. It was right that the country should know the state in which the medical department of the army was, so that in case of any deficiency of medical assistance the country should not blame the Director General, but the Government which allowed the department to be in such a disgraceful state. It was impossible for us to know how soon we might be plunged into war; and it was manifestly most undesirable that any insuperable difficulty should exist to our supplying our regiments with the requisite number of medical officers.

General PEEL said, that if the statement made by the hon. and gallant Member for Oxfordshire (Colonel North) were correct—namely, that there were at present 200 vacancies in the medical department of the army, and that very few applicants presented themselves to fill them, it was a subject for very serious consideration. In the year 1858, when he was Secretary for War, one of his first actions had been to issue a medical warrant in conformity with the express recommendation of the Army Sanitary Committee, by which a higher position was to have been secured to medical officers; and he had been told by Sir Benjamin Brodie and Sir James Clark that that warrant had afforded so much satisfaction, that it had induced the best class of students to present themselves for admission into the medical service of the army. But great complaints had since been made by the medical officers that faith had not been kept with them; and it appeared that the arrangements with respect to relative rank, though conceded by the Horse Guards and the War Office, had been set aside, and set aside, as he understood, principally because the Admiralty had found it difficult to extend a similar rule to their profession. The result was that a sufficient number of candidates for admission into that branch of the service could no longer be found. He should be glad to receive some explanation from the noble Lord the Under Secretary for War upon that point, and to hear why the recommendation of the Sanitary Committee had not in that case been carried into effect. It was of great importance that the army should be supplied with first-class surgeons, and that a sufficient number of candidates should present themselves for that service. It appeared it was not even now necessary that they should pass a competitive examination, and that it was sufficient if they passed a qualifying one. He went with a deputation to the late Sir George Lewis on that subject. A Committee was appointed by the War Office, and that Committee reported entirely in favour of the medical officers. He hoped the noble Lord would be able to give a satisfactory explanation of the subject.

Major O'REILLY begged to express his satisfaction at hearing the observations which had fallen from the right hon. and gallant Member for Huntingdon (General Peel). He could bear testimony from experience to the favourable light in which the warrant of 1858 was regarded by medical officers, and to the fact that the changes which had been made in it were most injurious to the efficiency of the service. Before sitting down, he was anxious to correct some errors which he had committed in a comparison that he made on a former occasion between the cost of British and French soldiers—errors to which his attention had been called by the right hon. and gallant Member for Huntingdon, and which were shared with him by the War Office. In the first place, he had forgotten to take into account the 1,500 native troops which were serving in China and Labuan. These troops could not be added to the number of the English army, as suggested by the gallant General, because they were not properly British troops, but were Indian troops, borrowed by England for the time. Making the necessary correction on this account, by deducting the cost of their pay and clothing from these items respectively, the cost per man for pay would be reduced from £41 15*s*., at which he stated it, to £41 9*s*.; and for clothing from £4 6*s*. to £4 5*s*. He had also overlooked the capitation rate of £10 a man which was paid for the troops in India, amounting in the whole to £726,000. This sum must be deducted from the total charge of the army, and would diminish the cost of each man by 5½ per cent. The right hon. and gallant Member had mentioned as another error that he did not take into account the circumstance that the Votes for manufactures and stores included guns and other things which were made for the navy. The fact was that he did call attention to that circumstance, but his remarks upon that subject were not reported. The proceedings in that House were reported with wonderful accuracy and intelligence, but it was impossible to report everything that was said. He did call attention to the fact that those two Votes included guns supplied to the navy, but that, on the other hand, the votes for the navy included cost of transport for the army, and that the late Sir George Lewis had stated that after a careful examination he had come to the conclusion that about £300,000 was about the balance due from the navy to the army; and, therefore, he had deducted £2 per man from the cost of manufactures and stores. It ought to be remembered that he was comparing the cost of the British with that of the French soldier, and as the French estimate included artillery for the navy, that error, if error it was, appeared on both sides of the account. The next error mentioned was that the Votes for manufactures, stores, and for administration, applied not merely to the army of 147,000 men, but also to the Reserve Force, Militia, Volunteers, &c.

He did not take that circumstance into consideration, because he was comparing the cost of the two services, and there was no European army the charge for which did not include the expense of reserves, which were not expressly provided for. The question was, whether the French reserves affected the French Votes to the same or nearly the same extent as our reserves affected the Votes of that House. Our reserves consisted of the Army Reserve, a force of about 1,500 men; the effective militia, which numbered last year about 100,000; and the Volunteers, who formed a reserve most effective for purposes of defence, but entailed a very limited cost directly upon the administration or the stores of the army. The French reserves were between 60,000 and 70,000 men, who were borne on the strength of their regiments, who were effective soldiers, ready at any moment to fall into the ranks, but who were on furlough and drawing no pay; and a reserve of conscripts, the number of which could not be precisely ascertained, but which might possibly amount to 300,000. Those men received three months' training the first year, two months the second, and one the third, which was fully equivalent to the training of our militia. He had left the reserves out of view, after mature consideration; because those of each service would equally affect the general cost of the army.

General PEEL said, that he should be sorry that it should go forth to the public upon the authority of the hon. and gallant Member for Longford (Major O'Reilly), who had evidently paid so much attention to the subject, confirmed to his surprise by the noble Marquess the Under Secretary for War, that the cost of the British soldier was £92 7*s.* 6*d.* per annum, while that of the French soldier was only £43. That was an entirely fallacious calculation, founded upon an erroneous basis. The hon. and gallant Member said, that the recruiting of the British soldier cost 14*s.* per man, and he arrived at that result by dividing the total expenditure upon recruiting by 146,000, the number of men voted for the present year. But the fact was, that in that sum was included the cost of recruiting for the whole Indian army, and therefore it ought to have been divided, not by 146,000, but by 220,000. The charge for gunpowder was for gunpowder supplied to the navy, militia, and Volunteers, as well as to the army, and therefore deductions ought to have been made on those accounts. The 1,500 troops of the Indian army to which the hon. and gallant Member had referred, so far from being cheaper, were much dearer than others, because so long as they were in China it was necessary to give Indian pay and allowances to all the troops who were employed in that part of the world. The fact was that the method of arriving at the cost of each soldier by dividing the sum voted by the number of men was completely erroneous. If the army was reduced to 50,000 to-morrow, which he was afraid was very unlikely to be the case, the non-effective Vote alone would make each man cost more than the French soldier; while if the number of men was reduced to 10,000, that Vote would make them cost £210 each. If the noble Lord reduced the army by a regiment 1,000 strong, he would not save £92,000, which would be the case if those calculations were sound, but only about £42,000. He was extremely sorry it should have gone forth to the country on the authority of the hon. and gallant Member, that there was such a great difference between the cost of the British and French soldier. An hon. Member not in the habit of framing Army Estimates might be excused from falling into such a mistake, but how the representatives of the War Office, upon whom the preparation of those Estimates devolved, could have endorsed the error, and stated, as the noble Marquess the Under Secretary for War had stated, that but little difference existed between his figures and those of the hon. and gallant Member, he was at a loss to understand. The real question, however, was not as to the comparative cost of the French and English soldier; whether any portion of the annual charge could be diminished was an inquiry much more relevant. He had placed in the hands of the hon. and gallant Member Returns of the cost of clothing during the five years for which he was responsible, and he thought it was only at the rate of about £2 per man. It was utterly impossible to draw any comparison as to the costs of the services in England and in France from the details given in the Estimates. The calculation of £92 as the cost of the British soldier was based on entirely erroneous data, and he hoped the noble Marquess would state upon what grounds the authorities at the War Office came to entertain that idea.

Colonel SYKES rose to address the House—

Colonel NORTH: I rise to order. I beg to suggest that it will be more regular to finish the discussion on Vote 7.

Mr. MASSEY said, he had not interrupted the hon. and gallant Member for Longford (Major O'Reilly) who wished to rectify a former mis-statement; but his explanation having been made and commented upon by the right hon. and gallant Member for Huntingdon (General Peel), he trusted the Committee would now revert to the original subject under consideration.

Sir JOHN TRELAWNY said, he hoped that the noble Lord the Under Secretary for War would give some information on the subject of a question he had put to him some time since, relative to the evil in a medical and moral point of view incident to the collection of troops in garrison towns. He could not help thinking that the medical charges could be considerably reduced by proper arrangements. It was a subject which deserved consideration in the interest of the soldier and of the public. Infectious diseases might often be prevented as well as cured, and he believed that great social as well as physical benefits might be looked for from such an inquiry. The subject to which he referred had been treated at some length in *The Times* a few weeks ago.

Colonel SYKES said, that on comparing the cost of medical men, medicines, Hospital Corps, and other necessary appliances for maintaining the health of the army, he found that in England it was at the rate of £1 11*s.* 7*d.*, while in France it was £1 10*s.* 8*d.* He believed that to contrast the total numbers with the total medical charges of the army was the only method of arriving at a sound and just result.

Captain JERVIS said, that the question raised by the hon. Baronet the Member for Tavistock (Sir John Trelawny) was one of vital importance. Nobody who had read the Reports of the army and navy, or those which had been published respecting our Mediterranean and Indian stations, could fail to be struck with the number of men invalided during their term of service, or prematurely thrown as pensioners upon the country. The question was one too objectionable in its character for any private Member to take up, but it was the bounden duty of the Government to institute measures of a remedial character, and if, in addition to the Reports in their possession, they wished to strengthen themselves by the opinions of a Committee or Commission, the House, he thought, would gladly afford the requisite facilities.

Colonel DUNNE begged to express his approval of the good sense shown by the hon. Baronet the Member for Tavistock (Sir John Trelawny) in introducing the subject. The matter was one which it was impossible to debate in the House, and yet every man knowing anything of the military and naval services was aware that it lay at the root of their health and efficiency. He was anxious to obtain some information with regard to the purveyor's department, the Vote for which seemed to be much larger than was necessary, and the duties of which, he was informed, could be divided between the medical staff, the storekeeper, and the barrack masters. He felt persuaded that in many of the innumerable departments, which were always on the increase, considerable reductions could be made without imparing the general efficiency of the service. The proper method was to compel the departments to originate their own reforms; they knew where retrenchments could be made without impropriety, while the House of Commons could only criticize expenditure without laying its finger on the excess.

The Marquess of HARTINGTON said, the hon. and gallant Member for Oxfordshire (Colonel North) had called the attention of the Committee to the deficiency in the supply of surgeons for the army, but had attributed that circumstance to the wrong cause.

Colonel NORTH observed, that he had not assigned any reasons, not knowing what the reasons were.

The Marquess of HARTINGTON replied that either the hon. and gallant Member for Oxfordshire (Colonel North) or the right hon. and gallant Member for Huntingdon (General Peel) sitting below him had connected the deficiency of surgeons with the failure to carry out in their integrity the recommendations of the Commission on which the warrant was founded. In all essential particulars those recommendations had been complied with, and the medical officers had obtained every substantial advantage contemplated by those recommendations. In one or two points they had been departed from, but they were hardly of a character to deter any medical man, otherwise desirous of doing so, from entering the service. It was perfectly true that in consequence of objections raised by regimental officers acquiesced in by the Horse Guards, and sanctioned by the late Lord Herbert, medical officers, although enjoying the relative rank laid down for them in the warrant, were not to act as Presidents of Boards of Survey or other Boards when one of their number happened to be the senior officer present; but he could not imagine that such comparative trifles would make any medical man hold back who intended to connect himself professionally with the army. The difficulty of obtaining medical officers might in part be accounted for by the fact that, in spite of the increase of population in the United Kingdom, there was, if anything, for the last few years a diminution in the number of men educated for the medical profession. The great steamboat companies, railways, mining and other private undertakings likewise entered into competition with the Government, and offered to medical men more immediate advantages, as well as the prospect of a more speedy rise in the world than could be hoped for in the army. He was afraid that if, within the next few years, the demand which had sprung up in this country for members of the medical profession should not be met by an increased supply, Her Majesty's Government would have to consider the expediency of offering increased advantages, not in the way of additional rank, but of increased pay. He assured the House that the subject had by no means escaped attention. Within the last few days the noble Earl (the Secretary for War) had consulted, not only the Director General and others, but likewise medical men unconnected with the army. He was not in a position to state the nature of their recommendations, but he could assure the Committee that the subject had not escaped attention, and that measures would be promptly taken to keep up the necessary supply of medical men. The subject adverted to by his hon. Friend the Member for Tavistock (Sir John Trelawny) was one of great importance, but it affected the navy as well as the army, and ought not to be partially dealt with. It had received the consideration both of his noble Friend the Secretary to the Admiralty (Lord Clarence Paget) and himself, and later in the Session it was his noble Friend's intention to propose the appointment either of a Committee or Commission to inquire into the question. In reply to the hon. and gallant Member for Queen's County (Colonel Dunne), he would state that he was not aware of any extravagance in the Vote for the purveying service. That service used to be performed partly by the purveyors and partly by the commissariat, but the system was not found to answer during the Crimean war, and the present service was adopted on the recommendation of the Sanitary Commission. If the hon. and gallant Member would look at the Estimates he would see that a reduction had taken place in that portion of the Vote which was susceptible of reduction. The medical items were in excess of last year, but that was on account of the New Zealand war. The items for the purchase and repair of hospital stores and hospital bedding, which were directly under the control of the purveyor-in-chief, had been reduced by economical management, and further reductions would be made. After what had been said by the Chairman, he was unwilling to enter upon a comparison between the cost of the French and English soldier. He could assure the right hon. and gallant Member for Huntingdon (General Peel) that the War Office had not arrived at the amount of £92 by simply dividing the number of men by the Vote for the army. Everything that could be fairly taken out had been withdrawn from the estimate, and he could by no means concur with the right hon. and gallant Member, that the cost of our infantry soldiers was only £45 per man. He was aware that the cost could be reduced by raising the number of men. If the number of the army was increased by 35,000 troops, and the strength of regiments was raised to 1,000 men each, the expenditure would only be increased by £1,000,000, and the relative cost would be reduced from £92 to £78 per man. The English soldier received more than the French soldier. The War Office gave him boots, but the French Government did not. Taking the average cost of the soldier, it was not at all an unfair statement to say, that the English soldier cost the country £90 in one way and another. The fixed charges, the expenses in barracks, and other items of the kind, had much more effect in raising the apparent cost per man in our small army than in the larger army of France. When the Committee came to the Store Vote he should show that a great portion of this expense ought not to be attributed to the army alone, but that a very large sum ought to be spread over the auxiliary services. In regard to the non-effective

Vote, he would make the right hon. and gallant Member a present of it altogether. The non-effective Vote in the French army was £8 as against £15 in the English; but leaving that out, the proportion was not altered. Leaving the non-effective service out of the question in both armies, the charge would be £37 18*s.* 10*d.* in the French, against £76 17*s.* 2*d.* in the English service. That, however, would not affect the relative proportion. With the exception of recruiting, he believed that no sum had been charged in the War Office estimate that could not be fairly included in calculating the cost of the English soldier. He could not, therefore, admit that either his hon. Friend or himself had been so much in error as the right hon. Member for Huntingdon (General Peel) appeared to think.

COLONEL NORTH said, that officers in the medical service did not so much complain of the question of rank; but that of late years they had not been allowed to retire till after twenty-five years' service. What they wanted was the permission to retire after twenty years' service, an arrangement which would give them a much better chance of obtaining a good private practice. The country had a right to expect that when its troops were prostrated by wounds or unhealthy climates they would have the best possible medical advice. At present there were no less than 200 vacancies in the medical department. During the Crimean war there was scarcely a family in the country, from the peer to the peasant, that did not mourn the loss of some relative. A Committee was appointed in 1856, which reported that the medical officers had been deficient during the war. Eight years had elapsed, and the same state of things existed. If war broke out to-morrow, what would the troops do for surgeons? The Committee which sat eight years ago reported that each regiment in the service should have a surgeon and two assistant surgeons; but at present the regiments serving at home had no assistant surgeons at all. The authorities were obliged to send assistant surgeons out to India who had only just returned from Canada, New Zealand, or the West Indies. A class of acting assistant surgeons had been appointed who had never before been heard of in this country, and some of the regiments had no assistant surgeons. The country had a right to expect that the medical department of the army should be placed in the best possible position.

COLONEL SYKES said, he wished to ask the noble Marquess the Under Secretary for War, whether he was aware that the Commanders-in-Chief at Madras and Bombay had issued a circular inviting medical officers of Her Majesty's army to take charge of the new regiments in India? He thought it would be much better if they employed the medical officers of the old East Indian army, who from long experience were better acquainted with the diseases incident to the climate. He wanted to know whether a calculation was made that a certain number of men would be in hospital during the year, and that a certain amount of medicine and necessaries for diet would be required; or did the War Department go upon chance? In the French army the calculation was made upon the fixed basis that one man in twenty-five, or 4 per cent, was always in hospital.

THE MARQUESS OF HARTINGTON said, the calculation was based upon former experience. It was known that last year, the year before, and for some years past, a certain number of men were in hospital, and an average was thus arrived at.

COLONEL SYKES: What is it?

THE MARQUESS OF HARTINGTON: I do not know.

Vote *agreed to.*

(2.) £783,783, Disembodied Militia.

COLONEL DUNNE begged to call the attention of the Committee to the fact that, while in the line they were lowering the standard, and found it extremely difficult to get recruits, they experienced no difficulty in obtaining men for the militia. It was, however, very hard to find officers. Out of 4,500 officers, which did not really represent the proper number of the establishment, more than 1,500 were at present wanted, while they had the whole of the men, with the exception of some 10,000, who could be easily had. He attributed that state of things to the officers being put to such heavy expenses, particularly for lodgings, when their regiments were out training. That was the result of a bad economy. Another instance of the miserable economy which was carried to almost an absurd length, was to be found in the fact, that while the training of his own regiment would cost £2,000, he had over and over again applied to the War Department for ground for training, and though the expense would be only about £50, he could not get it allowed. The ground they had at present was so small that he could not deploy the regiment, and he was obliged to double the companies.

COLONEL NORTH said, he must complain of the hardship inflicted on mounted officers of the militia in not being allowed forage all the year round. They merely got the allowance of 2*s.* a day, the same as those officers who were allowed charges all through the year.

VISCOUNT ENFIELD said, the difficulty of finding officers to fill the junior ranks in the militia was owing to the want of proper accommodation for them when billeted in small towns. The subject was one which deserved the attention of the War Office.

THE MARQUESS OF HARTINGTON said, the question of allowances for lodgings to officers of the militia had in a very few instances been brought to the notice of the Secretary of State. In most places where militia regiments were sent for training there was proper accommodation in billets, to which the officers were entitled, and for lodgings; and in cases where it was shown to the satisfaction of the inspecting officer that the quarters on which the officers were billeted were not available, an allowance for lodgings had been granted. A similar observation would apply to the case of drilling-ground. The allowance for the hire of drilling-ground was in most instances found sufficient, and where it was not, the remaining sum was required to be paid out of the Contingent Fund. But that was not a hardship. With respect to field officers receiving a larger share of forage allowance, that was scarcely necessary, because those officers were generally gentlemen, and in a position to keep their own horses independently of any allowance. There was one point to which he was anxious to call attention, and he could wish that the discussion upon it would come on at a time when a large number of militia officers were present, because the Secretary of State would be glad to know their opinions upon it. Although the militia force was in a highly satisfactory state, still there was a general opinion amongst the officers that it would greatly increase the efficiency of the force if a longer period for training were allowed. Four weeks instead of three would be productive of great benefit in the training of the men. It was evident that any prolongation of the period of training would be attended with a large increase of expense. It had been calculated that a week's more training to the whole of the militia force, recruits included, would increase the cost by £65,000; and, exclusive of recruits, by something over £50,000. It had been considered, and the idea had met with the approval of some militia officers, that it would tend to the general efficiency of the force while in an embodied state, that the numbers of the very large regiments should be reduced, while the smaller regiments were kept at their present amount. Some regiments numbered twelve companies and 1,200 privates. The Government did not propose to reduce or meddle with the staff of such regiments, and the number of the companies would remain the same, the only difference contemplated being that the commanding officers should be requested not to raise the numbers of their regiments, when in a disembodied state, beyond 800 or 900 men. The regiments of 1,000 men would be reduced in proportion. He believed that a great many commanding officers agreed in thinking that it was impossible for any staff or commanding officer to drill properly a regiment 1,200 men strong. Supposing that proposal met with the general approval of the officers of the militia force (for Lord De Grey did not desire to do anything not generally approved), it was estimated that the saving effected thereby in another year would probably be sufficient, without materially increasing the Vote, to give an extra week's training to the men. It was well worthy of the consideration of militia officers whether the adoption of such a measure would not tend to the efficiency of their regiments.

COLONEL DUNNE said, he had no doubt the proposition would generally meet with the approval of militia officers who commanded large regiments. He thought there were not at present more than six or seven regiments in Ireland that at all came up to 1,000 men each, and not above five or six in England over 1,000 men. He considered between 800 and 900 men sufficient for a militia regiment. Such a regiment was infinitely more handy to drill than one composed of a larger number.

Vote *agreed to.*

(3.) £47,886, Yeomanry, *agreed to.*

(4.) £39,200, Yeomanry Cavalry.

MR. LAWSON said, he rose to oppose the Vote which had come before the House under very peculiar circumstances. Hon. Members who sat on the Ministerial side of the House would remember that on the

3rd of March last they received a circular in which they were earnestly and particularly requested to come down to the House and take part in the Yeomanry Cavalry Vote that was to come before the Committee. They accordingly came down and heard the able speech of the hon. and gallant Member for Beverley (Colonel Edwards), that of the noble Lord at the head of the Government, and also that of the noble Marquess the Under Secretary of State for War, as well as those of several hon. Gentlemen on the opposite side of the House. They were convinced by the speech of the two noble Lords, and a Motion was carried that the Yeomanry should not be called out this year. About a week afterwards he read the following paragraph in *The Times* newspaper:—

> "The Yeomanry Cavalry.—A numerous deputation of Yeomanry Cavalry officers had an interview with Lord Palmerston at Cambridge House, on Wednesday morning, for the purpose of urging upon the noble Lord the desirability of calling out that force for active service during the present year. The Premier, after listening to their statements, said, that since the last Vote in the House of Commons upon Colonel Edwards' Motion, the Government had carefully considered the subject. Within the last few days advices had been received from New Zealand, which were so favourable that the Government would be enabled to effect a saving upon the Estimates and incur the expense of training of the Yeomanry without any addition to the gross amount. He had great pleasure, therefore, in informing the deputation that the force would be called out as usual this year. The noble Viscount also complimented the Yeomanry Cavalry upon their high state of efficiency, and the value of their services whenever they had been required, and expressed an unqualified opinion that they were a necessary auxiliary to the new Rifle Volunteer force."

He had heard a great many extraordinary arguments for increasing our military force, which had great weight in that House, but the most extraordinary one of all was that because we were at peace, therefore we were to increase our warlike expenditure. Hon. Members who, like himself, sat below the gangway, were often accused of making speeches on questions of high policy, and of bringing forward abstract Resolutions in favour of economy, and of doing nothing practical, and neglecting to watch the Estimates. He thought there was a great deal of truth in the charge. Here, then, was a case in which they ought to oppose the Vote, for the expenditure had been declared by the Prime Minister and the Under Secretary for War to be unnecessary; and because he denied the statement, which had been made on a previous occasion, that the Yeomanry force was necessary to keep the manufacturing districts in order. It was a small sum, it was true; but they were often told they ought to be particular and saving in small matters; and because he wished to obey the injunctions of the right hon. Gentleman the Chancellor of the Exchequer, and practise economy, and because Her Majesty's Government were well able to defend the country without that force, he should oppose the Vote.

Mr. NEATE said, the Committee had just reduced the Army Hospital Vote by £2,000—a Vote which involved the medical comforts of the soldier, and concurrently with it they were about to expend this large sum of money in a very useless manner.

Mr. H. BERKELEY said, he had always consistently opposed the Yeomanry Cavalry Vote from a belief that it was a very expensive force, and because he considered the money was misapplied. He could not leave the hon. Member for Carlisle (Mr. Lawson) alone in his glory, and, therefore, he rose to oppose the Vote. He had never seen a finer body of men than our Yeomanry except in the position of soldiers. He considered it a force kept up entirely for the amusement of the aristocracy and the landowners. They very much liked to get upon horses in fine uniforms, but they were careless of the work they had to do, for they did not take the pains to make their men good soldiers. He thought it was setting a bad example to the Volunteers, when they expended so much on the Yeomanry Cavalry, and did nothing for the former. That was treatment which our auxiliary force ought not to receive. He would have the military force of the country kept up in the best way possible, and if they did that, and accepted with gratitude the assistance of the Volunteers, they would be quite able to dispense with the services of the Yeomanry. If the Yeomanry would make themselves equal to the Volunteers he would stand by them, but before they would be equal to that position they must give more attention to discipline and drill.

Colonel KNOX said, he could not allow the observations of the hon. Member for Bristol (Mr. H. Berkeley) to pass unnoticed. He quite concurred in the opinion that the Volunteers were an admirable force, and that they had done great service to the country; but the hon. Member had made a mistake in saying they cost the country nothing. They cost about £300,000 annually.

Mr. H. BERKELEY: And very cheap at the money.

Colonel KNOX said, that was very likely, but denied that the Yeomanry Cavalry were by no means an inefficient body, and he referred the hon. Member for Bristol (Mr. H. Berkeley) to the Report of the Commission, which showed the contrary.

The Marquess of HARTINGTON said, the hon. Member for Oxford (Mr. Neate) need not be under any apprehension that the reduction on the Hospital Vote would at all interfere with the hospital comforts of the men. The reduction had been made, not in hospital comforts, but in the number of the staff, as it was now anticipated less would be required than when the Estimates were formed. With regard to the Vote now before the Committee, he had nothing more to say on the subject than when it was last before the House, when he gave his vote in an opposite direction to what he should to-night. He and the noble Lord at the head of the Government admitted that exercise and frequent training were necessary to keep up the efficiency of the Yeomanry Cavalry, but they said they were unable to make a grant towards the force this year, because the Estimates had been swelled beyond their ordinary amount by exceptional circumstances, and it was considered that a large outlay would be necessary for the war in New Zealand. Some time afterwards news was received in this country that it was anticipated the war would be over much sooner than it was anticipated when the Estimates were framed, and, therefore, the necessity for the reduction of the Vote and the reasons given for it no longer existed. He hoped, therefore, although it was disagreeable to ask hon. Members to vote in an opposite direction to what they had done, that under the altered state of things they would do so and agree to the Vote. News had been received that day from New Zealand of an equally if not more favourable character, and, therefore, he thought they might with propriety agree to the Vote.

Mr. W. WILLIAMS said, he was sorry the Government had placed that Vote in the Estimates after it had been withdrawn. The army had many auxiliary forces, but the only one in which the country placed no confidence, was that of the Yeomanry. It was a force kept up as a plaything for country gentlemen and others.

Colonel EDWARDS said, he was not aware whether the hon. Member for Lambeth (Mr. Williams) had ever seen a Yeomanry Cavalry regiment or not, but it struck him very forcibly that the hon. Member knew but very little about the matter, as he had given expression to an opinion which no other person under such circumstances would have given. He could, however, guess, from the feeling of the Committee, that the Vote would be agreed to by a large majority. He wished also to inform the hon. Member for Bristol (Mr. Berkeley) that he was also wrong in his estimate of the services of the Yeomanry Cavalry and the state of their drill. The regiment to which he belonged commenced their drill a fortnight ago, and from that time till August, the whole regiment would be out at least twice a week on foot, and five or six times mounted, for which they would never receive a single shilling. He mentioned that fact because he was sorry to find that a wrong impression existed with regard to the force. He could not understand what object the hon. Member for Carlisle (Mr. Lawson) could have in view in bringing the question forward, unless it was to embarrass the Government of which he was a supporter. When he brought forward his Motion on the occasion referred to, the opinion of the House was so evenly divided upon the question, that it was only lost by a majority of one, which, no doubt, happened because there were five instead of four Under Secretaries in the House. If they had had only the proper number it would have been a tie, when, no doubt, the Chairman, who was alive to the advantages of our having a good and efficient Yeomanry Cavalry force, would have voted for the Motion.

Question put,

"That a sum, not exceeding £39,200, be granted to Her Majesty to defray the Charge of the Yeomanry Cavalry, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

The Committee *divided:*—Ayes 119; Noes 29: Majority 90.

Vote *agreed to.*

(5.) £328,260, Volunteers.

Mr. DARBY GRIFFITH begged to ask what the intentions of the Government were with respect to clothing the Volunteers. The force had now passed out of its experimental state, and had become one of the institutions of the country. Was it, then, reasonable to suppose that a body of 160,000 men, on which the safety of the country in a great measure depended, could go on by their individual subscriptions making up in great part the maintenance of the force, particularly with regard to clothing? A million and a half of money was subscribed by the public when the movement was initiated, in aid of the preliminary expenses, but they could not now expect a repetition of that liberality. The clothes were now, however, nearly worn out, and, in his opinion, some assistance should be given towards their renewal. The metropolitan regiments were spirited and opulent enough to provide their own clothing and equipments, but the provincial corps consisted mainly of working men, and it was too much to ask them, year after year, to supply their own uniforms. He feared that if something of the kind were not done there would be a great falling off in the force. There was a great difference in the treatment of the Yeomanry Cavalry and the treatment of the Volunteers; for while the latter were only voted £1 10*s.* per head, the Yeomanry were voted £7 per head, and it could not be said that the Volunteers were less important to the country than the Yeomanry. Some suggestion was thrown out by the predecessor in office of the noble Marquess the Under Secretary for War, to the effect that facilities should be offered to the Volunteers for obtaining their clothing at cost price, or some similar arrangement. He would be glad to receive some information on the subject.

Lord ELCHO said, he fully appreciated the kind feelings towards the Volunteer force which had induced the hon. Member for Devizes (Mr. Darby Griffith) to bring the matter forward; still he thought it was hardly necessary that the country should be put to the expense indicated in his remarks. The country had dealt liberally with the Volunteers, and he believed that the grant of £1, and in other cases £1 10*s.* per man, would be sufficient with good management to meet the requirements of the force, and to assist the men with regard to their clothing, by spreading the charge over a number of years.

Colonel SYKES said, he feared that unless some assistance were given to the men to enable them to supply themselves with their present, or with some cheaper uniform, some diminution would take place in the strength of the force. The capitation grant of 20*s.* or 30*s.*, as the case might be, did not go to the men themselves, but was drawn by the adjutant, and was applied on his responsibility. The Volunteer staffs cost £160,129 out of the £328,260. In a small regiment the erection of a butt alone would absorb half the allowance from the Government. There were various other expenses for head-quarters, conveyance to reviews, and the like, which at the end of the year left nothing available for clothing. He did not invite the House to vote more money for those corps, but he thought it right to warn it of the present state of things.

Mr. HUSSEY VIVIAN said, he had commanded a Volunteer battalion since the commencement of the movement, and had made the best calculations he could in regard to its expenses, and his conviction was that the allowance now proposed would be sufficient with good management to meet almost every outlay connected with the corps, including clothing. Of course, it would not do so in the first year; but, taking an average of several years, he had no doubt the allowance would suffice. New clothing would not be required until next year when they would have three years money in hand. The Volunteer corps received great assistance from the services of the adjutants; and he did not think any portion of the Vote was better spent than that which went to the adjutants. Good drill sergeants were also an absolute necessity.

Sir ROBERT ANSTRUTHER begged to point out to the Committee that a great difficulty arose in many cases where the men had to travel a considerable distance for battalion drill. That was a source of pecuniary pressure on country corps, and ought to be taken into consideration by the Government. Members of his own regiment had to travel forty, fifty, and even sixty miles for that purpose.

Sir HARRY VERNEY said, he believed that, in the event of emergency, men as capable of commanding large bodies of troops would arise among the Volunteers as were to be found in any other force in the country. He should be sorry if, through any pecuniary pressure, any diminution in the number of that valuable force should take place. He feared, however, that unless some help were given in the matter of clothing, many of our most valuable Volunteer corps would melt away.

Colonel BARTTELOT said, he believed the sum allowed by the Government, if expended by commanding officers with economy, and with proper regard to the well-being of their corps, would be found sufficient to find clothing for the men, not at once, perhaps, but, at all events, by degrees. He thought that the Volunteers as Volunteers should not ask for more. The force was regarded with greater pride by the country, because they devoted the requisite time to the service, and all they wanted was that the extra money out of pocket should be re-paid to them.

Sir JOHN SHELLEY said, he was quite sure the feeling of the corps he commanded, which consisted very largely of working men, and the feeling of the Volunteers generally, was that the House and country had dealt most liberally with them, and they excessively disliked the idea of coming begging to Parliament. It might be true that Volunteers in the country had greater distances to go to drill, but they could obtain head-quarters and ranges at a much cheaper rate than the metropolitan corps. He thought the Royal Commission had made a very proper recommendation; and, in his opinion, the allowance made would, with due economy, enable every regiment to re-clothe and maintain itself.

Mr. HUMBERSTON said, that the allowance from the Government was extremely handsome, and as it depended upon the members of each corps whether they received the full amount, they had no right to complain if they had not sufficient funds through members not qualifying. Still he feared that those regiments which had to re-clothe themselves this year might have some difficulty in meeting that cost and providing for ordinary expenses. The corps to which he belonged had to reclothe this year, and they would be deficient by a very considerable sum. Still he made no complaint; that would be contrary to the wishes of the corps. He was certain the Volunteers did not wish for the extraneous aids of balls and bazaars which were very objectionable. He did not ask for anything at the present moment, but he thought an allowance should be made to pay current expenses, and to provide clothing for those men who did not clothe themselves.

Mr. W. WILLIAMS said, he was very much gratified by the very moderate requirements of the Volunteers. They were a most efficient and useful force, and the greatest possible credit was due to their commanding officers for being satisfied with the sum which had been granted. He hoped the time would never arrive when the House of Commons would make any objection to the continuance of such an allowance as might be necessary to maintain the efficiency of the force.

The Marquess of HARTINGTON observed, that the Government did what the hon. Member for Devizes (Mr. Darby Griffith) suggested they should do—they gave certain kinds of cloth, five, six, or more patterns, at cost price. He could not say it was intended to take any further steps in the way of assisting the Volunteer force, either by increasing the capitation allowance or providing them with clothing. The Commission to which the hon. Gentleman referred sat two years ago, and one of the principal difficulties to which they addressed themselves had reference to re-clothing. That question was very minutely gone into; they had it fully before them when they made their report, and it was clear from what had fallen from the commanders of corps to-night that the general feeling of the Volunteers was that the country had behaved liberally to them, and that they did not desire any further grant at all events without a more extended trial of the present arrangement. No doubt some difficulty was experienced in attending battalion drill, but with respect to administrative battalions, there was an allowance of 4*s.* per man where they had to travel over a certain distance to attend drill over and beyond the 20*s.* or 30*s.* a year for each effective man. The Order in Council which was issued last year changed the denomination from "effective" to "efficient," and laid down a new standard of efficiency. In August, 1862, the total number of Volunteers enrolled was 157,818; on the 1st of December, 1863, the number was 161,939, which was an increase. On the 1st of August, 1862, the number of effectives under the old system was 131,420; and on the 1st of December, 1863, the number of efficients under the new system was reduced to 112,499. That showed that the new standard laid down by the Order in Council had the effect desired, that it was really a standard of efficiency, and that a good many who were formerly regarded as effective were not really efficient Volunteers. No doubt, in a very short time, when the requirements of the Order in Council were better understood, the number of efficients would more nearly approach the number of men enrolled.

Mr. DARBY GRIFFITH said, he did not think any sufficient answer had been given to the statements he had made. It was all very well for the noble Lord the

Member for Haddingtonshire (Lord Elcho), to whom the force was so largely indebted, to say the Volunteer force was satisfied with the present arrangements. It might be so with the gallant Caledonians in London, who were able to provide their own uniform; but the case was very different in those localities where the men were in an inferior condition of life. He thought clothing should be provided for the Volunteers. He repeated that the present allowance only paid the current expenses, and in country localities the expense was found to be a heavy burden upon the men. Clothing could not be provided for less than £1 a year, and at the highest estimate that only left 10*s.* per man for the ordinary expenses of the regiment. At all events the working classes corps ought to derive more assistance than they now did.

Mr. HUSSEY VIVIAN said, he believed that the hon. Baronet the Member for Westminster (Sir John Shelley) had not drawn the necessary distinction between the consolidated and the administrative corps.

Vote *agreed to.*

(6.) £49,580, Enrolled Pensioners and Army Reserve.

General PEEL begged to ask for some information respecting the Army Reserve Force—where it was to be found, and of what it consisted. It would appear from the increase of the Vote from £7,000 to £10,000, that the number of men had increased. Was that the fact?

The Marquess of HARTINGTON said, the number of the Army Reserve was 216 in Ireland and 1,405 in Great Britain, making a total of 1,621. The force consisted of men who had taken their discharge from the army at the completion of ten years' service, and they were entitled by serving double the number of years in the army reserve that they would have had to serve in the army to the same allowance that they would have received in the latter case. He admitted that the Army Reserve Force had not fulfilled the expectations that had been formed of it. The reason was that officers commanding regiments had not given any encouragement to it. They naturally wished to discourage their men from taking their discharges, and, therefore, in order to induce them to re-enlist, the commanding officers did not take any trouble to publish the conditions of service in the Army Reserve. If when officers found the men were determined to take their discharge from the army they were to explain the advantages of joining the Reserve, the force would soon assume a different aspect.

General PEEL wished to be informed whether those men were ever exercised or called out for training. He thought it would be better when it was found that a ten years' man would not re-enlist that he should be recommended to join the militia, in order to prevent that small body of men being scattered all over the three kingdoms.

The Marquess of HARTINGTON said, he doubted whether commanding officers would not be as unwilling to encourage enlistment in the militia as to join the Army Reserve, but the suggestion was one which should receive consideration. He believed that there were but thirty or forty of the Army Reserve in London, and probably no larger number could be found in any other place.

Colonel DUNNE said, that in his opinion the best thing would be to abandon the plan, which was an admitted failure, and therefore he hoped the noble Marquess the Under Secretary for War would undertake that no new additions should be made to the Army Reserve Force. Notwithstanding what the noble Marquess had been led to state on a former evening, he knew that at the Horse Guards it was admitted that the number of men who would re-enlist would not be so large as was stated. It was, then, the more necessary not to hold out temptations to men to take their discharge. For the future he should certainly like to see the Vote struck out altogether. At present those men were a myth. Nobody seemed to see one of them.

Colonel SYKES begged to inquire whether the noble Marquess had received a single report from any officer in any part of the kingdom, stating that he had assembled or seen together in any one place a body of Army Reserve men in any number from two to a dozen.

Lord HOTHAM observed, that one of the objects of the Royal Commission on Recruiting, of which he had been the Chairman, was to get rid of the imputation cast upon the system of recruiting, that individuals were induced to enlist by false representations and by the concealment of matters, which, when they came to the knowledge of the recruit, produced disappointment. One of the modes suggested for removing that imputation was that every recruit should be furnished upon enlistment with a pamphlet containing an account of all the advantages to which he would be entitled and all the contingencies to which he would be subjected. If that plan were acted upon, the complaint made by the noble Marquess against commanding officers, that they did not inform their men of the existence of the Reserve force, would be entirely obviated.

THE MARQUESS OF HARTINGTON said, he agreed with the noble Lord the Member for the East Riding (Lord Hotham), that it would be a good plan to give each recruit such a pamphlet. He had not meant to impute blame to commanding officers, who naturally desired to keep as many experienced soldiers in their regiments as possible. With respect to re-enlistments, he could not admit that he had over-stated them, as the last Returns showed that the calculations had been fully borne out by the facts. He could not see any reason why the fact of men receiving their discharge should prevent them from being employed in the Reserve Force, and they did not feel any interest in their force if they did not encourage their men to enter it.

COLONEL NORTH remarked, that out of 7,842 men who had received their discharge, 5,292 had disappeared altogether. In Canada alone the men who would be entitled to their discharge during the present year would number 4,000, and those men would receive unlimited promises from the American Government, though whether those promises would be fulfilled was quite another matter. The probability was, however, that not one of those men would again take service in our army.

THE MARQUESS OF HARTINGTON said, that he had received no report upon the subject of the drill of the Army Reserve. The Reserve was called out and drilled ten days in the course of the year. Out of 11,842 men who were entitled to their discharge, 5,295 only availed themselves of their right, 6,547 re-engaging at once. The Returns did not give the number of those who re-enlisted within six months, but if it bore any proportion to the number of former years it must have been large. He could not give any assurance that the item would not be renewed another year. In fact, he was desirous that measures should be taken for increasing the efficiency of the force.

GENERAL PEEL said, that the remarks of the noble Marquess the Under Secretary for War thoroughly warranted the statement which he had made. The long-service men were those who re-enlisted. More than one-half of the others had accepted their discharge.

MR. MACKIE begged to move the reduction of the Vote by £10,000.

COLONEL NORTH said, that such a Motion could not be adopted, because the men were already engaged. There was, however, no reason why their number should be increased.

LORD ELCHO: Is there any special staff for the purpose of drilling the Reserve Force?

THE MARQUESS OF HARTINGTON: Yes.

LORD ELCHO: What is the cost?

THE MARQUESS OF HARTINGTON: I cannot tell.

Vote *agreed to.*

(7.) Motion made, and Question proposed,

"That a sum, not exceeding £973,031, be granted to Her Majesty, to defray the Charge of the Manufacturing Departments, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

LORD ELCHO said, he wished to call the attention of the Committee to the Report of the Ordnance Select Committee on "Systems of Rifling for Small Firearms," dated the 26th of November, 1862. He did so simply from the belief that the course adopted by the War Office with reference to that Report had failed in supplying our army with as efficient a weapon as might have been placed at their service. The large amount of money which we were devoting to that department was not expended in the purchase of the best arm which could be obtained for the money. In order to explain clearly to the Committee the position in which the question then stood, it would be necessary for him to give a few details of what had been done of late years. The Committee was well aware that, great as had been the progress of improvements in our manufactures, in none had so much progress been made as in the rifling of firearms. The first start was made in the year 1851, and it was a strange thing that the Great Exhibition, which was to have been the inauguration of perpetual peace, was the date of the commencement of those labours which had for their object the manufacture of the most efficient weapon for the destruction of our species. As far as the British army generally was concerned, he believed that with the exception of Prussians, about whom he should have a word to say presently, they were the best armed in the world, for they had all been furnished with rifles. That, however, had only been the case during the last ten years, because in the Crimean war General Cathcart's division was armed with the Brown Bess. Every marksman was fully aware of the superiority of the rifle over the Brown Bess of former times. The Committee could judge of the efficiency of the latter weapon from the fact that a man was safe at the distance of 100 yards, even if the Brown Bess were in the hands of a skilful marksman. There were men now, however, who would hit a circle two feet in diameter three, four, and five times consecutively at 500 yards with the Enfield rifle. That rifle was a very efficient weapon, but since 1853, when the pattern Enfield was adopted, the improvements had been very rapid, and they now had the smallbore Whitworth, with which a man had lodged a bullet seven times in succession within a circle three feet in diameter, at a distance of 1,100 yards. His hon. Friend the Member for Glamorganshire (Mr. Vivian) who was both a Volunteer and a shot, had called the attention of the Government to the subject three years ago. A discussion had ensued in that House, and the result was the appointment of the Committee to which he had referred. He desired to call the attention of the House to the broad results of that inquiry. After a careful investigation the Committee came to the conclusion that the service rifle, as regarded the large bore rifles with the ordinary service ammunition, was inferior to any of those which they had tried. Their opinion as regarded the service Enfield rifle, pattern 1853, was expressed in the following terms:—

> "The Enfield rifle with its present twist fails in precision at distances above 600 yards, and any attempt at improvement by increasing the spiral entails, as has been shown in the Enfield grooved system, a tendency to foul the rifle, and thus mars its efficiency as a military weapon."

They tried at the same time another rifle which was in the hands of the engineers, a rifle which took the ordinary ammunition, and which did good service in India without fouling, at a time when the Enfields were open to the objection. He referred to the Lancaster rifle. The Committee's opinion was as follows:—

> "A strict and impartial comparison on all points connected with military efficiency establishes the superiority of the Lancaster rifle. Should it, therefore, be decided to retain the present Enfield calibre, the Committee are of opinion that the adoption of the Lancaster system of rifling, with a spiral of 1 turn in 36 inches, minor axis of the ellipse 0·572, will be attended with considerable advantage to the service, more particularly as it can be accomplished without necessitating any change in the present service ammunition or increase to the present cost of supply."

He had been credibly informed that we had at present in store 170,000,000 rounds of ball cartridge, the value of which was £658,750. The Committee stated that the Lancaster rifle was superior to the Enfield in precision both when clean and when foul, in its liability to fouling, and in simplicity of management, a smooth barrel being more easily cleaned than a grooved barrel. As to accuracy of aim, he would give the result of one trial from the Report of the Committee, showing the comparative merits of the two rifles. The following were what were called the comparative figures of merit:—At 300 yards the deviation of the Enfield service rifle was 12·69 inches, the Lancaster 10·06; at 500 yards the Enfield was 19·80, the Lancaster 17 58; at 800 yards the Enfield was 41·61, the Lancaster 28·35; at 1,000 yards the Enfield was 95·01, the Lancaster 43·51; and at 1,200 yards the deviation of the Enfield was 133·53, and of the Lancaster, 87·96. That was quite sufficient to show that the decision arrived at by the Ordnance Select Committee was a sound one, and was borne out by the facts. His complaint against the War Office was that, whereas the Report, dated November 26, 1862, condemned the service Enfield and recommended another rifle which might be adopted without any additional cost to the country, and which was infinitely superior to the Enfield in every respect, the Report remained a dead letter in the archives of the War Office, no notice being taken of it. Now, it was not as though the manufacture of small arms had meanwhile ceased. On the contrary, that House had continued to vote large sums for that purpose, and he believed that since the issue of that Report up to the present time upwards of 130,000 arms of the condemned description had been manufactured by the Government. That was his case, and he thought it was a strong one, nor could he conceive what answer could be given to it. It might be said that, subsequent to the Report, the attention of the Secretary for War had been drawn to another kind of large bore rifles, which promised better results even than the Lancaster. This view was confirmed by a War Office letter dated July 31, 1863, and addressed to Mr. Lancaster, which stated that the Secretary of State for War was desirous of seeing what the Lancaster rifle would do in competition with the Whitworth and the Enfield with the service ammunition. Why the Enfield rifle should be tried over again he did not know, unless, indeed, the interest in its favour was such as obtained for it this privilege, on the ground that some change had been introduced which would make it shoot better. Mr. Lancaster, as he was asked, got ready the rifles to compete, but he had been informed, in a subsequent letter from the War Office, that Earl De Grey had decided in abandoning the competitive trial. Why this decision had been come to he could not say, but rumour declared that Mr. Whitworth had declined to compete unless he were allowed to use his own special lubrication, which was a mixture of grease and wax. The service ammunition, with which the trial was to have been made, was lubricated with pure wax, and the Lancashire rifle shot better with that than with any other. Soon after this the trials got up by the National Rifle Association took place at Woolwich. Mr. Whitworth's large bore rifle there shot remarkably well; but if that rifle was to be adopted, it would necessitate the abandonment of our 170,000,000 ball cartridges, and a change of machinery, while even then he did not know whether it would shoot better than the Lancaster rifle at 800 and 1,000 yards. At all events, he could speak to the great accuracy of the Lancaster rifle at those distances with the ordinary ammunition. He complained of the Government for not stopping the manufacture of the inferior rifle, and for not resolving to have the best they could get for their money. He should naturally be asked whether the adoption of the Lancaster rifle would entail a large expenditure. Externally it was precisely the same as the ordinary rifle, and its parts would be interchangeable with the ordinary Enfield; the only difference being in the construction of the barrel, which had an oval bore. As to the machinery, no change would be required in the general plant, but new cutters would be necessary. They cost £5 each, and as there were forty of these machines at the Enfield factory, the Government might, at a total expenditure of only £200, give the army this first-rate weapon. There was possibly one other reason why the Government had not adopted the Report of the Committee—namely, because the Lancaster rifle was patented, and a payment of 1*s.* per barrel was required by the patentee. He could hardly believe that this could have prevented the War Office from adopting the Lancaster system, especially as he understood that the War Office authorities thought that Mr. Lancaster had been harshly dealt with, and had sanctioned an arbitration, which, however, was refused by the Treasury. When it was possible to have a better article at so trifling an additional expenditure, he looked upon it as a waste of public money to go on with the present manufacture, while, at the same time, gross injustice was done to the patentee. Another point was, whether the new rifle should be a breech or a muzzle loader. Upon that point there was much difference of opinion, and many officers maintained that a breech-loading rifle was undesirable, because the men would then waste their cartridges and fire away their ammunition too rapidly. But recent events abroad led many persons to believe that a small force armed with breech-loaders was more than a match for a larger force armed with the ordinary weapon. When the argument he had mentioned was used by officers, his answer had been, "Granting that the men would fire away their ammunition rapidly, let us suppose that you were going to have the command of an English contingent, and were opposed to a force armed with breech-loaders, would you then choose muzzle-loaders or breech-loaders for your men?" And the answer was, "I should certainly choose breech-loaders." It was impossible to ignore the success of the Prussian needle-gun, which he believed to be in many respects an inferior weapon, and when we knew that the Emperor of the French was trying to get the best breech-loader he could, and that the Belgian Government were doing the same, he thought it was time for the English Government to turn their attention to the subject, and ascertain by careful experiments whether a breech-loader was not the best weapon for the English army. Knowing that that subject would be under consideration, he had very recently tried a breech-loader, and with very favourable results. He alluded to the Mont-Storm rifle. When he tried it last year he missed fire very often; but lately he fired fifty cartridges from it without a single miss-fire, and fifty more were afterwards fired from it with equal results. It fired a great deal better than the ordinary rifle, and there was no escape whatever from the breech. To test that some fresh powder was put in a chamber under the breech, and it was found there after the firing, which could not have been the case if there had been an escape from the breech. With a plant which would cost £4,000 all our rifles could be converted into breech-loaders on the Mont-Storm principle at an expense of 10*s.* for each rifle. They had but a small army as compared with the armies of other countries, and for that reason it was all the more necessary that they should equip it in the best possible manner. If they did not do so, the Government and the House of Commons would be answerable for the lives of a great many men. He hoped, therefore, the Government would not hesitate to do in May, 1864, what they ought to have done in November, 1862—namely, stop the manufacture of an arm which was declared in their own report to be inferior in power to one which might have been procured.

THE MARQUESS OF HARTINGTON said, he hoped to be able to convince the Committee that the course which the Government had taken in the matter under consideration, was not such as his noble Friend would lead them to suppose. His noble Friend seemed to imply that the question proposed to the Ordnance Select Committee was simply one relating to the different kinds of large bore rifles; but the competitive trial which the Committee had been intrusted to make involved every variety of arms which it was thought might turn out useful weapons, including large and small-bore rifles. The trial was a competitive one between the large-bore and the small-bore, between the various kinds of large-bores, and between the various kinds of small-bores. The general result of the trial was that in almost all essential particulars Mr. Whitworth's small-bore was by far the best military weapon. The Committee came to that conclusion in the passage which his noble Friend had read to the Committee. There were some minor defects in that rifle which Mr. Whitworth undertook to remove. The Committee did not, however, recommend that an extensive armament of our troops with the small-bore should at once take place, because that would have involved a total change of ammunition and great inconvenience would have been the result. While, however, they did not recommend a complete re-armament, they did recommend that a considerable number of those rifles should be placed in the hands of a certain number of regiments, in order that the arm might be thoroughly tested in practice. In consequence of that recommendation 8,000 of those rifles were ordered, and a portion of them had been issued to the 60th Rifles and the Rifle Brigade. They were quartered in different parts of the world, and their experience would show how far the small-bore rifle was a good military weapon, and whether it was superior to that now in use. Another question which the Committee considered was as to the Lancaster large-bore rifle. His noble Friend, in reading the answer given by the Committee to the question put to them by the War Office, omitted a parenthesis of very considerable importance. The passage, as it appeared in page 17 of the Report, was as follows:—

> "A strict but impartial comparison on all points connected with military efficiency establishes the superiority of the Lancaster rifle. Should it, therefore, be decided to retain the present Enfield calibre (and in the absence of any data of their own as to the value of the polygonal system applied to this calibre), the Committee are of opinion that the adoption of the Lancaster system of rifling, with a spiral of one turn in 36 inches, minor axis of the ellipse 0·572, will be attended with considerable advantage to the service, more particularly as it can be accomplished without necessitating any change in the present service ammunition, or increase to the present cost of supply."

The Committee having spoken very favourably of Mr. Whitworth's small-bore, Earl De Grey asked him whether he could not make a large-bore rifle on his system. There was nothing unfair towards other inventors in that; and the question generally was one which ought not to be treated as between rival inventors. Earl De Grey had to consult the public interest, and, accordingly, he took that course. Mr. Whitworth replied that he would try. He did so, and his experiments showed that he could not then make a large-bore rifle with the same satisfactory results as attended his small-bore rifle; but, in the course of his experiments, he did find that with a special ammunition and a differently shaped bullet and cartridge he obtained a most extraordinary result with his own rifle, and that the Enfield rifle fired the same ammunition rather better than the service ammunition. Though, owing to some peculiarity in the ammunition, the large-bore of Mr. Whitworth would not, perhaps, turn out to be a good weapon in the hands of the soldier, it was quite possible it might ultimately turn out that a large-bore would be the best adapted for the service ; and if such should be the case, the advantage which the country would derive from the discovery would be owing to the course taken by Earl De Grey in not having, immediately on receiving the Report of the Committee, proceeded to carry out its recommendations. Though the Committee were justified in saying that the Lancaster was in some respects superior to the Enfield, yet its superiority to the latter was extremely minute. Under 500 yards the Enfield, in many cases, made the most satisfactory shooting. At 500 yards it was best, and it was only at the longest ranges, which he thought military men would say were very seldom required, the Lancaster asserted its great superiority. No doubt the Committee found in the Enfield a liability to foul, but that did not give rise to any great inconvenience. He thought the Committee, when asked which was the superior arm, were bound to say they held the Lancaster to be so ; but they were also bound to say in what they believed its superiority consisted, and whether it was a practical weapon ; and Earl De Grey was bound to consider whether the reasons given by the Committee were such as to render the general introduction of the Lancaster desirable in the army. Considering also that the Committee were distinctly of opinion that, so far as they were aware, the rifle at present in the hands of our troops was superior to any possessed by the troops of any foreign nations — he omitted here altogether the question of breech-loaders—there was no hurry, and it was much better to make a trial before coming to any decision. His noble Friend had stated that Mr. Lancaster had been badly treated in respect to his patent, but he did not believe that that was the case. No doubt it was quite true that the compensation which Mr. Lancaster had received might not be adequate for his invention and to his services to the science of artillery, but he had nevertheless signed an acknowledgment that it was accepted in full compensation for his services, and the Treasury had refused to allow him any further compensation. His patents had already expired, and it was perfectly competent for him to apply for their renewal, to which no opposition would be offered by the Secretary of State for War. On the contrary, the whole transactions of the War Office with Mr. Lancaster had been referred to the Law Officers of the Crown, who were responsible for the granting of letters patent, that they might form their own opinion as to whether he was entitled to a renewal of his patent. All he wished to point out to the Committee was, that it was quite possible that the system which would be found to be the best would be the Whitworth, as applied to the large-bore as well as the small; and should that be the case, the adoption of the most efficient arm would be owing to the Secretary of State for War not having been too hasty in coming to a decision. With respect to the question, whether or not a breech-loader was desirable for the army, he, as a civilian, was not able to give an opinion. There was so much doubt felt among military men on the subject, that it would be necessary to make further inquiries before any system was permanently adopted. Last year he said that Mr. Wesley Richards' breech-loader would receive a fair trial, and two thousand breech-loaders had been placed in the hands of the troops in different regiments, and they would be reported upon by the officers. When the Report had been made, it would be desirable to consider whether the breech-loader was a desirable arm, and, if so, on what principle of breech-loading the troops should be armed. Mr. Mont-Storm's breech-loading rifle was a most ingenious weapon, but the first thing to be considered by the War Office was, whether a breech-loader was to be adopted at all.

Mr. HUSSEY VIVIAN said, he was glad to hear that the attention of the Government was about to be directed to the question of breech-loading arms. He entirely concurred in the concluding remarks of the noble Marquess the Under Secretary for War. He thought that Earl de Grey had not sufficient grounds before him to justify an entire change in the rifles we were manufacturing. There was no practical difference between the Lancaster and the service Enfield up to 500 yards, within which range a battle would be fought. At 800 yards, the mean difference in favour of the Lancaster rifle was only two inches, and there was, therefore, no good reasons for the Secretary of State to go into an alteration of the whole system. It was found, on an average, that the small-bore Whitworth had a figure of merit twice as good as the service arm or the Lancaster arm. But Mr. Whitworth had made a rifle which was capable of firing the Government ammunition, and supposing it to be adopted, there would not be that enormous sacrifice of 170,000,000 rounds of ball cartridge which the noble Lord the Member for Haddingtonshire (Lord Elcho) had anticipated. In fact, Mr. Whitworth's rifle would fire it with better effect than the service Enfield. There was another point to which military men attached great importance, and that was the use of hardened projectiles. Now, those could not be used with the Lancaster rifle, while the Whitworth was admirably adapted for firing them. If the object were to shoot to great distances, it would be better to adopt the small-bore at once. Looking at it from all points of view, he thought the Secretary of State for War had acted wisely in allowing the matter to remain over during the past year.

Sir HENRY WILLOUGHBY observed, that the Vote was one that raised several very important questions. In the first place, he would point out the very unsatisfactory manner in which those Estimates were drawn up. According to the last accounts, which enabled him to compare Votes with actual expenditure, it appeared that the amount taken for wages and stores in one year was a third more than actually proved to be necessary. He was not disposed to enter into the question of the relative merits or demerits of our rifles, but he wished to draw the attention of the Committee to the fact, that for the last four years £9,250,000 had been voted for the two Votes more immediately under discussion. The House knew little on the subject, and the little which it did know was learnt, unfortunately, two years after the expenditure was incurred. The Committee ought, therefore, to weigh well the point before they gave their sanction to those two Votes involving a sum of £972,000, particularly when it was borne in mind that they had no information as to the stock in hand. Our store accounts were inferior to those of the French, because there was no one to answer for that Department, which was formerly called the Ordnance. It would, of course, be unfair to expect the noble Marquess, who so ably represented the War Department in the House, to reply to every question of detail, and it must be borne in mind that since 1855 great changes had taken place, to the great disadvantage of hon. Members, so far as the obtaining information was concerned, owing to the fact that there was no recognized organ of the Ordnance Department. When the noble Lord at the head of the Government was Secretary at War he got great credit for the able manner in which he discharged the duties of his office, but then he had nothing to do with the Ordnance, with respect to which fifty questions might now be asked to which it would be almost unreasonable to expect a satisfactory answer. A great loss of money had ensued from the manner in which we had gone on increasing our gun manufacturing establishments, and he was desirous of moving a reduction which would bring them down to the figure at which they stood two years ago. Mr. Godley and Sir B. Hawes, he might add, seemed to be of opinion that we might be carrying the manufacturing system too far, and it certainly was a somewhat extraordinary thing that when we knew what we wanted we could not procure it by contract. He did not think it possible for a government successfully to manage a department of manufactories, and the House ought to set its face against the further growth of that system. He wished to be informed what had become of the guns which had cost the country such an enormous outlay? He had been disappointed, not with the evidence taken by the Ordnance Committee, or with the Report proposed by his right hon. Friend the Member for Limerick (Mr. Monsell), the best portions of which had been struck out, but by the absence of any statement as to what had become of all the money expended. Quite enough, however, was said to alarm, for it was distinctly asserted that it was impossible to ascertain the cost of anything manufactured at Woolwich. Let the House just look at the amount which had been expended on the Armstrong guns. From the year 1858 down to the 31st of March, 1863, there had been expended on Armstrong guns £2,528,000, besides £671,000 for ammunition and projectiles. He should like to know what we had got for those large sums of money? He had been amused to hear the discussions which had taken place about calling out the Yeomanry. Why, if hon. Gentlemen had turned their attention to those Armstrong guns, they might have saved enough to keep the Yeomanry out all the year round. Of the 110-pounders, 100 had been manufactured at a cost of £483,000, apparently before any of them had been tested, and it appeared that that gun had turned out a very bad one. He should like to know whether the War Office had adopted any system by which the country should be saved from the recurrence of such enormous expense, by the appointment of a responsible person who should ascertain the proper gun to make, in order that we might stick to its manufacture and confine our expenditure to that which was really useful. He would conclude by moving the reduction of the Vote by £6,000.

COLONEL DUNNE begged to second the Motion.

Motion made, and Question proposed,

"That a sum, not exceeding £967,031, be granted to Her Majesty, to defray the Charge of the Manufacturing Departments, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."—(*Sir Henry Willoughby.*)

CAPTAIN JERVIS said, that the hon. Baronet the Member for Evesham (Sir Henry Willoughby) was attempting to bring science to a standstill. He desired that we should discover a perfect gun, and then go on with the work. That was impossible. We lived in a world and at a time at which improvements were being made every day, and even at the cost of a considerable expenditure we must avail ourselves of those improvements. Four or five years ago the late Sir Charles Napier was constantly inquiring when the navy was to be supplied with rifled guns. What did the Government do? They called the science of England to their aid, and they produced the most perfect gun, not only of that day, but which existed at the present moment either in Europe or in America. The hon. Baronet said that result had been accomplished by keeping up enormous establishments over which Parliament had no control; yet, year after year, he had gone most thoroughly into the matter and had never been able to divide the House or to strike a shilling off the Votes. Formerly the question to be settled between the Commander-in-Chief and the Master of the Ordnance used to be what was the best weapon which could be placed in the hands of soldiers in the field, but of late years, since the rifle gatherings at Wimbledon and the running deer had been set up, every man had got so learned in the art of shooting, that lectures were delivered in that House which, however well adapted to an institute of Civil Engineers, had little reference to the business of voting the public money. The noble Lord the Member for Haddingtonshire (Lord Elcho) looked at the matter rather as a target question than with reference to the wants of soldiers in the field. The Enfield rifle of 1852 was a great success, but the reduction of the size of the projectile, rendered necessary by the fouling of the piece, had diminished the accuracy of its shooting. The Lancaster rifle had the advantage that it did not foul so quickly, so that they might fire a much greater number of rounds from it than from the Enfield. Then came the large bore Whitworth, the great defect of which was that its inventor had thought too much of target practice. No doubt either the large or small-bore Whitworth would shoot very well if they were cleaned after each discharge, but they would be by no means so effective in the hands of soldiers in the field, who might be for some time without oil, and whose weapons would be exposed to fog, rain, and snow. He was glad that the question was being considered by the War Department, and he hoped that the heads of that Department would extend some confidence to their Committee; because nothing could be more discouraging than for the most able men in the service to spend two or three years inquiring into a subject and then to have their report treated as waste paper.

MR. COBDEN: I wish to say a word or two in reference to the larger question that has been raised by the hon. Baronet the Member for Evesham (Sir Henry Willoughby). I think he has put his finger on the blot in our expenditure under this head, when he refers to the great increase in our Government manufacturing establishments. It has struck me this Session particularly how enormously we have increased the amount of wages we are paying in our different establishments. Now, for the first year or two after I obtained a seat in this House—in 1841, under Sir Robert Peel's administration — we voted about £600,000 for wages in our dockyard establishments at home and abroad. We have this year voted £1,340,000 for wages in our dockyard establishments at home and abroad; and we have voted in addition £450,000 for vessels built by private contract, which, of course, would imply a very large increase in the amount of labour for shipbuilding. So that, in fact, the sum we are paying under this head for the navy this year amounts to nearly three times as much as we paid in the first few years of Sir Robert Peel's Administration. If we turn to the Army Estimates, we find that we are now voting for wages and superintendence in our manufacturing establishments £520,000. Now, that item was almost unknown in the Army Estimates and Ordnance Estimates when I first entered this House, so that you are voting considerably more than £2,000,000 this year for wages in your establishments under the head of Army and Navy Estimates. You may depend upon it that when you are voting that amount for wages you are incurring an immense amount of waste. Because there is nothing more certain than this, that whatever you manufacture as a Government you pay enormously higher prices for than if you bought it at a private establishment. There is another most serious view of this question: whatever amount your heads of Departments ask for from this House they are sure to obtain. Bear that in mind, and only consider what waste and extravagance in new machinery, new plans, and new buildings must follow from that circumstance. Since I have sat in this House we have voted five hundred millions under the heads of the Army and Navy Estimates. The fact is of so much importance that I will repeat it, for these fabulous amounts can hardly be appreciated. We have voted, during the period I mention, no less than five hundred millions sterling for the Army and Navy; and I have never known an item to be reduced or even altered by this House. Every line has been read, and every figure distinctly put, but they have all been voted. Some people may say that the mere discussion and supervision in this House must have an effect, inasmuch as there is publicity attending it. I think it has a very opposite tendency. When the heads of Departments know that whatever they ask for will be granted, and that this House is responsible for it, it is only an encouragement to them to increase their demands. There is no representative body in the world that I know of that has not a real supervision over the expenditure except this House of Parliament. We all read the other day how in Paris a most important vote supported by the Government was rejected by the Corps Legislatif; and in America the estimates themselves originate in the Houses of the Legislature. But in this House not one item is ever refused. This is not a question which hon. Gentlemen sitting on this side of the House or the other need make a party question; it is one upon which we may all look with an impartial eye. I ask you, must not such a gigantic manufacturing system as this lead to extravagance and waste? Hon. Gentlemen opposite sometimes bring forward grievances about the small pay of soldiers and sailors, but surely they will admit that in consequence of this waste in the manufacturing departments there must be less to pay for the personal services of the men. We have heard an hon. Gentleman who lately brought forward a calculation, showing how much more our army cost than the French, and he was puzzled to find where the difference lay. I venture to suggest that a great deal of it lies in these manufacturing departments—in stores and establishments. We have sometimes heard it attempted to be shown that Government manufacturing establishments can be carried on as cheaply as private establishments. You have heard the opinions of hon. Gentlemen—my hon. Friend the Member for Sunderland (Mr. W. S. Lindsay) beside me is one—extensively engaged in business, and largely concerned in manufacturing establishments; they have taken some pains to investigate it, and they all agree that you waste about one-half by all that you manufacture for yourselves. And this, not only from an increase of cost for the articles, but because being your own customers only, and having large establishments, you are constantly led to manufacture things you do not want, in order to employ your workpeople. There is another cause of waste; you rush—your departments, having a boundless purse to go to, rush headlong into all sorts of experiments. Take the case of iron ordnance—of the Armstrong gun. Up to within the last seven years, the Government never attempted to manufacture a gun at all; they used to have a plaything of the kind in an establishment where they made a few brass guns. All the guns with which Wellington and Nelson won their victories were of iron, cast at private foundries such as at Carron and elsewhere. But five or six years—I think no later than five years ago—the Government was suddenly seized with the idea that the mechanical world had come to an end; that the consummation of all invention had been attained in the discovery of the Armstrong gun, and so they set to work and organized an enormous establishment at Woolwich to manufacture those Armstrong guns. What has been the result?

A Committee, which sat for two Sessions, has told us. You have spent about two millions and a half on this gun, besides the cost of the ammunition, and the Committee admit that for all practical purposes—except the 12-pounder field pieces about which no great difficulty was ever felt—the gun has been a failure. And the Committee closed their Report with a suggestion that, as the works were to be stopped, they should be used for the purposes of experiments. I must say that the wasteful expenditure of two millions and a half is a matter that ought to have been brought under the consideration of this House. I think the right hon. Gentleman who was Chairman of that Committee ought to have brought the subject under the consideration of the House; at all events it should be a warning to them how they proceed in their wastefulness. I attach no importance to the Motion of the hon. Baronet the Member for Evesham, and shall not wait five minutes to vote for it. Having seen during twenty-three years that no vote was ever reduced in this House, I think a man may abandon a field which in all that time never yielded him a victory, without any imputation on his courage. I do not think any change can be effected in the present Estimates. But I do think that the whole subject of our manufacturing establishments ought to be entered upon and discussed in this House. I sincerely hope that the matter will be brought forward by some hon. Member more competent than myself; but if not, I certainly will venture before the Session closes to call the attention of the House generally to the subject of our manufacturing establishments, to the great increase they have undergone, and to the great waste in manifold ways which has been the consequence.

Colonel DUNNE said, he was pleased to hear a Motion in favour of reforms in those establishments promised from the part of the House where the hon. Member for Rochdale (Mr. Cobden) sat, for since 1853, when he had the honour of holding the office of Clerk of the Ordnance, he had been declaiming against them and received very little support. In that year his successor was the right hon. Gentleman the Member for the county of Limerick (Mr. Monsell), and there was introduced a system of casting ordnance which cost the country half a million, though he believed a gun had never been turned out according to that method. When the Armstrong system succeeded it, and was applied to it, these establishments had been growing ever since. When he first entered Parliament, in 1847, the principle was universally recognized, that Government establishments, except in very special cases, should only be maintained to keep down prices and to test the value of articles manufactured elsewhere, and it was since 1853 that the opposite principle had grown up and been acted on so largely. The manufacture of arms of precision might be justified as a special subject; so were shells and fusees, and equally so the carriage department; but latterly the Government had taken to tailoring. Over their enormous establishment in Pimlico the military officers at the head of it were excellent, but he doubted whether it was possible to carry on such operations profitably. Owing to what he would call the monstrous undertakings there and elsewhere, expenditure for military purposes had become fearfully swollen; but, with the exception of appointments, and the patronage obtained by Government by the number of appointments necessary in these establishments, nothing was gained by them. He denied that the efficiency of either the clothing or accoutrements of the army had been promoted thereby. As regarded the question of rifles loading at the breech, and small and large bores, which the noble Lord the Member for Haddingtonshire (Lord Elcho) had so ably brought before the House that evening, he believed that the idea of spending £4,000,000 or £5,000,000 to insure the shooting of men at 700 yards involved a great absurdity. Few men were shot at that distance but by accidental shots: great accuracy was only desirable for skirmishers and riflemen when so employed. In battle, owing to the smoke, men were nearly always killed at much shorter distances; and in providing a military weapon for our soldiers we were not bound to do more than keep pace with the improvements of foreign countries. Some of the so called improvements turned out to be entire delusions. The Prussian arms, for instance, he believed to be as bad as possible.

The Marquess of HARTINGTON said, the hon. Baronet the Member for Evesham (Sir Henry Willoughby) had raised a question of great importance, and had suggested that there should be some one in the House to watch over the expenditure on the Ordnance and for manufacturing establishments. If the hon. Baronet wished to give him an assistant in the House, who should be answerable for such expenditure as had been referred to, he should be very glad to be relieved of a part of his duties. The hon. Baronet proposed to enter upon a reversal of the policy that was entered upon in the Crimean war, but of which the House had scarcely seen enough to justify it in returning to the former system. The hon. Baronet also seemed to propose that the War Department should be again separated from the Ordnance Department. He was not prepared to say that that would not be an advantage, but the subject was one which could not properly be debated on a Vote in the Army Estimates. It was true that there had been of late years an increase in the Votes for manufacturing establishments, but on the other hand the Votes for stores had been decreasing. By having manufacturing establishments in an efficient working state, the Government were able to dispense with the necessity of keeping up an enormous stock of stores in case of war. The interest of money on those stores had to be taken into account, and also the changes made in the construction of arms, &c., which rendered those enormous stocks liable to be superseded and become obsolete. It was not, in his opinion, wise therefore to reduce their manufacturing establishments so low that the Government could not call upon them to provide the greater portion of the supplies they required when an emergency arose. He could not admit that waste and extravagance must necessarily prevail in Government manufacturing establishments. If the hon. Members for Evesham and Rochdale had studied the report of the Ordnance Committee last year they would find that the question was raised whether the Government had not been paying the Elswick Company too much for warlike stores, and that doubt was raised upon statements of the cost of the guns and ammunition made in the manufacturing department at Woolwich. The Ordnance Committee heard a great deal of evidence. They did not give a decided opinion one way or another, but no hon. Member could read the report and say it proved that the system pursued in the manufacturing department of the arsenal was more expensive than in private establishments. The hon. Baronet said the Committee did not know the price of anything. [Sir Henry Willoughby: I referred to the last paragraph of the Report.] The House, on the contrary, could see by the accounts rendered in the present year the cost of every article to the country. Mr. Rendel told the Committee that it was extremely difficult for the Elswick Company to compete with the gun factory at Woolwich, because it was so admirably and so economically conducted. Nor could he find in the Report of the Committee the sweeping condemnation of the Armstrong gun which was attributed to it. Even with regard to the 110-pounder, the Committee declared that it was useful as a chase gun, although it was not desirable to introduce it as a broadside gun. Almost every witness bore testimony to the superior accuracy and range of the Armstrong guns. The Committee, in their last paragraph to which the hon. Baronet had alluded, recommended that "a uniform system of accounts should be adopted for the manufacturing departments at Woolwich, by which the cost of guns and other produce may be clearly ascertained." The attention of the department was still directed to the improvement of the accounts. One element of difficulty, however, was the difference of opinion in regard to incidental charges, depreciation of machinery, and interest of capital. The accounts would, he trusted, soon show exactly what portion of the money annually voted went to the manufacture of each particular article.

Mr. DALGLISH said, he had understood that the manufacture of large guns at Woolwich had been entirely abandoned. [The Marquess of Hartington: They are not making 110-pounders.] The noble Lord the Secretary to the Admiralty (Lord Clarence Paget) acknowledged that the Armstrong guns were not a great success, but he alluded to two guns, the Frederick and the Somerset, which he hoped would prove to be a great success. He should like to know how many guns the Admiralty had to show for an expenditure of £249,000 at Woolwich? He should also be glad to know how many guns, and of what description, would be turned out at Woolwich for the sum of £237,000 which was now asked? He did not agree with the noble Marquess that the manufacturing establishments in the public arsenals were conducted as cheaply as the establishments of private individuals, because when the Government went to a private individual they could stop the order if they did not like what they got, but when they manufactured for themselves it was a different thing.

COLONEL SYKES said, the hon. Member for Rochdale (Mr. Cobden) had complained that since he entered Parliament upwards of £500,000,000 had been spent upon our army and navy, and he had never known an instance in which a Vote for either service had been reduced. But whose fault was it? Was it not that of hon. Members themselves who did not attend when the Estimates were being voted? He had seen on one occasion only thirteen Members in the House when hundreds of thousands were voted away, and that very night he had counted and found only twenty-three Members present. There were sixteen or seventeen Gentlemen who never failed to attend when the Estimates were on, but they became disgusted because they did not receive the support which they ought to have got from those who professed to be economists. And then, when a division came on, those sixteen or seventeen Gentlemen counted for little against the reserves of the Treasury Bench, who were brought in from the lobby, the library, and the smoking-room, to overwhelm them. But the country also was in fault. Why did the constituencies send representatives to that House who did not do their duty? The country might depend upon it, and he had told his own constituents so, there would be no reduction of expenditure until the constituencies took a pledge from their representatives that they would attend in the House whenever the Estimates were under discussion. Now £973,000 was about to be expended upon eleven different establishments, but what was the country to get for that money—how many guns, what number of small arms? The Committee had no means of judging from the papers before them. There was nothing but lump sums set down—no quantities of materials, no prices whatever. How, then, could the Committee possibly exercise its judgment as to the necessities of the demand? He would give the Committee a contrast. He held in his hand an exact copy of a similar Vote in the French Estimates, which was now being discussed in Paris, and in it was set down the prices, the quantities, the numbers of guns and of small arms that were wanted for the year, the quantities [165,000] of bronze at 2f. 60 centimes the kilogramme, the quantities [35,000] and prices of copper, zinc, tin, &c., the number of cannon, 465 to be produced from the quantities of materials and sums granted; of small arms, 32,000 infantry rifles, 2,000 dragoon rifles, 6,000 carbines, 10,000 bayonet sabres, 6,000 cavalry sabres, 1,200 cuirasses for the cavalry, and so on. With respect to the cost per head of the small arms factory for our army of 148,000 men as compared with the French army of 400,000, not including the reserves, it was £1 18*s.* 9*d.* in the English Estimates as compared with 7*s.* 3½*d.* in the French Budget.

Motion, by leave, *withdrawn.*

Original Question again proposed.

LORD ELCHO said, the debate had turned upon the question of wasteful expenditure, which might be of two kinds, either by manufacturing at too great a cost, or by persevering in the manufacture of an inferior article for the same money for which a superior one could be got. The latter was the fault of which the Government had been guilty with respect to the manufacture of small arms ever since the Report of the Ordnance Committee in 1862. He agreed with the hon. Gentleman opposite in thinking it a perfect farce to depute men of ability and intelligence to sit at Woolwich to advise the Government on these matters, to pay £6,000 or £7,000 for their salaries and expenses, and then, when they sent in a clear and uncompromising Report, to treat it as so much waste paper. That was exactly what had been done, though the noble Marquess had tried to put the question on an entirely different footing. He (Lord Elcho) had not raised the question of the small-bore rifle. The Government had tried the experiment of the small-bore by placing 8,000 of them in the hands of the troops. But there were 130,000 Enfield rifles in their hands, though that weapon had been condemned; they were still being turned out at the rate of 2,500 a week, and the Committee was asked to go on voting enormous sums for them. The House of Commons ought to refuse the money unless the Government gave a distinct pledge that it would be spent in the best way. What he was trying to do was to get a large bore, which he maintained was the best for these two reasons—that it was less liable to foul, and a shell could be discharged from it when necessary. The hon. Gentleman the Member for Glamorganshire (Mr. H. Vivian) was the originator of the Committee, and he urged as a reason for appointing it that the small-bore was superior. But the hon. Gentleman now turned round and said that there was very little difference between the two. In fact, the whole gist of his argument in defending the course of the Government was, that the Lancaster rifle was not superior at the short range, and at the long it was not much matter. [Mr. HUSSEY VIVIAN: Not so much matter.] He had in his hand a speech made on the 25th of June last year by the hon. Member, in which he said—

> "The elliptical system of rifling of Mr. Lancaster proved itself superior, not only to the ordinary service Enfield, but to the best of the rifles made on other improved principles. . . The Committee on Small Arms very quickly established the fact that the rifle manufactured by the Government was the worst, and, consequently, it would be satisfactory if the Government could inform the House that some tribunal was about to be established which would consider these matters before the country was involved in a vast expenditure. . . The regulation rifle was a weak weapon; the groovings were thin and easily worn down by the action of the ramrod, and after the firing of a comparatively few thousand rounds it became inefficient. That was not the case with the Whitworth or the Lancaster." [3 *Hansard*, clxxi. p. 1462.]

Now, he wanted to elicit from the Government a promise that that waste of public money should be put a stop to, and that, pending any question as to what the future course should be, the Government should get the best article possible under the circumstances without increase of cost. If he received any support he would move a reduction of the Vote. [*Cries of* "Move, move."] He begged to move that the Vote be reduced by the sum of £162,832 set down for the Royal Small Arms Establishment.

COLONEL BARTTELOT said, the question raised was an important one, but the best way of testing it was not by reducing but by postponing the Vote until some definite conclusion was arrived at as to what was proper to be done in the matter. There ought to be a Select Committee or Royal Commission on the subject, in order that the country might be satisfied that a large expenditure was not being recklessly incurred. He begged to move the postponement of the Vote.

SIR FREDERIC SMITH said, he believed that the present Vote was one of the most important in the Estimates; and he could but think that the public service would suffer by its postponement beyond a moderate time. The Government were bound to find arms for the service, and the present was not the time, when the waters around them were so troubled, to stop all their manufactories. The effect of maintaining the Government establishments was to diminish expenditure. The gunpowder manufactory produced cheaper and better powder than had before been obtained; and with respect to the Armstrong gun, the manufactory at Woolwich brought down the cost of the manufacture at Elswick 25 per cent. The postponement of the Vote would paralyze the establishments for a time, and therefore he could not support the Motion of his hon. and gallant Friend in favour of postponement.

LORD CLARENCE PAGET said, he agreed that the present was a most important question. He understood that the noble Lord the Member for Haddingtonshire (Lord Elcho) desired to force the Government to expend the sum set apart for small arms in such a way as to introduce a particular arm into the service.

LORD ELCHO begged to explain that what he desired was that the Government should give an assurance that they would stop the manufacture of an arm condemned by the Committee he had referred to.

LORD CLARENCE PAGET said, that the Government were responsible for what they did; but supposing the arm recommended by that Committee turned out a failure, who would then be responsible? A few years ago the late Sir Charles Napier, and various other hon. Members, called the Government to account for not introducing a rival gun to the French gun into the navy, and the Government were forced by that House to give a considerable order for the large Armstrong guns. He was not prepared to say that the Armstrong guns were not very good for certain purposes, and he was glad to have that opportunity of correcting a misapprehension of Sir William Armstrong with regard to something that fell from him on a former occasion. What he had stated was that, with regard to the precision of fire, and the precision of the bursting of the shells, there was the greatest reason to be satisfied; but that the Armstrong guns which some of the ships carried at foreign stations, and he referred particularly to the action at Kagosima, had some of the early specimens of vent-pieces, and they were a failure; but the Admiralty were taking steps to introduce the latest improvements, and he hoped that they would render these guns efficient. Comparisons had been made between the French and English Estimates, but it should be borne in mind that the English was an honest Estimate and the French was not, for after being presented to the Chambers the French Estimate was doubled by means of the system of *crédits supplémentaires.* It was said that the Government had nothing to show for this amount of £2,500,000, but he could inform the Committee that the Government now had 2,678 Armstrong guns of various sorts. It was said that a great many guns of one sort were made, and soon they became obsolete, and had to be discarded. That was just what happened with regard to the guns manufactured two years ago in immense numbers in America, and to the thirty pounders, hooped and rifled, which the French had first adopted. They were now going to a very great expense in the manufacture of guns of a new construction. It was a necessity of the transition system of the day. His noble Friend (Lord Elcho) thought he had got the right arm, but next year it might be superseded by another. He thought his noble Friend was very unreasonable in trying to induce the Committee to coerce the Government in that matter, and he hoped the Committee would not agree to the Amendment.

Lord ELCHO begged to explain that he did not wish to force any arm on the Government. All he wanted was that a stop should be put to the present wasteful expenditure of the public money, and if the Government would not give any pledge in that respect, the House of Commons was quite justified in interposing. In order to give the Government time to consider the matter, he was willing to withdraw his Motion, if his hon. and gallant Friend opposite would insist on a postponement of the Vote.

Mr. MASSEY said, that no Resolution in Committee of Supply could be postponed. It could only be withdrawn, amended, or negatived.

Lord ELCHO said, he saw no alternative in that case but to press his Motion.

Captain JERVIS said, he was glad that the noble Lord the Secretary to the Admiralty had at length learnt to appreciate the Armstrong gun, and had had an opportunity of doing justice to Sir William Armstrong. With regard to the Motion of the noble Lord the Member for Haddingtonshire (Lord Elcho), the choice of arms rested not with the House of Commons, or the War Office, but with the Crown. It was not for the Committee to tell the War Office they should withdraw a particular Vote unless a certain pattern was adopted. As to stopping the manufacture of arms, was it meant that a factory costing £100 a day was to be kept idle while the question of the relative merits of different arms was being considered?

The Marquess of HARTINGTON said, he was glad that the Vote could not be postponed, because of all the proposals which had been made that was the most unreasonable. He could not conceive what further information hon. Members expected to get. If they had another Committee, it would be two years before they got any money. In spite of the noble Lord (Lord Elcho's) repudiation, he could not but think that he wanted to force a particular arm, which even upon the showing of the Committee was only provisionally the best, on the Government. He must protest against the frequent alteration of patterns, because it tended to weaken the confidence of the army in its weapons. He denied that the War Office had altogether ignored the Report of the Ordnance Select Committee. They reported on several questions, and some of their recommendations had been adopted—that, for instance, with regard to small-bore rifles. He protested against its being held that the Report of a Committee which happened to be consulted by the Secretary of State was to be law to him. If that were so, the result would be that he would not be able to seek advice in that way at all. The responsibility of coming to a decision ought to rest with the Secretary of State. The superiority of the Lancaster over the Enfield was very slight, and it was a question for the War Office to decide whether it was worth while to incur the inconvenience of a change. The Report of the Committee showed that the Lancaster was only provisionally the best arm. It might be supplanted by the Whitworth large or small-bore; and the Secretary of State thought it was not expedient in the meantime to adopt it. The hon. and gallant Member for Aberdeen (Colonel Sykes) had praised the French Estimates for the amount of information which they afforded. On examination, however, it would be found that the figures were stereotyped, and that for the last two or three years the same amount of metal had been stated as costing exactly the same price, and turning out the same number of pieces — an uniformity which was rather suspicious.

Motion made, and Question put,

"That a sum, not exceeding £810,199, be granted to Her Majesty, to defray the Charge of the Manufacturing Departments, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."—(*Lord Elcho.*)

The Committee *divided:* — Ayes 35; Noes 80: Majority 45.

Original Question put, and *agreed to.*

(8.) £572,519, Warlike Stores.

MR. W. WILLIAMS begged to inquire how it was that Vote was £266,000 less than that of last year.

COLONEL SYKES said, that if some of the items in the French Estimates were stereotyped, so was the strength of the French army. But the cost of the manufacturing departments in the two countries, as far as warlike stores were concerned, admitted of a very close and rigid comparison. He found that the cost per head for warlike stores was in England £12 2*s.* 6½*d.*, and in France £2 13*s.* 11½*d.* No wonder complaints were made of the waste in our manufacturing departments.

SIR FREDERIC SMITH said, he wished to ask the noble Marquess (the Under Secretary for War) to explain the reason for the decrease in the present Estimate from that of last year, and if he could assure the Committee that by taking that diminished Vote he would still be able to retain sufficient stores for all warlike purposes, or whether he intended to reduce each description of stores in accordance with the diminished Vote? If so, it was to be regretted that we were to be left with an inefficient establishment; but if, on the other hand, it would give us a sufficient quantity of stores, it would be a subject of great congratulation.

MR. AUGUSTUS SMITH begged to inquire of the noble Marquess the Under Secretary for War, the reason for the increase from £56,000 to £58,000 in the establishment charges for this year?

THE MARQUESS OF HARTINGTON said, in reply, that the reduction on the total amount of the Vote was almost entirely owing to the cessation of the Elswick contract. The small increase for that establishment was due to the change which had taken place in the clothing department.

MR. MAGUIRE begged to inquire whether the clothing made by the Government was dearer or cheaper than that made by contract?

THE MARQUESS OF HARTINGTON said, the calculation of the department was, that it made clothing somewhat more economically than the articles could be obtained by contract. It was quite open to the trade to dispute the accuracy of that calculation, but since the establishment of the manufactory at Pimlico the contract price had been reduced.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £750,870, be granted to Her Majesty to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

SIR HARRY VERNEY begged to inquire what steps had been taken, in accordance with the recommendations of a Committee and a Commission, for employing soldiers in trades. The health, morality, and efficiency of the service, as well as a great saving of expense to the country, would be promoted by a much more extensive employment of soldiers on work of that description than had hitherto been practised. There was an item in that Estimate of £5,000 for reading and recreation rooms. He was informed that the establishment of those rooms in our garrison towns had exercised a most important influence upon the character of the soldier, and that where they existed crimes had much diminished. The first soldiers' institute was established at Gibraltar by Captain Jackson, and was most successful while it remained under the supervision of its founder. Since then, however, the number of soldiers who belonged to it had greatly fallen off; and he would suggest that Captain Jackson should be sent back on service to Gibraltar, to renew his exertions on behalf of an Institution which had produced so much benefit to the garrison there, and also to assist in establishing similar Institutions at other Mediterranean stations. It was desirable that the House should have a Return of the number of our soldiers in garrisons at home or abroad who were educated and trained to different trades.

MR. KINNAIRD said, he wished to confirm what had just fallen from the hon. Baronet the Member for Buckingham (Sir Harry Verney). There could be no doubt that the employment of our troops in useful occupations was one of the best means of maintaining their high character and efficiency. Great success had attended the efforts of Captain Jackson at Gibraltar, and it was to be hoped that the same system, which had the sanction of the late Lord Herbert and Sir G. C. Lewis, would be carried out in the camp at Aldershot, where great evil resulted from the want of some useful employment for the soldier. If that want were supplied in our garrisons generally, we should have a much more efficient and practical army.

Colonel BARTTELOT begged to suggest that the Chairman do now report Progress.

Mr. C. P. BERKELEY said, he must complain of the unsatisfactory and complicated manner in which the Estimate was prepared. He complained that the total estimates of works were constantly increasing without any sufficient reasons being assigned. He begged to move that the amount of the Vote be reduced by the sum of £75,000.

Motion made, and Question proposed,

"That a sum, not exceeding £675,870, be granted to Her Majesty, to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."—(*Mr. Charles Berkeley.*)

The Marquess of HARTINGTON said, he trusted the House would allow that Vote to pass that evening. With regard to the employment of soldiers in trades, an impression had prevailed that it would interfere with discipline, and the scheme had been postponed in consequence; but the Commander-in-Chief had now expressed his willingness to try the experiment. It would not do to try it on too large a scale at first, but measures would be taken to introduce the system into one or two of the regiments at Aldershot. As to soldiers' institutes, in some large towns garrison institutes had met with great success, and at Gibraltar Captain Jackson had succeeded with great trouble and labour in getting up a very efficient establishment of the kind, but since he left there it had been in a declining state. It seemed that there always would be difficulties in keeping soldiers' institutes in efficiency, unless they were connected with the regimental system. The plan adopted at present, and which had worked so successfully, was to devote a room in every barrack where it was possible, to what was called a recreation room, in which the men were supplied with refreshments, newspapers, and books; and, with scarcely an exception, commanding officers took pains to keep up these rooms in a proper state. The increase in this Vote was due, to some extent, to an increase in the price of labour, and also to some extent to the cost of transport being now charged against the buildings.

Mr. MORRISON said, he should have been glad to have been informed somewhat more fully what steps had been taken towards employing soldiers in trades for the use of their regiments. He could bear testimony of the effect in the French army of the employment of the men in trade, in the readiness with which French soldiers were able to adapt themselves to all circumstances. Great benefits had been derived from the exertions of Captain Jackson at Gibraltar.

Sir WILLIAM FRASER said, he entirely agreed with the noble Marquess, that soldiers' institutes were most successful when connected with the regimental system. He thought that commanding officers would run great risks of making their men slatternly if they employed them too much in other than regimental duties.

Mr. AUGUSTUS SMITH said, he could see no difficulty in presenting accurate Estimates.

Sir WILLIAM JOLLIFFE begged to direct attention to the dilapidated state of the buildings in the North Camp at Aldershot. There was an item for the conversion of Haslar Barracks into an hospital. He presumed that the hospital would be a military one for the Portsmouth garrison. Another item which required some explanation was the Vote with regard to the Naval Stores at Bermuda.

Colonel BARTTELOT said, he thought that the Vote was so important that he must move that the Chairman report Progress.

To report Progress, and ask leave to sit again.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee also report Progress; to sit again *To-morrow.*

UNDER SECRETARIES INDEMNITY BILL—[Bill 85.]

SECOND READING.

Order for Second Reading read.

Mr. HENNESSY said, he thought the House was entitled to an explanation of the Bill.

The ATTORNEY GENERAL said, he believed that the Bill was perfectly well understood by every Member of the House. The Committee appointed to inquire into the question of five Under Secretaries of State sitting together in that House, had determined that the seat of the Under Secretary of State last appointed should not be vacated; and it was understood that that House would indemnify him from any penalties he might have incurred by the violation of the Act of Parliament. He was sure the House would be of opinion that no such penalties should be exacted; and he certainly expected that no hon. Gentleman would have the slightest objection to the Bill being read a second time. He begged to move the second reading of the Bill.

Moved, "That the Bill be now read a second time."—(*The Attorney General.*)

MR. HENNESSY said, he did not object to the second reading of the Bill, but he thought the forms of the House should be adhered to. In Bills proposing indemnities for penalties due to the Crown it was usual to introduce them in a Committee of the whole House. The right hon. and learned Gentleman the Attorney General had told them the nature of the indemnity, but he had not told the House the amount of the penalties which the noble Marquess the Under Secretary for War had incurred. He had been informed by a curious Friend that they amounted to £153,000. He was glad to vote the noble Marquess out of those difficulties.

SIR GEORGE GREY said, the Annual Indemnity Bill was introduced in the way that the present Bill had been brought forward, and not in Committee.

MR. SPEAKER said, that the method which had been adopted with reference to the present Bill was a perfectly correct one, and that there was no occasion to introduce it in a Committee of the Whole House.

Motion *agreed to.*

Bill read 2°, and *committed* for *Tomorrow.*

UNION ASSESSMENT COMMITTEE ACT AMENDMENT BILL.

[BILL 83.] SECOND READING.

Order for Second Reading read.

MR. C. P. VILLIERS said, that the present measure was intended to supply an omission in the first Bill. By the former Act the Assessment Committee had no power to appear at the sessions to resist appeals against the rate, and the valuation was consequently often abated where it should have been maintained. The present Bill was framed with the view of supplying that deficiency. There might, possibly, be other Amendments needed, but experience had not as yet shown their necessity.

Moved, "That the Bill be now read a second time."—(*Mr. C. P. Villiers.*)

SIR WILLIAM JOLLIFFE begged to suggest that no appeal should lie from the mere fact of a man being assessed by the Assessment Committee, unless he first applied for the re-hearing of his case. Upon such an application he could take the appeal to the special petty sessions or the quarter sessions, but two appeals were unnecessary.

SIR JOHN SHELLEY said, he agreed with the remarks of the hon. Baronet (Sir William Jolliffe). He must ask for more time for consideration of the Bill before it went into Committee. Unless the Government gave an assurance to that effect he should object to the second reading.

Motion *agreed to.*

Bill read 2°, and *committed* for *Thursday,* 19th May.

VESTRY CESS ABOLITION (IRELAND) BILL—LORDS AMENDMENTS.

Lords Amendments *considered.*

The first Amendment, to leave out Clause 4, read.

MR. HENNESSY said, he wished to point out that the House of Lords had struck out the clause which empowered the guardians to bury a member of a poor family without compelling the whole family to enter the workhouse. He begged to move that the House disagree with the Lords Amendment.

SIR ROBERT PEEL said, he hoped the hon. Member for the King's County (Mr. Hennessy) would not press his Motion to a division, as such a course might bring that House into collision with the other House of Parliament.

LORD NAAS said, he viewed the matter in the same light as did the right hon. Baronet the Member for Tamworth (Sir Robert Peel).

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment." — (*Sir Robert Peel.*)

The House *divided*:—Ayes 29; Noes 9: Majority 20.

Subsequent Amendments *agreed to*.

GAOLS BILL.

On Motion of Sir GEORGE GREY, Bill for amending the Law relating to Gaols, and for the discontinuance of certain Gaols, *ordered* to be brought in by Sir GEORGE GREY and Mr. BARING.

Bill *presented*, and read 1°. [Bill 93.]

LIMITED PENALTIES BILL.

On Motion of Mr. SOLICITOR GENERAL, Bill for the amendment of the Law relating to the Mitigation of Penalties, *ordered* to be brought in by Mr. SOLICITOR GENERAL and Mr. ATTORNEY GENERAL.

Bill *presented*, and read 1°. [Bill 94.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, *May* 6, 1864.

MINUTES.]—*Sat First in Parliament*—The Lord Wentworth.

Took the Oath—The Lord Wentworth.

PUBLIC BILLS—*First Reading*—Penal Servitude Acts Amendment * (No. 66); Civil Bill Courts (Ireland) * (No. 67); Promissory Notes and Bills of Exchange (Ireland) * (No. 68); Customs and Inland Revenue * (No. 69); County Courts Act Amendment (No. 70).

Second Reading—Naval and Victualling Stores * (No. 151).

Withdrawn—Land Mortgage Bank of India *.

LAW OF DEBTOR AND CREDITOR—COUNTY COURTS ACT AMENDMENT BILL.—FIRST READING.

THE LORD CHANCELLOR: My Lords, I beg leave to solicit the attention of your Lordships to a subject which I believe to be one of great interest and importance to the people. That subject is the state of the law of debtor and creditor, and its administration as especially affecting the poorer classes of society. My Lords, I entreat your attention to this matter for a short time in the abstract, before I proceed to explain the provisions of the Bill which I am about to present, and which I trust will remedy some part of the evils now existing. The text of what I have to submit to your Lordships is furnished by the Returns that have been made to Parliament from time to time with regard to the operation of the power of imprisonment intrusted to County Court Judges. Your Lordships are aware that in 1859 the attention of Parliament was drawn to this subject, and those powers were, to a certain extent, modified; but I find, notwithstanding, that the extent of imprisonment is still, at least to my mind, fearful in amount, and attended with the most injurious consequences to the poorer classes. By a Return which I moved for some time ago, I find that in the two years ending on the 31st of December, 1863, no fewer than 17,979 persons were committed to prison. The number of days for which they were committed altogether was 309,777, and the number which they actually spent in prison was 257,251. Out of that large number of prisoners, and that great amount of confinement, I find that for one cause alone—namely, on the ground of not having satisfied the judgment and costs, having the means and ability so to do—no less than 17,850 persons were committed to prison, and the number of days for which they remained in prison were 253,860. Comparing those figures with what I have already stated, your Lordships will observe that this cause is a great and fruitful source of imprisonment. I beg your Lordships to notice that the liberty of many of these men was taken away for sums of money as low as 1*s.* 6*d.*, 3*s.* 1*d.*, 1*s.* 10*d.*, 2*s.* 9*d.*, and one person was actually committed to prison for several days for the sum of 9*d.* The sum total of the debts due on all the judgments at the time of committals amounted only to £63,438. Now, the 17,850—or as I will, for the sake of round numbers, call them 18,000—persons belonged for the most part to the operative classes—to the class of artizans and to the class of agricultural labourers—the majority being of the former class. I think the wages of an artizan may be put at from 20*s.* to 40*s.* a week, and those of an agricultural labourer at 12*s.* a week. Probably, therefore, I am below the mark when I value each day spent in prison as equivalent to 3*s.* worth of labour for each working man. Confining ourselves at present to this single ground of commitment—namely, having had ability to pay—your Lordships will find, if you multiply 253,860 days by 3*s.*, and if you estimate that each of these unfortunate persons has lost one day's work independent of and in addition to the time he is confined in prison by his attending the Court, that the value of the labour actually lost to the country by the operation of this imprisonment, in order to bring about the possible payment of

£62,438, is £43,434. Surely no system can be worse than this—that whereas the labourer or the artizan has no wealth except his ability to labour, you subject him to the operation of a law that shuts him up in prison, deprives him of the power of exercising his skill or his strength, condemns him to idleness, exposes him to contamination, and after a certain period sends him out from prison demoralized, degraded, with the probability of his being unable again to obtain work without considerable difficulty. But your Lordships must consider, in addition to this, the evils that fall upon society by the operation of this law. I have stated the loss to the country of that which is its wealth — productive labour; but we must add to that what society suffers—first, by the augmented charge thrown on the county rates in order to keep these persons in prison ; secondly, by the increase made to the poor rates for the maintenance of those who, being dependent on the productive head of the family, are by his imprisonment in many cases thrown upon the parish ; and thirdly, by the aggravation of the burden of debt by the costs payable by the prisoners, which are of course added to the debt, thus removing to a more distant time the possibility of being relieved from the debt. Let me here ask your Lordships to pause and consider whether this is a state of things which ought to be maintained ? On what right does the creditor claim a title to imprison his debtor ? What right has a man, because he is a creditor, to inflict positive loss and evil upon society ? Before he is entitled to imprison his debtor I think the least you may require of him is to prove that he gave credit to the debtor under circumstances which justified him in doing so, and which require him to punish his default by imprisonment. But, in the present case, as I shall endeavour to show, there is hardly a single creditor in a position to say that he has a right to demand this remedy on the part of society, in order that he may be enabled to recover that debt which he has thought proper to allow his debtor to contract. Let us contrast the state of the law as it is administered in County Courts with reference to labouring men with the state of the law as it exists with regard to other classes of the community. The debtor under this law may be imprisoned fifty times over for the same cause. The state of the law is such that the creditor is always on the watch to find where his debtor is employed, and then he pounces upon him and sends him to prison, frequently three or four times, in the hope of wringing from him some further contribution towards the payment of his debt. Observe the great injustice thus done to the poor. If there was a single bright spot in the original law of England with regard to debtor and creditor it was this —that by the common law if a creditor seizes the body of his debtor and keeps him in prison for however short a time, that amounted to a satisfaction of the debt—having once deprived the debtor even for a few hours of his liberty, the common law held that the debt was satisfied. But the law now established with regard to the poor permits the creditor to send his poor debtor to prison again and again—in fact, there is no limit to the repetition of the right of imprisonment except the limit which a merciful Judge may be inclined, even at the expense of the law, to interpose. The law which is the origin of the whole of these enactments is a clause contained in the 9 & 10 *Vict.* c. 95, s. 99 ; and the peculiarity of that clause as it affects the poor man is this—he is liable to be committed if he has contracted a debt without having had at the time a reasonable expectation of being able to pay it—if he has contracted it without having had sufficient means and ability to pay it. Now, a poor man has no fixed means whatever, except what his labour and the wages earned by that labour supply. If, therefore, he is not in a condition to labour, and contracts a debt, he is caught by the clause, for he is held by the law to have contracted a debt without a reasonable expectation of being able to pay it ; and if he complains that his labour from day to day should be held to be included in the words of the Act, but that he was unable to get employment at the time though willing to work, then it follows again that he has contracted a debt without having the reasonable means of paying it. The result is that the law has mortgaged the labour and earnings of the poor to their creditors for an indefinite time mercilessly and without possibility or hope of relief. The law of England was, I am sorry to say, until late times, in a very barbarous and savage state. In 1551 a case came before Chief Justice Montague, in which a question was raised as to whether a sheriff or his officer should supply a person whom he had arrested with the means of living. The Chief Justice, on that occasion, said—

> "If a sheriff or other officer takes an obligation of his prisoner for meat and drink, it is void; for if one be in execution he ought to live on his own, and neither the plaintiff nor the sheriff is bound to give meat or drink no more than if one distrains cattle and puts them in a pound, for there the owner of the cattle ought to give to them meat, and not he that distrained them. And if he have no goods he shall live of charity of others; and if others will give him nothing let him die, in the name of God, if he will, and impute the cause of it to his own fault, for his presumption and ill behaviour brought him to that imprisonment, inasmuch as the sheriff and his other officers are not bound to find their prisoners meat. An obligation (bond?) taken for meat is void, for it is *colore officii*, and the sheriff cannot take an obligation of his prisoner but in a small number of cases."

The law did not improve for a century, for, in 1633, we find Sir Robert Hyde, one of the Judges of the Common Pleas, expressing himself in nearly the same words—

> "If a man," he said, "be taken in execution and lie in prison for debt, neither the plaintiff at whose suit he is arrested, nor the sheriff who took him, is bound to find meat, drink, or clothes. He must live on his own or the charity of others; and if no man will relieve him, let him die, in the name of God, says the law, and so say I."

My Lords, I refer to these cases for the purpose of illustrating the way in which Judges almost invariably look at the matter from the creditor's point of view, which is also, as it were, that established by law. They have a notion that whatever the law has ordained must be right, and hence they regard the case with reference only to the creditor, and not with reference to what mercy, or, which is more to our purpose, the interests of society require for the debtor. At one period, the unhappy debtor was left to rot in prison. Then a more humane spirit came over the law; and the Lords' Acts were passed. Subsequently the Insolvent Debtors' Court was established. The principle of the Bankruptcy Court used to be to treat a bankrupt as a criminal; but there has been, as your Lordships are aware, a considerable modification in the administration of that part of the law, and I now wish to point out to your Lordships the difference between the law according to the County Court system, and that which has at length been established with regard to the rest of the community. When the first great advance was made in the law relating to imprisonment for debt, a distinction was drawn between the imprisonment of debtors, merely as such, and of debtors who have committed frauds amounting to a misdemeanour. By the recent changes in the law no man can now remain in prison as a bankrupt for more than fourteen days; whether he be a trader or non-trader he has equally the power to emancipate himself, unless fraud can be shown against him. I have no reason whatever to be discontented with that part of the Act. On the contrary, I hope I may be permitted to refer to it with some satisfaction, for I have seen the Queen's Prison —which had existed for an indefinite time —closed for ever, and that notorious nursery of idleness and profligacy transformed into an hospital. Under the County Court system, however, the debtor is subject to longer imprisonment; in fact, the County Court has become the parent of the very evil which we are now called upon to check. As soon as these Courts were established, there grew up along with them an infinite expansion of credit. Small shopkeepers gave credit in every village, pedlars went from cottage to cottage offering credit—every kind of temptation was held out to the improvidence, thoughtlessness, and self-indulgence of the poor man. It is his great misfortune that he now obtains credit *ad libitum*. The result is, that when he takes home his wages at the end of the week, and finds that a certain portion of them is required for necessaries for the use of his family, a struggle commences in his mind whether he shall pay for these goods in ready money or procure them on credit, and regale himself with the money in his possession. The consequence is that, in a vast number of instances, the money is spent in the public-house or in some other improper way, because of the facility of obtaining credit, and thus the poor man is inevitably demoralized. Nor does the evil end here. I learn from inquiries I have instituted, that the poor man who takes credit has, almost always, to pay from 30 to 50 per cent above the actual value of the goods if they were bought with ready money. When the shopkeeper demands payment the debtor is probably unable to meet the claim, and is carried to the County Court; the Court issues a judgment against him; and thereupon he finds it necessary to incur a fresh debt with another shop in order to make up for what he has to deduct from his earnings in partial satisfaction of the original obligation. Thus the poor man is forced to go on struggling with increasing difficulties, after he has taken the first false step. You must remember, my Lords, that in this case you are legislating for an uninstructed, half-informed body of persons, prone, no doubt, to habits of improvidence, delighting in recreations and amusement, and thoughtless as to the future, and hence you are bound to use the same care and caution as if you were legislating for children or women. The advocates of the credit system say that it is advantageous because it enables a poor man to get assistance in the time of adversity. There may be a few cases in which that happens, but they are far more than counterbalanced by the number of cases in which the debtor is demoralized by too ready and unnecessary credit. The Returns made by the County Court Judges describe the operation of the system. The Judge of a very extensive district in Wales, where there is a great number of poor labourers, says—

> "There is an extensive system of selling goods, chiefly wearing apparel, by travelling packmen, on terms of paying 1*s.* or 6*d.* per month. These purchases are almost always made without the knowledge of the husbands, and not unfrequently of the wives (the purchases being made by the daughters), and when the payments fall into arrear, which is constantly the case, the vendor enters his plaints by hundreds, and takes out his judgment summonses in large numbers. There is, in Pembrokeshire, Cardiganshire, and Carmarthenshire, a system of sales by auction which supplies nearly half the business of the County Courts in those counties. These sales comprise nearly every species of goods, and the intended purchasers are liberally supplied with beer, &c. The goods are sold on nine months' credit, with a surety, whose name is written by the clerk of the sale—A being security for purchaser B, and B being security for purchaser A. The auctioneer or clerk (who is frequently an attorney or an attorney's clerk) discounts the sale by a payment at once to the vendor, whereby the right to sue is transferred to the purchaser of the sale monies, of which the result is an enormous crop of action and judgment summonses."

All the Judges, or, at any rate, a great number of them, concur in describing the County Court as a great machine for the collection of debts, which shopkeepers, pedlars, and dealers of that sort willingly allow the labouring population to contract, depending for the payment of them on the pressure of that tribunal. The Judge of another very extensive district in North Lancashire states—

> "In the case of the Scotch pedlar the usual course is this:—He calls when the husband is at his work, tempts the wife with shawls and dresses that she really does not want or cannot afford, and gives her credit for them. She goes on paying without her husband's knowledge what she can save from the house money for perhaps a year or more; at last the creditor comes forward and demands the money from the husband; he beats his wife, and is summoned by the creditor to the County Court; thinks it unjust, particularly as the goods are sold as a rule (I speak advisedly) at three times their value; refuses to pay, and often goes to prison rather than submit to what he considers an imposition."

He goes on to say that "you can have no idea of the extent to which the system is carried on in the North of England. I sometimes have fifty cases in one day of this kind." This is the nature of the cases which result from the state of the law. I am unwilling to aggravate this part of the case with respect to the "tally" system, as what I am about to mention may be an exceptional case; but there is a case specially mentioned by the County Court Judge of the district of Cornwall, of a woman having poisoned herself, and on the inquest, it appeared that she had contracted a debt intending to keep up the payments. In the absence of her husband at sea, her furniture was seized for the debt under a County Court Order, and shortly afterwards she poisoned herself. The jury expressed their strong disapprobation of the "tally" system, and their hope that some stringent measure would be introduced into Parliament to put a stop to it. I take from a Return in reference to another county an example to illustrate the results arising in cases where credit may be had, and in cases where it cannot be obtained. The County Court Judge contrasts the circumstances of the mechanic at the Enfield Rifle Establishment, which supplies him with a great many cases, with the fact that in respect to the large body of soldiers at Colchester scarcely a private or non-commissioned officer had ever been before the County Court. He says—

> "I would contrast with that the large body of soldiers in camp at Colchester, scarcely a private or non-commissioned officer of whom can I remember to have been before me in the County Court. I am at a loss to assign any reason for this than the knowledge of the publicans and other traders of the town that these men are exempted from being committed for debt, and are not, therefore, allowed to incur any. I am thus led to the conclusion, that it is not by wholly abrogating the powers of imprisonment given by the 8 & 9 *Vict.* c. 127, and the 9 & 10 *Vict.* c. 95, that the desired object will be best attained, but by confining their application to cases of fraud, and by carefully defining the nature of the frauds which shall be so punishable."

In giving credit to poor persons, the tradesman trusts to the power of imprisonment for the recovery of his debt.

Such being the state of the law and the result of its administration, I beg your

Lordships to consider what, under the circumstances, moral justice and those principles of duty to which you would appeal, if this matter were now for the first time to be dealt with, demand of you. Suppose you found your law without any trace of imprisonment for debt, would you say that the man who had given credit had the right to throw his debtor into prison? Is that a likely mode of obtaining payment of the debt, when the unfortunate debtor has nothing by which he could pay the debt except his labour? But if you have a law producing such evils to the community, are you to be told that it is justified on the hypothesis that it may tend to alleviate the condition of the poor man in times of distress by enabling him to obtain credit? That is the only argument I find brought forward to maintain and support this state of things—namely, that this description of credit is necessary for the good of the poor man, and that credit would not be given without the power of imprisonment. I utterly deny that this description of credit is necessary or desirable, or that it conduces to the good of the poor man. I say that the very contrary system would produce habits of prudence, care, and of providence on the part of the poor; and these are the objects which your legislation should be directed to attain, and that it should not be directed to arm the creditor who unduly, improvidently, and in the spirit of competition gives credit of this kind.

I now beg your Lordships to observe the manner in which I contemplate to apply a remedy to this state of things. I propose, in the first place, to abrogate entirely the present rule of law that gives the power of imprisonment to the Judge if he is satisfied that the debtor has the ability to pay. I endeavoured to mitigate that power by introducing into the Bankruptcy Bill of 1861 a provision which required the Judge, in estimating that ability, to take into consideration the whole circumstances of the debtor. I have no reason to find fault with the conduct of the County Court Judges. On the contrary, I have every reason to be satisfied with the diligence, the care, and anxiety for justice shown by these judicial functionaries in furnishing their opinions on this subject. With the exception of that feeling which naturally actuates them in favour of the existing law, and particularly of maintaining the power of imprisonment, on which they consider the efficiency of their system almost entirely depends, I find nothing in their answers to the application for the expression of their views but great humanity and great anxiety to discharge this painful duty in the most considerate and humane way. But, my Lords, after abrogating the punishment of imprisonment for the cause I have just stated, it still is necessary to retain some principles of that criminal jurisdiction in this portion of our statute law. Therefore, there is a power to commit to prison on the Judge being satisfied that the debt was contracted without any reasonable expectation of ability to pay it. The result is that, by my measure, if passed, the law will stand thus: that if the debt was contracted by fraud, false pretences, or without reasonable expectation of ability to pay it, the debtor will be liable to imprisonment; but that imprisonment will be once for all—he will not be liable to imprisonment more than once for the same debt; but I hope to make that imprisonment not a farce, but a reality. I use the word "farce," because, from the want of some general stringent rule, I find imprisonment in some gaols is a farce and in others a reality. A person committed to some gaols is permitted to supply himself with his own food and to have strong drinks. If a debtor should have been proved to have committed one of the criminal acts which I have enumerated in the Bill, then I propose that he shall be treated as a misdemeanant, that he shall be sent to gaol and imprisoned for a period not exceeding two calendar months, but shall not be subjected to any further imprisonment. I propose in addition what I trust your Lordships will consider a humane and wise improvement. At present the Judge is obliged to confine his attention to the individual case which is brought before him. If a debtor be brought into Court upon a judgment debtor's summons, the Judge can make an order only for that particular debt; and thus a rope is, as it were, thrown round his neck, and the unfortunate man is probably compelled to go and contract other debts in order to meet his liabilities under the judgment of the Court. I beg your Lordships to figure to yourselves the case of an agricultural labourer who, in time of sickness or want of work, has contracted debt to the amount of £7, £8, or £9. Probably his wages are only 10*s.* or 12*s.* a week. He is brought to the County Court, and makes an arrangement to pay £3 or £4. But in what way can he provide for the payment of the debt? There are scarcely any means by which he can recover himself; and the Judge has no power to take into consideration the whole condition of the man. I provide, therefore, by the Bill, that whenever a debtor shall be brought up, and the Judge, from the examination that takes place, shall have reason to believe that the man has no sufficient means, either present or future, to provide for the discharge of his debts within reasonable time, then the Judge shall bring before him all the creditors, and ascertain the amount of the load which with propriety can be laid upon the debtor's shoulders, and the sum which he is to pay shall be paid into court and divided among the creditors. In this way the administration of the law in the County Courts will aid in the prevention or punishment of fraud; and, in the same way, I think there is some hope of restoring the poor man who has been involved in debt to a condition equal and corresponding to that in which the administration of your Bankrupt and Insolvent Debtors Law has for a long period of time placed those who are commonly said to be in a better condition of life. My Lords, these are the chief propositions which I make with respect to the alteration of the law—with one addition, which I hope your Lordships will think a fit and proper one. I propose that no action should lie or judgment be given for any score for beer or ale consumed on the premises of any alehouse or beershop. If the publican has the poor man inside his door, he may then and there take his money for the drink which he consumes, but he shall not tempt the poor man by the offer of credit, and score up against him a sum which for a long time may not be demanded, but which is sure to be brought forward at last to plunge him into despair. There are other clauses which I trust your Lordships will think have been properly introduced. With respect to debts under £20, there is no reason why they should be allowed to remain hanging over the poor man for a long time, as at present. I propose, therefore, to enact that the debt shall be sued for, and the judgment enforced within one year from the time when the last item of the account was contracted, or the last payment made. There is no good reason why old scores should be recorded and registered against the poor debtor, instead of having the debts promptly demanded and enforced; and by this enactment he will be emancipated from those old debts, which are sure to be brought forward when they have become most burdensome and inconvenient, whereas they might, at the proper time, have been promptly and easily paid.

My Lords, I have now gone through the first portion of the Bill, and will proceed to explain the provisions of the second portion. Your Lordships are aware that when the County Courts were first established, their jurisdiction was limited to what lawyers are in the habit of calling matters of law, in contradistinction from matters of equity. A matter of law must, of necessity, be matter of equity; but your Lordships are aware that there has been a very great distinction in our law between certain contracts, certain subjects, certain causes of action, certain rights and privileges, which belong all of them to natural justice, but which, in consequence of the indisposition of Judges at common law in former times to entertain them, have now become allocated and peculiar to "equity." To show how necessary it is to the poorer classes that they should have the benefit of "equity," I shall give one or two examples. A poor man may die worth some £80, £90, or £100, and may leave behind him a widow with four or five children, or some brothers and sisters. If a quarrel should arise the County Court has no jurisdiction—no relief can be had without coming to the Court of Chancery. But the Court of Chancery, though I am happy to say greatly ameliorated, is still a machine utterly incapable of dealing with property of small amount. The smallness of the property sinks beneath the weight and expense of the machine. It is not right that it should be necessary to drag these small matters before a Court whose machinery is so utterly unsuited to such cases. If you will but suppose a case of a small property of this kind being brought up from Lancashire or Cumberland, you will at once see the absurdity and injustice. It is not right when a poor man has left behind him £100 to be distributed among his brothers and sisters, that there should be no means of distribution. Again, that in the case of a partnership in a country town, where the goods do not perhaps exceed £100 or £200, where there is a quarrel between the partners, and one appropriates the lion's share, there should be no remedy without going to the Court of Chancery. In all these and similar cases, I propose to invest the County Court Judge with summary equitable jurisdiction, to be administered promptly, economically, without much form, without delay, and I hope in a manner that will supply a want which has long been felt, and with respect to which I have one concurrent testimony from the County Court Judges, that this addition to their powers will tend greatly to the relief and benefit of the poorer classes, and will remedy what amounts at present to a palpable denial of justice.

There is one other point to which I beg your Lordships' attention. Your Lordships are aware that when the County Court system was established, the power of suing for small debts in a superior court of common law was not taken away, but that power was attempted to be checked by providing that costs should not be recovered. But, unfortunately, as the power remains, many unscrupulous practitioners, when they are desirous of extorting payment, resort to the machinery of the superior courts, calculating upon the submission of the debtor, and making that calculation constantly with success, because it would be impossible for the defendant to resist the action, although he might have a good case, without incurring in the progress of the defence a greater amount of cost to his own attorney, than the sum for which the original writ was issued. I propose to introduce provisions in the Bill which I hope will be sufficient to prevent the abuse of the power of resorting to the process of the superior courts of law.

My Lords, this is a measure to which I earnestly entreat the attention of your Lordships, because in your several positions you have an opportunity, in the most extensive and most effective manner, of ascertaining what is needed by the condition of the labouring and operative classes. I desire to make the law with regard to these classes as plain, as economical, and as readily applicable as I desire to see it in regard to the other classes of the community, and even more so. Therefore, I repeat with some diffidence, but with an earnest hope and conviction that you will deem this measure worthy of your best attention, I submit to you the result of the great and anxious consideration which I have given to the subject, in the hope that, by the aid of your Lordships, this Bill, although, perhaps, not in the form in which you will ultimately affirm it, may yet go from this House and result in such a change in the law as may tend to the benefit of the labouring classes of the community. The noble and learned Lord then *presented*—

A Bill for Limitation of Actions and Process for Small Debts, and to amend the Acts relating to the County Courts, and to confer on such Courts a limited jurisdiction in Equity.

Lord CRANWORTH said, he entirely concurred in the opening part of the speech of his noble and learned Friend. He thought it extremely desirable to get rid of imprisonment for debt under the County Court process. How far it was possible to do without it, however, he was not prepared to say until he had seen the provisions of the Bill. He owned that he entertained opinions which his noble and learned Friend (Lord Brougham) considered the most heterodox that could be proposed, but he was not quite certain that ultimately Parliament would not see fit to enact that all debts under a certain sum should be debts of honour, and incapable of being recovered by law. There might be some difficulty in such a state of the law; but the alternative was either imprisonment for debt or the seizure of all the debtor's goods. If, however, the debt did not exceed £3 or £4, the probability was, among certain classes of the community, that the goods would not produce the sum.

The LORD CHANCELLOR said, he had neglected to state that it was a provision of his Bill that household goods should not all be seized, but that goods of a certain value should be left. He also proposed that tools should not be taken, so as to interfere with a man's calling.

Bill read 1^a, and to be *printed.* (No. 70).

House adjourned at a quarter past
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 6, 1864.

MINUTES.]—Select Committee—On Case of Mr. Bewicke, *nominated.* [See April 29].

Supply—*considered in Committee*—Committee—R.P.

Resolutions [May 5] *reported.*

Public Bills—*Resolutions in Committee*—Chief Rents (Ireland) [Stamps] *.

Ordered—Militia Pay *.

First Reading—Administration of Trusts (Scotland) * [Bill 95].

Third Reading—Local Government Supplemental * [Bill 80], and *passed.*

EMIGRATION FROM IRELAND.

QUESTION.

Mr. SCULLY said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been directed to the proposed Act of American Congress providing for the reduction of Tonnage Dues on Emigrant Vessels, and for the appointment of a Government Commissioner of Emigration, who shall be empowered to contract for the importation of Emigrants, and for their transmission into the inland districts of the United States; and whether it is the intention of the present Government to adopt any measures either towards diverting into some of Her Majesty's Colonies the increased and increasing Emigration from Ireland, or towards arresting that Emigration by providing industrial employment at home, or by reducing exorbitant taxation, or by improving the Land Laws, or by abolishing religious distinctions, or by conceding to Irishmen some participation in the government of their own country, or otherwise?

Sir GEORGE GREY, in reply, said, his attention had not been called to the proposed Act of Congress referred to until the previous evening, when the hon. Gentleman showed him an extract from a newspaper stating that such an Act had been proposed. There was undoubtedly a large emigration going on from Ireland, and mainly directed towards the United States; but the reason was obviously to be found in the fact that wages in America were very high, artificially high, in consequence of the war, while in Ireland they were comparatively low. Her Majesty's Government did not think it would be expedient, even were it practicable, to endeavour to resist such emigration by the providing industrial employment at the public expense. He must also say that he thought Irishmen had a fair share of the benefits accruing from reductions of taxation, and he was not aware that any alteration of the laws relating to land would tend to diminish emigration. Religious distinctions had, happily, been abolished; and he would remind his hon. Friend that the people of the sister country lived under the same Constitution as the people of England.

HALIFAX AND QUEBEC RAILWAY.

QUESTION.

Mr. AYTOUN said, he would beg to ask the Secretary of State for the Colonies, Whether it is the intention of the Government to ask the sanction of Parliament during the present Session for a guarantee of interest on a sum of money required to complete the Railway from Halifax to Quebec; and, if not, whether the intention of doing so is finally abandoned; and whether any Correspondence has taken place between the Colonial Office and the Authorities in Canada and British Columbia on the subject of the proposed telegraphic communication between Canada and the Pacific, subsequent to that which was produced last year; and, if so, whether he has any objection to lay Copies of such Correspondence upon the table?

Mr. CARDWELL replied that there was no intention of asking from the House, during the present Session, any guarantee for the Railway between Halifax and Quebec. The subject, however, had not been abandoned, and was still under the consideration of the several Colonies interested in the subject. There would be no objection to lay the additional Correspondence which had taken place on the table of the House if the hon. Member would move for it.

DENMARK AND GERMANY.

THE CONFERENCE.—QUESTION.

Mr. NEWDEGATE: Sir, I have heard from the right hon. Gentleman the Home Secretary, with sincere regret, that the noble Lord at the head of the Government is not likely to be in his place to-night, and that it is also doubtful whether he will be here on Monday; but the right hon. Gentleman has also informed me that he will himself answer the Question which I have put upon the paper. I would crave the indulgence of the House, while I state very shortly the reasons for my putting this Question. A Conference of the Great Powers has been sitting, at which Austria, Prussia, Denmark, and England are represented; and it is understood that this Conference is to deliberate with reference to the immediate state of things incident to the war. England has not ceased to be the ally of Denmark; and whatever may be the feelings of the representatives of the other Powers—["Order, order!"]

Mr. SPEAKER: It is the rule of the House that a hon. Member putting a Question must confine himself strictly to the facts necessary to explain it.

Mr. NEWDEGATE: It is without intending any disrespect to the Conference that I have put this Question; but I think it is inconsistent with the dignity of England—["Order!"]

Mr. SPEAKER: Any expressions of opinion on the part of the hon. Member are out of order.

Mr. NEWDEGATE: I beg pardon. I will simply state that as England is the ally of Denmark, I do not think—["Order!"] I will put the Question of which I have given notice, and which in a great measure explains itself. I merely wish further to state that the contributions levied upon the people of Denmark—["Order!"] I cannot conceive that this is a matter of indifference to the House of Commons—["Order!"]

Mr. SPEAKER: I must request that the hon. Gentleman will put his Question.

Mr. NEWDEGATE: I beg your pardon, Sir; I see that certain hon. Members are combined to refuse the indulgence I asked, I will, therefore, simply put my Question, the terms of which, happily, explain my reasons for putting it. I therefore ask the right hon. Baronet, as the representative of the First Lord of the Treasury, Whether Her Majesty's Government intend to adopt any measures likely to be more effectual than those which have hitherto been attempted, for the purpose of relieving the People and King of Denmark from the oppression to which they are daily subjected?

Sir GEORGE GREY: The hon. Gentleman has truly stated what we all know, that a Conference is now sitting, and we hope and trust that the first result of it will be to establish an armistice. Under these circumstances, and without anticipating events, the only answer I can give the hon. Gentleman on the part of the Government is this—that Her Majesty's Government will continue, in combination with the other Powers, to take those means which appear most likely to effect the object they have in view—namely, the termination of the war, and the satisfactory settlement of the questions between Denmark and Germany.

RAILWAY AND CANAL BILLS.

QUESTION.

Mr. RICHARD HODGSON said, he wished to ask the Chairman of the General Committee on Railway and Canal Bills, Whether the Committee will meet to consider the Clauses referred to them on the 26th day of April last by the House, so that any Clauses which the Committee may recommend may be inserted in Bills of the present Session to which they are applicable?

Lord STANLEY said, in reply, that the clauses had been referred to the General Committee, with the intention that they should Report to the House whether they ought or ought not to be adopted. That inquiry would take place, but they understood that it was likely that objections would be taken to those clauses by parties interested in railways, and it would not be just, therefore, that a decision should be come to without allowing those parties to appear before the Committee.

CRIMINAL RETURNS.

QUESTION.

Mr. DENMAN said, he would beg to ask the Secretary of State for the Home Department, Whether the number, 46, given in the 18th column of page 53 of the Criminal Returns for England and Wales for 1852, as that of persons found "Not Guilty on Trial," includes, or does not include, any persons tried upon a charge of Murder and found guilty of Manslaughter only?

Sir GEORGE GREY, in reply, said, the Return represented the number of persons acquitted of murder and not found guilty of manslaughter.

SEWAGE, &c. (METROPOLIS), COMMITTEE.—QUESTION.

Mr. HENLEY said, he wished to ask the noble Lord the Member for Huntingdonshire (Lord Robert Montagu), If he would object to an Instruction being moved to the Committee appointed "to inquire into any plans for dealing with the Sewage of the Metropolis and other large Towns, with a view to its utilization to agricultural purposes," that they do inquire into the effects of discharging sewage into the brooks or rivers?

Lord ROBERT MONTAGU replied, that the Committee had already to investigate a very large question, but if the right hon. Gentleman would bring forward a Motion as an Instruction to the Committee, he had no doubt they would arrive at some definite conclusion on the matter to which he referred. He also hoped that the right hon. Gentleman would allow himself to be added to the Committee.

WELSH STEAM COAL.

QUESTION.

MR. HUSSEY VIVIAN said, he wished to ask the Secretary to the Admiralty, Whether the experiments on the relative value of Welsh Steam Coal alone, and Welsh and North Country Coal mixed, detailed in the Return dated 15th February, 1864, are regarded by the Admiralty as final, or whether practical trials at sea upon this question are about to be made?

LORD CLARENCE PAGET, in reply, said, he had to state that those trials were not by any means considered as final. The Admiralty had ordered practical trials at sea to take place as regarded the Welsh and North Country Coal, and the Reports of the experiments were to be made to the Admiralty.

DENMARK AND GERMANY—H.M.S. "AURORA."—QUESTION.

MR. DARBY GRIFFTH said, he would beg to ask the First Lord of the Treasury, Whether the *Aurora* frigate, under the command of Sir Leopold M'Clintock, has been sent to the North Sea in the direction of the Austrian Squadron; and, if so, why a force more adequate to cope with any possible contingency that might arise has not been dispatched at the same time?

LORD CLARENCE PAGET: In answer, Sir, to the hon. Gentleman, I have to state that the *Aurora* has been sent to the North Sea in accordance with our constant practice in this country, that, when foreign squadrons are cruising on coasts where we have considerable commercial interests, we should have a ship in the neighbourhood to watch those interests, and for that purpose I think I may state the *Aurora* is perfectly adequate to the service on which she is sent.

SIR JOHN PAKINGTON: The question just put by my hon. Friend assumes that the Austrian ships have left the Downs. I wish to know whether the noble Lord is in a position to inform us whether they have left, and, if so, what was the destination of the squadron which sailed?

LORD CLARENCE PAGET: Yes, Sir, they have left the Downs, but I really cannot answer as to their destination.

SIR GEORGE GREY: I wish to repeat what I stated to the House on a former occasion—that Her Majesty's Government have received from the Government of Austria a distinct and positive assurance that the destination of the Austrian squadron is the North Sea, and that their object is to prevent a blockade of the Elbe and the Weser, and protect German commerce in the North Sea. That is stated to be their exclusive object.

MR. DARBY GRIFFITH: I wish to ask the right hon. Gentleman the Home Secretary, whether he has asked an explanation of the Admiralty as to the circumstances under which he, representing avowedly the Prime Minister in this House, was left in ignorance yesterday, and was placed in the painful position of not knowing and being allowed to deny what had been announced in a Government paper—namely, the fact of the sailing of the *Aurora*?

SIR GEORGE GREY: The question asked of me by my hon. and gallant Friend below the gangway (Colonel French) was whether the *Aurora* had sailed to the Baltic; and, in reply, I believe I stated there was no foundation for the report that she had sailed to the Baltic.

MR. DARBY GRIFFITH: Does the right hon. Baronet mean to say that he used the term "Baltic" in an exceptional sense?—that is to say, that he answered in the letter instead of in the spirit of the inquiry? I wish to ask the right hon. Gentleman whether he did not understand the question practically to be, whether the *Aurora* had sailed to the North Sea?

SIR GEORGE GREY: I understand it to be as it was expressed by my hon. and gallant Friend—and I think he will agree with me that I interpreted him rightly—whether the *Aurora* had sailed to the Baltic.

SIR JAMES ELPHINSTONE: I would ask the noble Lord to what place is the *Aurora* gone? Is she gone to Heligoland? I understand she is gone there; and I should like to know whether she is to remain there, or to cruise, or to go up the Elbe?

LORD CLARENCE PAGET: The last news we had of her was in a telegram to-day from Heligoland. She is there, and probably to ascertain the proceedings of the Austrian squadron.

BUSINESS OF THE HOUSE — THE WHITSUNTIDE RECESS.

SIR GEORGE GREY said, that as it was doubtful whether the noble Lord at the head of the Government would be in his place on Monday next, he should postpone his noble Friend's Motion with reference to the Committee of Council on Education till the following Thursday. He might also mention that on Friday next his noble Friend intended to move the adjournment of the House till Thursday, the 19th inst.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PUBLIC SCHOOLS COMMISSION.

RESOLUTION.

MR. GRANT DUFF: Sir, I am sure that I shall not be accused of using mere words of course, if I say that the Question to which I venture to ask for a time the attention of the House, is one of the most important that can possibly come before us. It is, Sir, a very large and a very difficult Question, but it has one peculiarity which may be taken as a set off against its magnitude and its complications. It is, at least, no party Question. It lies above and altogether out of the reach of the conflicting opinions which divide the two sides of this Assembly, and nothing but the most perverse ingenuity could enable any one to show that Conservatives and Liberals are bound to think differently upon any one of the issues which are likely to be raised in our discussion to-night. The Commission, to the Report of which I am calling attention, was appointed, as many hon. Members will recollect, nearly three years ago. Its immediate occasion, though not its cause, was the controversy which had arisen in the periodical press about the state of Eton; a controversy which was at first angry, but which before it closed became on both sides more amicable. It was at one time proposed that the area over which the inquiry was to extend should be considerably wider than it actually was. The schools and collegiate bodies, which were ultimately marked out for inquiry, were Eton, Winchester, Westminster, Harrow, Rugby, St. Paul's, Merchant Taylors', Charter House, and Shrewsbury. The Commission was very fairly selected; it included one distinguished Member of this House, the right hon. Gentleman the Member for Stamford; three Members of the other branch of the Legislature, Lord Clarendon, Lord Devon, and Lord Lyttleton, selected, I presume, respectively as a man of the world, a man of business, and a scholar; Professor Thomson, now Professor of Greek at Cambridge, and Mr. Vaughan, late Professor of Modern History at Oxford; last, not least, Mr. Twisleton, whose learning and high culture are well known to all. Those who, like myself, considered that there was room for very great improvement in the present state of our higher education thought, when we read the names, that we had obtained a Commission which would be rather a fair representation of existing views than one very likely to report in accordance with our wishes, and we trusted more to the indirect effect of the information which we knew would be brought out, than to any direct effect which could be expected to arise from the recommendations of the Commissioners. I am bound to say that we have been most agreeably disappointed. I shall, as I proceed, have to show that here and there I do not agree with some of the views of the Commissioners; but with the general tone of their Report, and with the majority of their suggestions I have no fault to find. The purposes to be served by a discussion of the Report in this House, seem to be twofold: 1. That the Government may be encouraged to bring in a Bill with a view to carrying into effect such recommendations of the Commissioners as require the aid of Parliament to carry them into effect; and 2. That the attention of Parliament and the country may be called to the recommendations which are addressed to the governing bodies and the head masters of the schools. The Report is divided into two parts. The first, which is much the shortest, gives the general results of the inquiry into what is intelligibly, but loosely, called public school education, and sums up the general recommendations of the Commissioners, those, namely, which are applicable to all schools. The second, which runs to great length, consists of nine separate and very careful accounts of the several schools, to each of which is appended a summary of the special recommendations applicable to that particular school. It is, of course, chiefly to the first part that I shall ask hon. Members to direct their attention. Before we pass to what the Commissioners describe and recommend, let me recal to the recollection of the House what were the allegations of the educational reformers. They resolved themselves into two: 1. That the education given to average boys at the public schools was extremely bad; and secondly, that the education given to the most successful boys was, when compared with the requirements of the age, sadly inadequate. On both these counts of the indictment the Commissioners have found, so to speak, a verdict for the prosecution, as they have also, upon a hundred other counts, some of which are of no inconsiderable, though secondary importance. Of secondary importance I say, for let it never be forgotten that all questions about the property, the external government, and about the internal administration, are only auxiliary to these two. Is the range of study wide enough, and are the subjects which are attended to efficiently taught? Here is the answer of the Commissioners to the first question—

> "The education appears to us sound and valuable in its main elements, but wanting in breadth and flexibility—defects which, in our judgment, destroy in many cases, and impair in all, its value as an education of the mind; and which are made more prominent at the present time by the extension of knowledge in various directions, and by the multiplied requirements of modern life."

To the second question they reply—

> "We have been unable to resist the conclusion that these schools, in very different degrees, are too indulgent to idleness, or struggle ineffectually with it, and that they consequently send out a large proportion of men of idle habits and empty and uncultivated minds."

This passage is further illustrated by what follows:—

> "If a youth, after four or five years spent at school, quits it at nineteen, unable to construe an easy bit of Latin or Greek without the help of a dictionary, or to write Latin grammatically, almost ignorant of geography and of the history of his own country, unacquainted with any modern language but his own, and hardly competent to write English correctly, to do a simple sum, or stumble through an easy proposition of Euclid, a total stranger to the laws which govern the physical world, and to its structure, with an eye and hand unpractised in drawing, and without knowing a note of music, with an uncultivated mind and no taste for reading or observation, his intellectual education must certainly be accounted a failure, though there may be no fault to find with his principles, character, or manners. We by no means intend to represent this as a type of the ordinary product of English public school education; but speaking both from the evidence we have received and from opportunities of observation open to all, we must say that it is a type much more common than it ought to be, making ample allowance for the difficulties that have to be contended with, and that the proportion of failures is therefore unduly large."

The view here put forward is borne out by the evidence of many of the leading tutors

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at Oxford, summed up in pages 24 and 25 of the Report. The Dean of Christchurch says—

> "Very few can construe with accuracy a piece from an author they profess to have read. We never try them with an unseen passage; it would be useless to do so. Tolerable Latin prose is very rare; perhaps one piece in four is free from bad blunders; a good style is scarcely ever seen. The answers we get to simple grammar questions are very inaccurate."

Remember that these young men, of whom the Dean of Christchurch thus speaks, are, after all, not the average product of your public schools. The average product is an even inferior article—an article so inferior that the head masters of all the schools, except Rugby and Shrewsbury, positively refused to allow the Commission to examine them for themselves, lest they should see how bad it was. The correspondence with regard to this is given at length, and should be read. How, then, do the Commissioners propose that we should remedy this state of things? They begin by proposing to re-constitute the governing bodies to which are confided the selection of the head masters, and the making of those permanent regulations which form, so to speak, the code of each school. The constitution of the bodies which at present govern these nine schools is very varied—in some better, in others worse; but in no one instance does it fulfil the conditions which are very properly insisted upon by the Commissioners in the following passage:—

> "In some cases, as will more fully appear hereafter, the governing body was designed for a school very unlike that which it now has to govern. We are of opinion that in most cases, either from this cause or from the altered circumstances of the times, some modifications in the governing body have become necessary, and that, unwise as it certainly would be, in this as in other respects, to aim at mere uniformity, there are some common features which should generally belong to the governing body of a great public school. Such a body should be permanent in itself, being the guardian and trustee of the permanent interests of the school; though not unduly large, it should be protected by its numbers and by the position and character of its individual members from the domination of personal or local interests, of personal or professional influences or prejudices; and we should wish to see it include men conversant with the world, with the requirements of active life, and with the progress of literature and science."

I do not think there are many persons in the House who will disagree with the general spirit of these remarks, although, of course, there will be a conflict of opinion about the constitution of the particular governing bodies suggested for each school. Nor will there be much difference of view about the necessity for revising statutes on the principles adopted by the Commissioners in these words. "The statutes of founders are to be upheld and enforced whenever they conduce to the general objects of the foundation; but they are to be modified whenever they require a closer adaptation to the wants of modern society." Subject to the general superintendence of the governing bodies, the Commissioners propose, and rightly propose, that the head master should be well nigh absolute. The greatest diversity prevails in this respect at present. At Eton, for example, a head master, who, like Mr. Goodford, had an experience of many years as a teacher, could hardly move hand or foot without the permission of his distinguished, but latterly very obstructive, superior, Provost Hawtrey; while at Harrow, Mr. Butler, fresh from college, was virtually independent of any control in the discharge of the duties of his office. The Commissioners think that the head masters should be assisted by a school council, with a consultative, but not legislative voice, and with the power of addressing the governing bodies when a majority desires to do so. How well an institution of this kind works, and has long worked at Rugby, is sufficiently known. How bitterly the great majority of the assistant masters of Eton regret the absence of any such institution is a fact not less familiar. Not many will now wish that the selection of the head master in any school should be limited by arbitrary restrictions; but with regard to the recommendation which immediately follows that, namely, that the classical languages and literature should continue to hold the principal place in the course of study, some controversy may arise in this House, and out of it. Having regard, I will not say to what is abstractedly best, but to what is best in present circumstances, I, for my part, entirely and cordially agree with this proposition; but, in the method of carrying out the eighth recommendation, I should in some respects differ from the Commissioners. It seems to me that the only reasonable object to be set before us in teaching the classics is to make a young man of good abilities and application, when he has finished his classical course, able not only to read with facility everything that is not extraordinarily and exceptionally difficult in the two languages, like the choruses of the Choephorœ or the Trachiniæ, but that he should have read whatever is most admirable in classical literature, and that he should have a fair scholarly acquaintance with the whole of Greek and Roman history. That is not a large demand to make, even if you very materially curtail the amount of time now given to classics. It is not a large demand to make even if a boy only begins Latin at twelve, when you think that far the greater part of his time between that age and the period at which he leaves the University, say ten years, or the best hours of a seventh part of an ordinary human life, is given up to the classical languages, and to the knowledge to which they are the key. But is anything like this obtained at present by a course of classical study, which, carried on to the end of the University period, begins often at eight or nine years old? Is it gained, I ask, not by idle or stupid men, but by the very best of your students? Take the three classes of the classical tripos at Cambridge, and take the four honour classes at Oxford, and seek amongst their members for the kind of knowledge of which I speak—you will find the Cambridge men fail egregiously in knowledge of the matter of the authors which they have read, although more able to translate passages presenting some considerable difficulty, at sight. You will find the Oxford men, although admirably well acquainted with the language and matter of a certain number of books, and these very important ones, yet failing in the power of being able to read unfamiliar classical authors with sufficient ease, and very indifferently acquainted either with Greek or Roman history during the periods not covered by their books—very imperfectly acquainted, for example, with the age of Alexander the Great, or of the Antonines. Now, the cause of this is perfectly obvious—it is the exaggerated importance which is attributed to Latin and Greek composition. I am glad to see that there is an immense weight of evidence against verse composition in the appendix to the Report, but there is a clinging to prose composition in those languages, and even in some cases a clinging to Latin composition when the utility of Greek composition has been frankly given up as incapable of defence. I allude more especially to the evidence of the Master of Trinity, Cambridge. In this matter of composition the Commissioners make concessions, but they do not make sufficient concessions. I confess that I am on this one point thoroughly revolutionary. I feel that every hour which I myself ever took from reading good Latin and Greek, and gave to writing bad Latin and Greek, was an hour lost, and I defy any one to prove that such hours are ever employed to advantage, except by perhaps three or four boys out of a hundred, who happen to have the peculiar knack of writing what is called brilliant composition; and when you have attained to this pinnacle, when you can write Greek verses like Mr. Riddell in the Anthologia Oxoniensis, or Latin verses like Professor Conington or Professor Goldwin Smith, in the same volume, have you done anything better than gain an accomplishment entitled to rank amongst intellectual acquirements, pretty much as fencing does amongst physical acquirements? No amount of sophistry can prove that there is any one important gift of the human intellect which is at all more brought out by Latin and Greek composition than by composition in other languages. In discussing the question, there is an everlasting application of the argument *post hoc ergo propter hoc.* We are told, for example, that such and such a person wrote good Latin verses before he made good speeches or wrote good leading articles, and then it is quietly assumed that he had the power to do the one only because he had done the other. I will not raise the question whether it is in the nature of things possible for a modern to write really well in Greek or Latin at all, although I fully believe that the least successful contemporary imitators of Cicero would have smiled at our Ciceronian Latin, and the weakest poet who ever failed at Athens would have found little to admire even in the "Greek Verses of Shrewsbury School." The Vice Chancellor of the University of Calcutta told the young Bengalees the other day—

> "Depend upon it, no man ever wrote well by striving too hard to write well. English can only be well written by following the golden rule which Englishmen follow, or ought to follow, and that rule is never to try deliberately to write it well."

Why should what is true of English not be true of Latin and Greek? The practice of orally translating and re-translating is exempt from many of the disadvantages of composition, and a chain of authorities in its favour may be cited from the days of the younger Pliny to those of the younger Pitt. It is strange that it seems to be so little kept up in any of our schools—only, I think, at St. Paul's. An immense amount of time appears to be lost at more than one of these schools in repetition. Much of this will, I hope, be done away with if the quantity of verses is diminished, or more certainly still, if they are gradually abolished. What is gained by making a boy say, for example, the Alcestis of Euripides from beginning to end? To learn so much, and to have it ready at a moment's notice, is a task which costs even boys with excellent memories many hours of application, and when a boy has an indifferent memory, it must be a terrible infliction. It is stated in the evidence before us that, I think at Winchester, boys have been known to repeat as much as 7,000 lines at a time. Surely it would be far better if the authorities of each school were to compile a small volume which consisted entirely of really choice passages, to be committed to memory. Such a selection, if really well learned, would be a valuable possession for after life, but who cares to retain in his head whole books of the Æneid or entire Greek plays. The other studies on which the Commissioners insist are Arithmetic and Mathematics, one modern language (either French or German), one branch at least of Natural Science, and either drawing or music, to which are to be added a certain amount of religious teaching, History, Geography, and English composition. To those who feel inclined to doubt the expediency of giving instruction during at least part of the school course, in drawing or music, I would, without dwelling on the more obvious arguments in favour of these studies, recommend the perusal of some of the evidence given by that eminent scholar, Dr. Kennedy, of Shrewsbury, with regard to the bearing which they have upon classical scholarship. Nothing is more curious, indeed, than the little effect which our present classical training has in disposing the minds of those who go through it to the study of ancient art. Turn the six best Cambridge men and the six best Oxford men of their year loose in the Vatican, and you will find them hardly, if at all, more capable of understanding and appreciating what they see than any tolerably educated person. It may be doubted, I think, whether French should not be made obligatory in the case of all boys. Whether or not its utility, as a means of education, is as great as that of some of its rivals is, of course, an open question. For my own part, I am inclined to think that it is at present rather too much the fashion in this country to depreciate the literature of France; and I am quite sure that the precision of French thought, that sort of honesty as between author and reader, which is so characteristic of French books, and which makes you certain as you read them that at least the writer knows what he means—nay, the very limitations upon the power of expressing ideas which mark the language—are useful correctives to certain tendencies at present very rife in our own literature. But whatever may or may not be its importance as an instrument of education, its enormous importance as a subject of instruction makes it unnecessary to discuss its educative utility. It seems to me that the Commissioners have exercised a very wise discretion in postponing the claims of Italian to those of German. True it is that in favour of the first may be urged its affinity to Latin and to French, rendering it, as they do, singularly easy to teach in conjunction with these two languages. Then it is undoubtedly, in the Mediterranean and the East, extremely useful; nor must it be forgotten that the growing political importance of Italy, and the great awakening which is taking place there, will make it increasingly desirable to be acquainted with the language which is spoken by a great and powerful people. I must also admit that I know no means so appropriate as the study of the great writers of the Italian middle age for giving a lofty, ennobling, refined, and, as I may say, specifically Christian culture. The atmosphere, so to speak, which we breathe in the writings of Goethe is the same as that in which we all live. It is essentially modern. When we turn, however, to the Divina Commedia, we breathe another atmosphere. The world of Dante was a world almost as different from ours as the world of Sophocles. It is perhaps a hasty generalization from Milton, but one cannot help thinking that the early and deep study of the Italian literature is calculated to bring out in a very singular degree some of the finest characteristics of the English mind. The arguments, however, in favour of German are irresistible. It is at least as useful as Italian, not only from the number of people who speak it, but from the number of languages to which it is the key. The two reasons, however, which seem to me conclusive in its favour are the following. In the first place, the difficulty of really mastering it is so great and so serious that the most bigoted adherent of the present system cannot afford, if, that is to say, he has himself acquired it, to treat it as an inadequate substitute for part of that Greek and Latin training, the difficulty of which is, to the minds of such people, its peculiar charm; and secondly, because the literature of Germany is to such an extent a reservoir of knowledge and of ideas that, with the exception of the exact sciences, there is no one subject of human research upon which anyone can thoroughly inform himself without being driven to German sources. Take the very subject of classics. I do not ask, are there not many German books which are indispensable? but are there any books of much importance in use in our schools or Universities which are not either wholly German or taken to a great extent from German sources? So it is with history, so with philosophy. Open any book on the theological controversies now raging in this country, and, strange to say, neither on the orthodox nor heterodox side is there almost a single authority cited which is not either German or wearing the uniform of one or the other widely divided schools of German opinion. A suggestion is made by Professor Müller respecting the assistance which might be derived in teaching both Latin and French from comparative philology, and he mentions a grammar, that of M. Egger, the well-known Professor in Paris, which is founded upon this principle. I am glad to see that the Commissioners think that the suggestion may be turned to practical use. I am somewhat surprised not to have observed that any questions had been put, or any suggestions made, with respect to paying more regard in the teaching of Greek, to the assistance to be derived from the living language. This subject has been brought very much before those who in Scotland take an interest in such matters, by Professor Blackie, well known as the translator of Æschylus. I do not myself venture to pronounce any opinion upon it, but I cannot help thinking that it is a matter which calls for very grave consideration. I cannot help thinking that something too much is made of the practical difficulties which are to be encountered in teaching foreign languages to schoolboys. The evidence on this subject, to be found in the blue-books, is very conflicting, but perhaps the best suggestion is that made in the excellent letter from Mr. Barry of Cheltenham, who says—

> I cannot but be of opinion that if a school can include one Frenchman and one German on its staff, for the purpose of correcting pronunciation and looking over the higher kinds of composition, and can then entrust the greater part of the French and German teaching to Englishmen who have had a University education, and who, having lived abroad, are thoroughly versed in the foreign language which they undertake to teach, the work will be far more effectively done than by any other arrangement.

Small matters of this kind invariably come right of themselves, when there is an honest desire that they should come right, and people are not too impatient. Once let the authorities at our great schools become as anxious to make boys good French and German scholars, as they now are to make them good Greek and Latin scholars, and they will soon laugh at the very idea of there being any difficulty in the matter. Even now M. Vecqueray at Rugby tells the Commissioners that he finds the boys perfectly manageable. There is no wiser page in the whole of the Report than that in which the Commissioners—not one of whom, be it observed, is himself a scientific man—every one of whom, be it also observed, has been brought up under influences totally alien to those of science properly so called—sum up the overwhelming arguments in favour of introducing the study of natural science, into the regular course of our schools. They speak as follows:—

> "Natural science, with such slight exceptions as we have noticed above, is practically excluded from the education of the higher classes in England. This exclusion is, in our view, a plain defect and a great practical evil. It narrows unduly and injuriously the mental training of the young, and the knowledge, interests, and pursuits of men in maturer life. Natural science quickens and cultivates directly the faculty of observation, which in very many persons lies dormant through life, the power of accurate and rapid generalization, and the mental habit of method and arrangement; it accustoms young persons to trace the sequence of cause and effect; it familiarises them with a kind of reasoning which interests them, and which they can promptly comprehend; and it is perhaps the best corrective for that indolence which is the vice of half-awakened minds, and which shrinks from any exertion that is not, like an effort of memory, merely mechanical. With sincere respect for the opinions of the eminent schoolmasters who differ from us in this matter, we are convinced that the introduction of the elements of natural science into the regular course of study is desirable, and we see no sufficient reason to doubt that it is practicable."

Hon. Members will not, I think, consider that the Commissioners have done anything superfluous in insisting upon Geography being taught in regular lessons; although Mr. Blakesley, whose geographical attainments are well known, maintains, in some evidence which amusingly illustrates the effect of early prejudice, that it is vain to attempt what is continually successfully done even amongst us outer barbarians on the other side of the border. I am inclined to think that the recommendations, with respect to the mode of teaching history, might with advantage have been more specific, but the question is one which involves too much detail, and I will not enter upon it. It is difficult to understand why the Commissioners have not insisted upon all boys who go through a public school obtaining some knowledge, at least, of the outlines of English literature. This might easily be done without teaching it in class—if a course of lectures were delivered to guide the reading of the boys on the sixth form, or a paper upon the subject were set in the matriculation examination at the University. This is not by any means the only way in which the House can aid the University—indeed, no satisfactory reform will be effected in the higher education till the University learns that it is its business to aid the public schools by enforcing a reasonably high standard of attainment upon those who seek to enter it, and the public school enforces a proportionably high standard upon the humbler schools which feed it. The Commissioners have not thought it their duty to suggest any action of this kind on the part of the University, although it is in accordance with the spirit of all that they say, and is, as is clear from the evidence, urgently desired by all those resident members of the University who are interested in the studies of the place. But they recommend an examination before entering the public school, and this leads me to the only question which has been discussed by the Commissioners, upon which their Report is not unanimous. The twenty-third recommendation runs as follows:—

> "Every boy should be required, before admission to the school, to pass an entrance examination, and to show himself well grounded for his age in classics and arithmetic, and in the elements of either French or German."

Mr. Vaughan objects to that provision in this recommendation, which requires proficiency corresponding with age in French or German, as the one indispensable qualification to be required in addition to proficiency in classics and arithmetic. He thinks that a boy should be allowed to take up for his entrance examination the elements of some branch of natural science instead of a modern language. Mr. Vaughan's dissent, if somewhat lengthy, is well reasoned and important; but after reading the evidence of Professor Owen, Dr. Carpenter, Sir Charles Lyell, Mr. Faraday, and others, I feel very strongly that all the reasons which he gives for postponing a modern language to the claims of natural science, tell much more strongly in favour of delaying the commencement of the study of the classics. Dr. Carpenter's evidence more especially is well worthy the study of hon. Members, and so is a pamphlet by Dr. Hodgson, to which he frequently alludes. I do not think that boys who enter a public school at twelve years old ought to be required to bring with them any knowledge of classics at all. I think that reading, writing, and the simple rules of arithmetic, a fair knowledge of French or German, and a reasonable amount of geography, English, and general knowledge would be quite sufficient. It can be proved to demonstration that a boy who does not begin the Latin Grammar till twelve years old will, if well taught previously in other subjects better suited to his age, soon overtake another who has begun it at nine or ten years old. I think that great encouragement should be given to the study of natural science at an early period of life, and that a boy should have an opportunity of showing acquaintance with it, and receive marks for it in his entrance examination. Speaking of natural science, Mr. Vaughan aptly observes—

> "Nor need its imposing name seem to disqualify it for a subject of examination in the middle and even lower forms of a public school. 'Greek,' which was once the synonym of 'abstruse' and 'unintelligible,' is now a subject in which boys of the lowest forms of public schools are daily examined. Natural science, however, like a classical language, has not only its elements, but its grammar, its accidence, so to speak, and even its alphabet, in each of which judicious and considerate examiners will be able to test the soundness of the knowledge of the least proficient."

Of course, when a boy entered the school in any other than the lowest form, it would be necessary for him to come prepared to a certain extent in classics. At Shrewsbury I observe that boys sometimes enter even in the lower sixth. All difficulties on this score would be prevented by the working of the Commissioners' twenty-fifth general recommendation, which is in the following words:—

> "No boy should be suffered to remain in the school who fails to make reasonable progress in it. For this purpose certain stages of progress should be fixed by reference to the forms into which the school is divided. A maximum age should be fixed for attaining each stage, and any boy who exceeds this maximum without reaching the corresponding stage of promotion should be removed from the school. A relaxation of this rule to a certain extent might be allowed in cases where it clearly appeared that the boy's failure to obtain promotion was due to his deficiency in one particular subject, while his marks in other subjects would have counterbalanced that deficiency had the system of promotion permitted it."

To a certain extent the Commissioners adopt what is called the bifurcation principle. Arrangements should be made, they say, for allowing boys after arriving at a certain place in the school, to drop some portion of their classical work, in order to devote more time to mathematics, modern languages, or natural science; or, on the other hand, to discontinue wholly, or in part, natural science, modern languages, or mathematics, in order to give more time to classics or some other study. Into this subject I shall not enter. It is clear from the evidence supplied in the very interesting communications from Cheltenham, Marlborough, and the Wellington College, that the difficulties which are in the way could be easily overcome; but with regard to the greatest of your public schools, above all, with regard to Eton, it is really not an important question. Make these schools in every respect what they should be, and improve your Universities proportionably, and the demand to enter such a school as Eton will become so great, that you will be able to dictate what conditions you please. You will be able, for instance, to say, that you do not care to receive any one who does not come to be prepared for the University, and you will be able to decline modifying what you have deliberately determined to be the best system of training for the mind, in deference to the requirements of this or that competitive examination. Make Eton what it ought to be, and it will be a school not only for England, but, within twenty years, for the upper classes of the whole of Europe. Three recommendations relate to the charges to be made to parents, and the stipends and emoluments of masters—both very important subjects, but subjects upon which we shall hear so much from the parties most interested, that I pass them by. With regard to the results of the present system of discipline, the evidence of Mr. Hedley, the Master of Balliol, and Mr. Rawlinson of Exeter, is very satisfactory, and the latter says expressly that the change dates from the time when Arnold's pupils began to come up to Oxford. The Commissioners endorse the leading principle of that eminent man's school administration in the following words:—

> "The principle of governing boys mainly through their own sense of what is right and honourable is undoubtedly the only true principle; but it requires much watchfulness, and a firm, temperate, and judicious administration to keep up the tone and standard of opinion, which are very liable to fluctuate, and the decline of which speedily turns a good school into a bad one."

The thirtieth recommendation runs as follows:—

> "The system of fagging should be likewise watched; fags should be relieved from all services which may be more properly performed by servants, and care should be taken that neither the time which a little boy has for preparing his lessons, nor the time which he has for play, should be encroached upon unduly."

The buildings again of the great schools naturally come in for their share of attention, and are pronounced to be by no means all that could be desired, even at the wealthier schools. It has frequently been asked by persons who visited the Educational Exhibition, which took place in London some years ago, or the Educational Department of the great Exhibition, why so few of the numerous ingenious inventions which have been adopted in the best schools for the lower classes should not also be applied to the schools in which the highest classes are brought up. Nor has any satisfactory answer ever been given. But the evil to which I am alluding is much more serious, as any one may see who will look at the evidence, and there can be no doubt that, if it were not for the great amount of exercise which is everywhere encouraged, that the effects upon health would be much worse than they appear to be. With regard to games, it is perhaps more than doubtful whether the re-action which set in some time ago in favour of physical training has not gone a little too far, and has not, in some respects, taken a wrong direction. Cricket, for example, as an amusement is one thing, but cricket as a science, which requires to be studied for five hours per day, as we see to be the case from some of the evidence in these volumes, is a very different thing. It may be doubted whether any of the games popular at schools give, if too extensively practised, anything like the best training of which boys are susceptible, and I am sorry that no one appears to have suggested to the Commissioners to take upon this point the evidence

of Mr. M'Laren, who has established at Oxford a great gymnasium, which is well known, I have no doubt, to most Members of the House who keep up their connection with the University, and who has, I know, made a special study of this subject. Another defect which is brought out by the evidence, is the absence of any system of training for masters who are to teach the boys of the higher classes. All those who have attended to elementary education know that the art of teaching must itself be taught, and I do not think that our Universities can be considered to do their duty until they devise some means of giving instruction in this important art to the many young men who now devote themselves to a profession which is every day becoming more highly paid, and more highly considered. Such are the principal points which are brought out in the Commissioners' general Report; but before I pass to notice some of the more important suggestions which they make with regard to the several schools which have come under their review, I may be allowed to quote the passage in which they sum up their general impressions of the system—

> "It is not easy to estimate the degree in which the English people are indebted to these schools for the qualities on which they pique themselves most—for their capacity to govern others and control themselves, their aptitude for combining freedom with order, their public spirit, their vigour and manliness of character, their strong but not slavish respect for public opinion, their love for healthy sports and exercise. These schools have been the chief nurseries of our statesmen; in them, and in schools modelled after them, men of all the various classes that make up English society, destined for every profession and career, have been brought up on a footing of social equality, and have contracted the most enduring friendships, and some of the ruling habits of their lives; and they have had, perhaps, the largest share in moulding the character of an English gentleman. The system, like other systems, has its blots and imperfections; there have been times when it was at once too lax and too severe—severe in its punishments, but lax in superintendence and prevention; it has permitted, if not encouraged, some roughness, tyranny, and licence, but these defects have not seriously marred its wholesome operation, and it appears to have gradually purged itself from them in a remarkable degree. Its growth, no doubt, is largely due to those very qualities in our national character which it has itself contributed to form; but justice bids us add that it is due likewise to the wise munificence which founded the institutions under whose shelter it has been enabled to take root, and to the good sense, temper, and ability of the men by whom, during successive generations, they have been governed."

This is true, but there is another and a sadder side to the picture. Go back fifty years, and read Sydney Smith's articles in the early numbers of the *Edinburgh.* What are the most important recommendations of this Report but an echo of his words to which so few listened. But his doctrines were not new doctrines. You will find them in Locke's treatise on Education. You will find them farther back still in Milton's noble paper. Nay, some of them you will find even in the writings of Ascham. If our fathers had only listened to those great men, what a waste of power would have been saved, and how much further advanced in all true civilization this England of ours would have been. Of all the schools which came under their review, Rugby seems best to have pleased the Commissioners. This distinction it owes partly to the wholesome interference of the Legislature, partly to the conscientious manner in which the Trustees discharge their duty, but above all to the great impulse which was given to it by Dr. Arnold. Nor must it be forgotten that since his death two out of its three head masters have been men of superior merit, and that they have been ably seconded by the assistant masters. The following is the language of the Report :—

> "A system of mental training which comprehends almost every subject by which the minds of boys can be enlarged and invigorated ; a traditional spirit amongst the boys of respect and honour for intellectual work; a system of discipline which, while maintaining the noble and wholesome tradition of public schools, that the able and more industrious should command and govern the rest, still holds in reserve a maturer discretion to moderate excess, quiet uncertainty, and also to support the legitimate exercise of power ; a system of physical training which, while it distinguishes the strong, strengthens the studious and spares the weak; a religious cultivation, which, though active, is not overstrained, but leaves something for solemn occasions to bring out. Such are some of the general conditions which have presented themselves to notice during our investigation. They go far also, we think, to explain that public confidence which the school has for many years possessed, and never since the days of Arnold in larger measure than at the present moment."

The most important of the sixty-seven special recommendations of the Commissioners relating to this school appear to be those which suggest that the Local Trustees should be re-inforced by four gentlemen elected on account of generally acknowledged eminence in literature and science ; that the number of the school should be limited to 500; that the incomes of the classical assistant masters should vary from £500 to £1,400; that the local privileges of the neighbourhood of Rugby with reference to the school should be gradually abolished, in a way so as not by possibility to affect vested interests; that new scholarships and exhibitions should be founded and regulated according to the most approved principles; and that there should not be less than three classical masters to each 100 boys. In strong and melancholy contrast to Rugby, we have the once famous Westminster. It is not only that the state of scholarship there is, as is proved by the evidence of Dr. Scott, the head master, wretchedly, and indeed ludicrously low, but that, at least in college, the worst evils of the worst old times of our schools are in full vigour. Hon. Members will do well to turn to the evidence of Mr. Meyrick and his son, and to compare it with the counter evidence of Dr. Scott and several other witnesses. They will, I am sure, be unable to resist the conclusion that, although there may have been some exaggerations in the statements of the accusers, the evidence for the defence so completely breaks down, that it would be to push courtesy and respect of persons to the extreme if I were to refrain from saying, that the revelations about Westminster School which these volumes contain, reflect the greatest disgrace upon all those who have had any share in its management for some time back. There is one thing which I do not understand, and that is why the late Dean, whose position towards the College is defined, I believe, by the statutes to be that of *mens in corpore*, had not an opportunity of coming before the Commissioners, and explaining how it was that the condition of things, which we have now disclosed to us, was permitted to go on under his eye, and virtually with his sanction. I am sure the eminent ecclesiastic in question, the present Archbishop of Dublin, will thank me for thus giving him a reason for stepping forward to take his share of the responsibility for the state of Westminster, instead of allowing it to rest entirely upon the shoulders of his subordinates. I am happy, Sir, to think that the present Dean has given hostages to society in the publication of the *Life of Arnold.* He dared not allow these infamies to go on if he would, and he is the last man in the world to do so; but I must remind the public that cathedral bodies move slowly, and I think no man who has read this evidence will be foolish enough to send his son to Westminster, until the Dean and Chapter can point, not only to promises of reform, but to a reform which shall amount to a revolution, already accomplished. So grossly, however, has the place been mismanaged that, I trust, the new governing body, which the Commissioners propose, may be called into existence as soon as possible. Most people who look at the question of the future of Westminster School unbiassed by sentiment, will, I presume, agree with Dr. Scott in thinking that, if it is to continue on its present site, it ought to be a day-school, and not a boarding-school. From Westminster, we pass naturally to the other London schools, which must be dismissed very shortly. The Commissioners are decidedly of opinion that the great and wealthy foundation of the Charter House would thrive much better as a boarding-school if removed into the country. There are not in this case any objections of the kind which have to be combated by those who desire that Westminster should remain a boarding-school, and be removed from its present site. Sutton's Hospital, which is connected with the Charter House school, and is a mere charitable institution, would, of course, remain where it is. The evidence relating to St. Paul's is peculiarly interesting, and fully bears out the Commissioners in their proposal to transfer it from its present most inconvenient position to one more suitable for boys—say, perhaps, the neighbourhood of the Regent's Park. It is now doing very little, whereas it is quite clear that it might be the first day-school not only in London, but in England. Its surplus revenue amounts to a very large sum, its accumulated capital is very great, and in little more than twenty years it will become very much richer. Surely it should be made what Dean Colet evidently intended it to be—an institution yielding to none in giving a really high class of education. There is, or is said to be, a question of law relating to the property of this school, about which a judicial decision should be immediately taken. What that decision will be, one can hardly doubt, as it is scarcely credible that Dean Colet, who was extremely anxious for the promotion of learning, should have wished the Mercers' Company to have been beneficially interested in the surplus revenues of his property, and only obliged to maintain the school as a charge upon them. Merchant Taylors' is in a somewhat different position. At St. Paul's School the Mercers' Company do not admit themselves to be trustees in the legal sense of the term of Dean Colet's estates for the benefit of the school, but they do admit that they are bound to maintain the school. The Merchant Taylors' Company, on the other hand, hold themselves free from all legal obligation whatever, and say that they might abolish their school altogether if they pleased. It is more than doubtful whether they could do so, as considerable endowments have been given to them and accepted for the benefit of the school; nay, even the present site of the school was wholly or partially purchased with money given for the purpose of establishing a school by an individual member of the company. The Commissioners do not attempt to decide how far the claims of the Merchant Taylors' Company can be upheld, but they do not in this case suggest any change in the governing body. More than seventy pages of the Report are devoted to Eton, and it would be necessary for me to dwell upon them at much length if I were speaking to almost any other audience. There are, however, so many Etonians in the House of Commons that it would not become me to do more than to indicate a few points, with regard to which it would be extremely interesting to hear the views of many Gentlemen whom I now address. First, then, it will be desirable to know whether the Commissioners are likely to be supported in the recommendation about the governing body of Eton, or whether it would not be more in accordance with the general opinion that the Provost and Fellows should altogether cease to have any part in the government of the school. The manner in which the property entrusted to their care has been managed is such that it is evident that, in determining what their future position is to be, the Legislature must be guided simply by the consideration of what is likely to be best for the school. Then, again, I presume that a good deal of difference of opinion is likely to arise with regard to the twenty-first special recommendation about Eton, that, namely, the number of boys should never exceed 800: 650 in the upper, and 150 in the lower school. Further, the scheme suggested for the remuneration of the head master and the other masters, to be found in pages 124 and 125—which excites, I am told, dire indignation at Eton—will probably give rise to discussion;

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and there are many other points which may also be debated. I suppose all will admit, after reading the evidence, that the time table should be revised, the school books improved—scholarships, exhibitions, and so forth, opened to competitive examination; that greater temptations to work should be held out to oppidans; the system upon which the college property is now managed should be revolutionized; and that the position of the mathematical masters should be improved. In the Session of 1861, I had several communications from the hon. Baronet the Member for the University, as well as from the Warden of Winchester. They were both desirous that that great foundation—the oldest of all our public schools, and the model upon which Eton was constructed—should be exempted from the Commission which I proposed. Their reason was, that Winchester had been to a certain extent examined into by the Oxford Commissioners in consequence of its connection with New College. This was not eventually done. I do not think that the hon. Baronet has, however, any reason to regret the course which has been taken. This institution, of which he was so distinguished a pupil, and which has contributed to this House not a few of its most distinguished Members, has quite held its own amongst the schools into which the Commission has examined. Here, as elsewhere, they have found a bad system, but that bad system has of late been worked with much ability and devotion. The position of Winchester and of Harrow is totally different. Winchester is very rich, possessing an income from endowments of at least £16,000 a year; while Harrow derives from endowments not much more than £1,000 a year. Nevertheless, Harrow, chiefly perhaps from its nearness to London, has acquired a far more important place than Winchester amongst our educational institutions. There is, however, less for legislation to do at Harrow than almost anywhere else; on the other hand, the masters there, who are at this moment a very distinguished body of men, are more likely than almost any other person in their position to be speedily influenced by the recommendations of these Commissioners, and by the force of public opinion, to elicit which is one of the main objects of my making this Motion to-night. The last school into which the Commissioners were instructed to examine was the Free Grammar School of King Edward VI. at Shrewsbury. This foundation lies on the boundary line, I think, we may say, between the public schools usually so called and the other endowed schools of the country, and some controversy has arisen in recent years as to whether its future should be that of a first-rate school, or whether it should be adapted rather to the wants of the middle class, as of course the majority of the endowed schools ought forthwith to be. The Commissioners have decided that it should remain a first-rate school, and I think they have decided wisely. A school which 300 years ago brought together the two most celebrated of English friends, Fulke Greville and Philip Sydney, which in our own day has educated so many distinguished scholars, and contributes, as the Commissioners justly observe, so disproportionately large a share to the teaching power of the two Universities, should on no account be allowed to fall into the second rank. The Commissioners say that the people of Shrewsbury should turn their attention rather to creating a good proprietary school in the town, than to making the present school fulfil the purpose of an institution for giving what is loosely called middle-class education. The demand, however, for that kind of education throughout the country is becoming so loud that I think we must determine ere long to break up and remodel our utterly inefficient network of endowed schools. In the year 1861, when I first proposed a Commission to inquire into the higher school education to the then Home Secretary, I contemplated a Commission which should inquire at once into the public schools and the grammar schools. Sir George Lewis wisely, however, thought that that was too large a scheme. I trust, however, that the Government will not lose sight of the truth that thirty good schools for the middle classes dotted over the face of England would be an enormous boon to them, and would do five times more to advance education than all the second and third rate grammar schools put together. We have not on this side of the Channel committed the folly which Burke so well exposed in the case of our neighbours, when they swept away the splendid foundations of mediæval munificence; but we certainly in many cases by gross neglect do our best to make them as useless as possible. And now, Sir, I have but one word more. Throughout I have wished to address myself to those who think that the Commissioners have gone too far, rather than to those who think that they have not gone far enough; and yet I know that there will be many who will feel this, and who will say that the Report would be less favourable if it had been drawn up by less friendly hands; for let it not be forgotten, the Lion has been for once painted by himself. To all those, however, I would say, that all times in England belong more or less to the men of half measures, and of compromises; but this time, perhaps, even more than most other times. Perhaps, however, in educational matters, and not in them alone, we are approaching the end of an epoch. A more logical and consequent generation will, I trust, carry reform farther when we have crumbled into dust. Sir, I beg to move the Resolution which stands in my name.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the state of the higher School Education in England is not satisfactory, and calls for the early attention of Her Majesty's Government,"—(*Mr. Grant Duff,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I rise to offer a few remarks upon the Motion made by my hon. Friend, and upon the precise position of the important question relating to public schools, as left by the Commissioners. My hon. Friend has explained his views in a speech of a very comprehensive character and great length. Will he permit me to say that I heard one portion of it with regret? I think the condemnation passed by my hon. Friend upon the School of Westminster might have been spared. I do not mean to say that my hon. Friend is not discharging his duty as a Member of Parliament in pronouncing, at a proper time, any judgment at which he might arrive after adequate examination of public documents; but what I feel is, that, as a very short time has elapsed since the voluminous records of the labours of the Commission have been submitted to the world, it is almost impossible, if hon. Members can be sufficiently prepared, to try the very serious accusations which he has made against all those connected with the management of Westminster School; and I think that accusations of that grave character had better be reserved until the assembly to which they are addressed is in a condition to deal with them. I have no doubt that the evils have been of a serious character, because they are so described in the Report of the Commission; but the Commissioners mention that measures have been taken by persons in authority for applying remedies to those evils at Winchester, and they express a hope that those remedies will be adequate to their purpose. So much I think it right to say, in justice as much to the feelings of those among us who may be interested in Westminster as to those out of doors who will attach great weight to what falls from an hon. Gentleman who has paid so much attention to the subject as has my hon. Friend. Having taken a great liberty in criticizing a portion of the speech of my hon. Friend, let me congratulate him, as the person to whom the appointment of this Commission was, I believe, principally due, upon having devoted his mind, his time, and his attention to a subject of very great interest and importance, and upon having submitted to the Government advice which I think has been highly beneficial both to the country at large and to the institutions which were the subjects of this inquiry. I congratulate him upon the stage at which his labours have arrived, and I trust that he will live to see, and that before long, results much more important than any which have yet been obtained. It may be thought that a discussion of this kind, so soon after the publication of this Report, is in one sense premature. At the same time, I cannot regret that my hon. Friend has called attention to the subject. The prospect offered by blue-books, so formidable in their dimensions, is of a nature rather to repel than to attract those who are not acquainted with the exceedingly interesting, varied, and weighty matter which they contain, and a debate may direct attention to them earlier than they would otherwise obtain it. I will not follow my hon. Friend into what I may call his particular observations, either upon particular schools or upon particular studies or recommendations of the Commissioners. There are only two of his remarks upon which I will say a word. He stated that he felt himself to be a person of nothing less than revolutionary character in recommending the total abolition of the practice of Greek and Latin composition. I think he did submit that recommendation to the House like a man who knew that he was about to expose himself to a storm of reproach; in fact, that he was partly alarmed even at the sound and echo of his own voice when such words proceeded from his lips. I do not think that his revolutionary doctrine is likely to have any injurious effect. There is too much conservative feeling in all of us who have been connected with these schools, whatever may be our politics or associations, to permit of our having any reason to apprehend that this House will give a very dangerous impulse to innovation. But I must record my dissent from that revolutionary doctrine of my hon. Friend. I entirely agree with him that the practice has been pushed to great excess, especially in forcing it upon those who are not qualified to profit by it; but for those who are qualified to profit by it I trust that it will always remain in vigour, and will continue to form, as it has hitherto formed, a great ornament, and a very remarkable characteristic of English education. I will also simply record my protest against the recommendation not only of my hon. Friend, but of the Commissioners also, as to modern languages. I entirely dissent from the doctrine of my hon. Friend with regard to the relative places of the Italian and German languages in the education of a gentleman. If you speak to me of an author or a student, the matter is totally different. In many countries there are no educated men but authors and students. But it is the proud distinction of England to have a very large body of highly educated gentlemen deeply imbued with the spirit of ancient and modern literature, although they are neither authors nor students, but value cultivation and literature for their own sakes, and for their humanizing and elevating influences on the mind. For that purpose, which I trust will always be made the first and paramount purpose of education in this country, I venture to think that the place my hon. Friend has given relatively to the two languages ought to be reversed. I apologize to the House for going into the discussion of detail, and shall simply make a few observations on the general position of the system. When Her Majesty's Government determined on the appointment of this Commission, my right hon. Friend the late Sir George Cornewall Lewis applied himself to the subject with all that delicate consideration for the feelings of others, and all that prudence and judgment for which he was distinguished, and ascertained that the mode of conducting the investigation—undoubtedly called for by the public interest—which would be most agreeable to the authorities of these schools was, by Commission, issued under the authority of the Crown. This would not possess any coercive powers or exercise anything even approaching to a moral force. To the composition of that Commission my right hon. Friend applied himself, and I am sure Gentlemen acquainted with the names which it included will agree with me in thinking that my right hon. Friend exercised a very sound judgment in selecting the individuals whom he was so fortunate as to bring together for that purpose. He did not confine his selections to any class or party, but sought, as my hon. Friend has said, to deal with the question as it ought to be dealt with—out of the mere circle of party politics. He applied to more than one Gentleman politically opposed to himself; and the hon. Baronet the Member for Stamford (Sir Stafford Northcote), and other Gentlemen sharing his political opinions, accepted the invitation, and devoted themselves in good earnest to the duty. I think it imperative not to allow the very first mention of this question in the House of Commons to pass without calling on this House to recognize what the Government feels to have been the laborious exertions of the Commission, which held between 120 and 130 meetings, most of them being attended by nearly all the Commissioners. And I must say, although there have been many occasions on which intelligent and enlightened public service has been rendered by Gentlemen appointed Commissioners under the nomination of the Crown, that I do not think any more signal instance could be quoted of the devotion of public men to an inquiry involving innumerable difficulties than that of the Commissioners whose Report now lies on the table. On the part of the Government, we feel ourselves deeply indebted for the invaluable assistance which they have given to the investigation of this question. It may not rank very high in the scale of mere political interest, but it does rank high in the opinion of many Members of both Houses of Parliament, who class our public schools among the great institutions of the country. The man, therefore, who endeavours here or elsewhere to destroy the essential character of those great public schools will find that he has undertaken a task scarcely less dangerous than that of their total subversion. It is a very remarkable fact, and one full of significance, that hardly less than a third of the whole available time of Parliament in the year 1854 was given to the consideration of the details of the Bill for the reform of the University of Oxford. I do not believe that to any other measure which passed this House since the Reform Bill and the Poor Law, Parliament has been willing to devote so much of its attention. The circumstance, therefore, is full of meaning, affording, as it does, a true measure of the importance attached by us all to the consideration of whatever is connected with the welfare of our great seats of education. My hon. Friend has made a Motion following upon his speech which was founded on the Report of the Commission, but I think my hon. Friend will see that the Motion and the Report are not in entire correspondence. The Motion, no doubt, expresses the view of my hon. Friend himself, but I think it would be altogether premature to ask the assent of this House to any Resolution involving a condemnation of the public schools. I do not understand such to be the sense of the Report of the Commissioners. They knew perfectly well that, in one sense, it was their duty to find fault, to examine patiently and with almost infinite detail whatever they thought might be susceptible of amendment, and to recommend improvements. Measuring praise or blame by the mere number of words or pages in their Report, it may therefore be construed into a condemnation. But that would be a very great mistake. In the main, the Commissioners have affirmed the principle on which the system of our great public schools is founded, and have also borne testimony to the fact that these schools have discharged the functions for which they were established. They have also, in the main, awarded due praise to those at the head of our public schools for the devotion and ability with which they have applied themselves to the discharge of their duty. I fully admit, and I confidently join my hon. Friend in the assertion, that the Commissioners have pointed out very serious existing evils and defects, and they have also, I hope, furnished us with the means of arriving, after due time and on full consideration, at sound and safe conclusions as to the mode of applying a remedy. My hon. Friend seems to be of opinion—an opinion which, perhaps, is shared by the public—that the principal source of existing mischiefs or defects is to be found in the misconduct, or, at all events, in the failure to perform their duty, on the part of teachers in our public schools. I do not believe anything could be more unjust than such a conclusion. With the exception, perhaps, of the tutors of the University—and I do not know whether they ought to be excepted—I do not know any class of men who perform their duties with greater zeal, assiduity, devotion, and laborious self-sacrifice than the teachers in our public schools. But the complaint is made, and with great truth, that the boys do not learn enough at our public schools. To parody what was written by Goldsmith—

> "Boys learn but little here below,
> And learn that little ill."

With the immense foundations which we possess, five times the amount of learning ought to be diffused in every branch. My hon. Friend left the matter as if nobody were to blame but the teachers and managers of the schools. He said, "the Universities find fault with the public schools because the young men come ill-prepared to the Universities." And that is quite true; but the public schools, in turn, have their complaints, and the whole affair revolves in a vicious circle. The parents complain that their children leave the Universities with their education incomplete; the Universities complain of inadequate preparation by the public schools; the public schools say the boys come ill-prepared from the private schools, and the private schools lay all the blame on the parents. And so it goes round and round. The point to be considered, however, is not how to shift the responsibility from one shoulder to the other, but how existing evils can be remedied. The Commissioners, it is fair to say, have not shrunk from this or any portion of the case; they have not hesitated to drive the matter home—to speak of the responsibilities of parents, and to lay blame where they think it necessary upon the inadequate manner in which parental authority is exercised among the wealthiest classes, both for the inculcation of knowledge and the maintenance of discipline. At page 40 of the Report, the Commissioners say—

> "We have spoken plainly of the responsibilities of schools; we think it right to speak not less plainly of those of parents. Several of the masters whom we have examined have dwelt in strong terms on the ill-prepared and ignorant state in which boys are very frequently sent to school; we are assured that there is no improvement perceptible in this respect, but the reverse, and the Returns which have been furnished to us regarding

the books read, and work done in the lower forms, and the ages of the boys in them, prove that these complaints are by no means without foundation. It is clear that there are many boys whose education can hardly be said to have begun till they enter, at the age of twelve or thirteen, or even later, a school containing several hundreds, where there can be comparatively little of that individual teaching which a very backward boy requires. In some degree this must, we fear, be ascribed to the deficiencies of preparatory schools, which too often fail to impart that thorough and accurate grounding which it should be their aim to bestow; but we do not hesitate to say that the fault rests chiefly with the parents."

There is the verdict and sentence of the Commissioners. And, therefore, if we criticize these public schools, let it not be supposed that we are aiming at imposing upon the eminent, able, and excellent men — for such they are — by whom these schools are managed, an undue portion of blame or responsibility. When we say that the fault lies with the parents, what does this mean? It means that we are living in an age in a great degree pampered in luxury, in which self-indulgence pervades more and more largely the habits of an ever-increasing class of society, the rapid extension of which we may see indicated by the continual addition, not only of large streets, but of whole quarters, in themselves great towns, to this metropolis; and a necessary consequence of that self-indulgence is a growing indisposition to the severe discipline which study and education invariably require. Now, there is the secret, it lies in that laxity, which is essentially connected with the signal prosperity and wealth of the country. And in one sense, in our attempts to improve the public schools, we are fighting against the age. The wealthier we become, the more difficult does it grow to apply to our children, or to realize to ourselves, the necessity of a severe self-discipline. I say this not to extenuate the mischief, but to show that the mischief is profound. The most remarkable example of this fact will be found in the relative condition of England and Scotland. In Scotland, almost the whole of the wealthiest class of young men and boys are sent to England to be educated, and, consequently, the Universities and schools have to deal with classes which are hardly represented in our Universities. The consequence is that the Universities of Scotland are conducted upon principles which would be absolutely powerless if applied to England. The students in our Universities are encouraged in their studies by a spirit of incessant competition and the hope of splendid rewards. In Scotland, however, there is no such encouragement. Go into St. Andrew's and Aberdeen where lads are working to a degree far exceeding that among ourselves. There is activity without competition, and one may almost say without reward. They carry on their work with a great degree of efficiency upon principles which in England would be found to be totally unequal to cope with the difficulties arising from greater wealth and increased luxury. That, Sir, I believe to be the great evil with which we have to contend; but do not let us suppose that the measure of the deficiencies of our schools or of our Universities is altogether to be found in the measure of their scholastic defects. I grant that attainments are most unsatisfactory in England; but we should, however, remember that there is no period attached to the history of the Universities or the public schools of England — I am speaking now with reference to the last four or five generations—when their instruction, in the opinion of the time, has answered so well, or when they have so effectually performed the work for which they were ordained, namely, the work of rearing the English gentleman, and the fitting him for the discharge of those varied duties which in this country have always been inseparable from his position in life. In deciding, therefore, upon the results which have been obtained from our Universities and public schools, do not let us forget, what is more important than their teaching power, their training power, a power which has been addressed to the end which the nation has recognized as desirable, and that end has been attained in a measure which the nation recognizes as sufficient. Whatever faults, therefore, we may be disposed to find with these institutions, and with whatever warmth we may be inclined to urge those objections, let us remember that the country owes to them a debt of gratitude for the work which they have performed. The mode only in which this work is to be done, requires much consideration. I feel confident, however, for my own part, that there will be no violent or precipitate legislation upon the subject. I think rather that Parliament will approach it in a spirit of mistrust. As regards the question of education, however, we cannot devote any consideration to the question without perceiving that a very great deal has yet to be done. There are now not less than eight or nine branches which ought to be included in the course of training at a public school, and of these very few can be dispensed with. First of all there is religious instruction, then comes classical study, a vindication of which the Commissioners have embodied in their Report —an argument drawn up in so philosophical and historical a spirit that it will confirm the country in the opinion with which they regard the classics as being the best foundation for subsequent study. Then come mathematics, natural science, English composition, history, geography, and the alternative of drawing or music, which the Commissioners have proposed. It is no easy matter to combine all these subjects in a country where it is necessary to add a corporal or physical education through the medium of national games and exercises. In days like these when the boat race between the Universities excites greater public interest than many more important events, those who endeavour unduly to restrict this branch of education will find that they have attempted a task which is perfectly hopeless. There is only one consideration which ought not to be forgotten, because it is of the greatest importance. It will be a fearful mistake if, in our desire to enlarge the career of education, we should for one moment forget that the main end of that education is the development of mind and matter, and if we should fall into the error of overloading the mind, rendering further growth and improvement absolutely impossible under the weight imposed upon it. I will not now trouble the House any further with the general subject; but state simply what I understand to be its practical bearing. When the House had to deal with the Universities there were four departments of inquiry, and I think they were all embraced in the Report of the original Commission. One was the Government, the constitution, and management of the governing bodies, and the remainder were the property, the discipline, and the studies. The two first were felt by Parliament to come within their province, but the two last they believed would be dealt with better if left to the management of those who were more qualified to regulate them. When Parliament does proceed to legislate upon this Report—because I will not conceive it possible that Parliament should defer the consideration of so valuable an inquiry longer than is absolutely necessary —it will, no doubt, again turn its attention to the constitution of the governing bodies and the management of their property. I need not, however, say that it has been impossible for Her Majesty's Government at this period of the year, and with the business now before them, to give the necessary time and consideration to these important volumes. Upon one point the Commissioners have not been able to give us any distinct authority or guidance, and that is with reference to the expediency of appointing a Parliamentary Commission in the case of public schools, as was done in the case of the Universities, for the purpose of superintending, guiding, and promoting those regulations, the adoption of which Parliament may deem to be advisable. That is a point upon which I do not presume to give an opinion, but it will necessarily have to be determined by Parliament. It will be impossible, however, to legislate upon the points I have adverted to during this Session. The experience we have had on former occasions I think makes that perfectly clear. We must, therefore, consider that, as far as any practical discussion is concerned, this question is postponed until another year. There is one minor point which the Government have under consideration, whether they should submit to Parliament a measure of the same character as has been, I think, introduced upon other occasions where similar considerations have been involved. The reform of the governing body is, perhaps, the most important subject that will come under the review of Parliament in connection with this inquiry of the Commissioners. These governing bodies are in some cases constituted in such a manner that their constitution is inextricably bound up with the life interest of their members. It has always been a sacred principle in our legislation upon this subject to pay the highest degree of respect to these life interests, and Parliament will probably not deviate from its usual practice in this case. It may, however, be right to go so far as to bring in a Bill by which all persons taking office in those governing bodies for the future shall be subject to the legislation of Parliament. That would prevent us from being tied up by absolute rights of a nature such as this House always recognizes in the holders of offices for life. With respect to all else, it will stand over, subject, however, to the duty of the Government, in concurrence, I hope, with all the Members of this House, to give their very careful consideration to this most important and profoundly interesting question. With regard to the discussion of to-night, although it may have no positive results, yet I think it will have the effect of enhancing the degree of interest which may be felt by the House and the country on a matter of so much importance.

MR. WALPOLE: Sir, there is one observation which I wish to add to what has fallen from the Chancellor of the Exchequer. But, first, I suppose that the hon. Gentleman who makes this Motion sees the propriety of not carrying it any further at present, inasmuch as this matter must be taken in hand, and properly so, by the Government, and also because the voluminous nature of the Report has precluded us from yet forming a judgment upon it. I have myself read the Report with great interest, but I own that I have not gone through all the evidence appended to it, and I should desire to refrain from expressing a premature opinion on this subject. The course, however, which the Government propose to adopt is, I think, the one most in harmony with the feeling of those who take a deep interest in this question—namely, that the matter should be left in the hands of the Government, in order that they may originate, say next Session, a proposition founded on this Report, when it is to be hoped that alike those concerned in these schools and Parliament itself, will be prepared to deal with the subject in the temper and spirit which befit it. The observation I wish to add to those addressed to the House by the Chancellor of the Exchequer is this. I, like my right hon. Friend, am connected with one of those great public schools. I mean Eton. I happen to know from the highest authorities there—indeed, I have their permission to say so—that since this Report has been in their hands they have taken all the recommendations of the Commissioners *seriatim* into their consideration, with the view of introducing as many of the improvements therein suggested as they believe will be advantageous to the institution. If, therefore, the Government are to take this matter in hand during the recess, they would do well, as I have no doubt they will do, to put themselves in communication with the authorities of these schools as to the course they are inclined to pursue; and then we can have the matter placed before us in the fullest manner next Session, so as to enable Parliament to treat it satisfactorily. This is a most interesting question, and one of the most important that can be brought before the House; and for that, as well as for other reasons, I hope that the hon. Member will not think it necessary to press his Motion to a division, but will let the subject stand over until we are better prepared to give an opinion upon it.

SIR STAFFORD NORTHCOTE said, that he felt, although that debate was probably drawing to its conclusion, that he should be wanting in his duty if he did not say a few words on the part of the Commissioners, especially after the very handsome acknowledgment which their services had received from his right hon. Friend the Chancellor of the Exchequer and others. It was a very great gratification to his Colleagues and himself to find their labours treated with such kindness. When they undertook their task, they knew it was one of considerable labour and difficulty, and also one that would necessarily be somewhat of an invidious character. The Commissioners felt that many of them being connected with the schools which were to be the subject of their inquiry, and being bound up by personal ties of friendship with many of those who were charged with the conduct of those schools, it was a painful and invidious task to put those persons through the sort of ordeal and examination which had to be undergone. But they had endeavoured, he might safely say, to conduct their investigations throughout in a fair, a candid, and at the same time a friendly spirit. The Commissioners had thought that, on the whole, the interests of the schools with which they were themselves connected demanded that they should not attempt to hush up any matter, but that they should probe it to the bottom; that they should not out of a mistaken friendliness pass over things that called for inquiry; and although they had not evinced anything like a hostile spirit in the prosecution of their labours, yet a perusal of the evidence they had taken would, he thought, show that the investigation had been a searching one. He was bound to say, on behalf of those persons from whom they had obtained evidence, that the thanks of the Commissioners were due to them for the fair, candid, and noble spirit in which they had responded to their inquiries. The Commissioners had no power of compelling them to give evidence; yet everywhere the greatest readiness was shown to afford them information; every question was discussed with them in the most open, frank, and friendly manner; and this although many of the gentlemen thus appealed to were placed in a position of considerable embarrassment by the inquiry. He must also say, on their behalf, that the Commissioners did not find among the masters and managers of the schools any obstinate spirit of resistance to improvement. On the contrary, in every school there was an admission—and more than an admission—of the importance of progress, and of attempts to meet the demands of the day. He said more than an admission, because in most of the schools a great deal had been done of late years. He could quote numerous instances in proof of that assertion, but, as he could not mention all those schools in that discussion, he did not like to single out any one and give it a preference over the rest. He believed, however, that in every school to which the inquiry extended much had been done to introduce new subjects of study, to improve the methods of teaching, and generally to promote the welfare of the boys there. But the schools found themselves in a position in which they needed help and encouragement in order to do what they were capable of doing. The fact was, they had been attempting, under the restrictions imposed upon them by their founders in years gone by, to accommodate a new system to a machinery originally designed for the working of an old one; and they, therefore, wanted the assistance of the Legislature to enable them to get free from those restrictions and to adopt the improvements which they were anxious to carry out. He earnestly hoped that in any legislation which the House might see fit to pass, care would be taken to observe the principle laid down by the Chancellor of the Exchequer — namely, that that legislation should be confined to the removal of the restrictions under which the schools laboured, the improvement of the constitution of the governing bodies, and the dealing with endowments; and that Parliament should not attempt to deal directly with the subjects of study or the management of the schools. If Parliament attempted to do that, he felt certain that it would do immense mischief, and utterly fail in its object. These public schools were national institutions, and had an important bearing on the formation of the national character; and not only so, but they were themselves the product of the national mind of Englishmen. They had grown up by degrees, and were not originally in their present form. The English mind did not want the *lycées* and *gymnasia* which existed in other countries, but schools for the moral, physical, and intellectual training of boys between the important years of twelve and eighteen, and which should make of those boys young men—men in every sense of the word. And if institutions of that kind had sprung up from the nucleus of the old grammar schools, it was not to be wondered at that they should now find themselves subject to restrictions which impeded their action. Let them then be set free, and enabled to accommodate the new studies lately forced upon them to the old learning for the promotion of which they were founded. Let them be placed in the hands of men with the requisite knowledge and fitness for the task, but let Parliament forbear from attempting to do that for which it was incompetent. That was his view of this question; and the course which the Government proposed to take was exactly in conformity with that which he individually, and, he believed, the Commissioners generally, thought to be best. He should not be behaving fairly towards a particular school which had been mentioned in that debate if he did not make another remark. It was much to be regretted that the hon. Member for Elgin (Mr. Grant Duff) should have used the language he did with respect to Westminster School, because hon. Members had not had time to read all the evidence, and did not know what the point was to which the hon. Gentleman had referred. His observations would only create an unfair prejudice against the institution in the House and with the public out of doors. It was a matter of great difficulty to determine the relations of boys in a school, to decide what was really fair and legitimate discipline among them, where fagging became tyranny, and discipline was turned into bullying; for much depended upon the individual characters of different boys, and the different turn which might be given to representations of the same matter. The way in which that question had arisen at Westminster was as follows:—The Commission inquired into the system of fagging there, as at other schools, taking the evidence of young men who had recently left school, and upon the whole they heard nearly the same report as to fagging and discipline which was given at many of the other public schools. Later on a gentleman came to the Commission, and asked to be allowed to lay before them some statements of undue hardship and cruel treatment suffered by the younger boys under the fagging system at Westminster. That gentleman and his son were examined; the masters and some of the other boys were also examined; and the Commissioners came to the conclusion that although, to a certain extent, the charges made were modified and disproved by some of the subsequent evidence, yet there remained sufficient grounds for concluding that the system of discipline and fagging among the boys was in an unsatisfactory state, and that the junior boys had to undergo undue hardships. With regard to the gentleman and his son by whom those facts were elicited, it was an act of great moral courage on their part to make a statement which would render them unpopular and would be sure to subject them to sifting criticism. That statement opened the eyes of the Commission to much that they would not otherwise have noticed; and the result was that at other schools they examined the junior boys and asked searching questions on the subject of fagging. The boys answered those questions very nicely, and not at all in the same spirit of complaint in which the charges were brought forward at Westminster. But, at some other schools, facts came to light which, if they had been represented in that spirit, might have grown into formidable charges of bullying. The Commission found that to a great extent the evil admitted of a cure; but to apply that cure in the case of Westminster really required the help of that House. Its source and root was to be found in the insufficient accommodation provided for the boys and the insufficient provision of servants, the consequence of which was that the boys were not so much under the eyes of the masters as they should be, and the younger boys were required to do many things which elsewhere were performed, and which ought to be performed, by hired service. The difficulty in employing a sufficient number of servants and in providing suitable buildings arose from the want of funds, for the revenues of the school were not, like those of Eton or of Winchester, independent revenues, with which the governing body could deal as they pleased; they were capitular revenues in the hands of the Dean and Chapter, and it was a question how far those revenues were applicable to the support of the school. They had, indeed, been virtually taken out of the hands of the Dean and Chapter, or were about to be so taken, by the Ecclesiastical Commissioners; and it then became a question for Parliament how far those revenues could be devoted for improvements which were absolutely necessary at Westminster, if the school was to remain where it stood. The Commissioners could not abstain from pursuing the inquiry which he had mentioned, but he felt much pain in pursuing it, because what had been said was likely to be taken up and made a great deal of by persons who did not look carefully and thoroughly into the matter, and who would suppose that a case had been made out against the school, which might thus suffer injury. Now, he was convinced that the present Head Master at Westminster and his assistants were working hard to improve the school; and if the measures pointed out by the Commissioners for the improvement of study and of discipline were adopted, and the necessary funds were supplied, he believed that a great start would be made at Westminster, which would then resume the place formerly held by it among the public schools of this kingdom. Westminster had its disadvantages in being a London school, and in its connection with the capitular property. It deserved, therefore, to be dealt with tenderly, and he regretted that the hon. Member for Elgin (Mr. Grant Duff) should have used such strong language in its condemnation. The Chancellor of the Exchequer said the Government intended to introduce a Bill having reference to the constitution of the governing bodies and the question of endowments, and he asked whether the members of the late Commission were of opinion that another Commission should be appointed. Speaking for himself alone, he thought it would be utterly impossible to deal with this question satisfactorily unless a Commission were appointed to consult with the governing bodies, revise the statutes, and do away with unnecessary restrictions. Thus at Eton, among the old statutes was a provision that the Head Master should not ask any fee for the instruction of the 700 or 800 oppidans. For many years, however, it had been the practice of the Head Master to take fees, the old excuse being that he never demanded them, but took them when they were offered. More recently the last two Head Masters felt that it was absurd and improper to take any oath of this kind, and they had, therefore, been admitted to the Head Mastership without taking it. That, however, was a violation of the statutes. It was clear that the oppidans ought to pay fees like the rest; and that the statute ought to be repealed. Many such cases would be found in the statutes of different schools, and with those it would be necessary to deal. Having done this, and having effected by legislation some other improvements, which could not otherwise be carried out, he hoped Parliament would leave the management of the schools and the direction of the course of instruction to be dealt with by the governing bodies. He believed that the Commissioners had been the means of suggesting points to the masters of those schools and to the public which would prove very useful. They had recommended that each year there should be a publication of what was done in each school, and he believed that publication would lead to a general advance in the schools, at the same time that their independent character would not be destroyed. In conclusion, he had again to express his hope that the legislation which that House might adopt would effect the necessary improvements without destroying the great principle upon which our public schools had been conducted.

Motion, by leave, *withdrawn.*

POOR RATES (IRELAND).—RESOLUTION.

SIR **HERVEY BRUCE** said, he rose to move—

> "That it was not just to charge on the poor rate in Ireland the expenses connected with the registry of voters and of births and deaths; and that it be an instruction to the Committee appointed on the subject of taxation in Ireland to consider how such expenses may be more equitably charged."

He did not intend to give any opinion as to the quarter from which the money to pay those expenses ought to be procured. He would leave that to the Committee; but he might observe that in Ireland the poor rate was unequally assessed, and that he could not understand upon that principle, land, and land alone, should in Ireland be assessed for poor rates. Land ought to pay its share, but the entire burden ought not to be cast upon it. When he saw the many large manufacturing establishments in the country which, to a certain extent, might be said to create pauperism, and which owed their prosperity to the labour and intelligence of the working classes, he thought it hard that when they could no longer get anything out of their work people they should be allowed to throw the burden of maintaining them upon the land. He had no wish to relieve landowners from their share of the expense of maintaining the poor, but, under the present system, many persons had to pay poor rates for property of which they were only the nominal owners. It was impossible not to consider, in connection with that question, the emigration that had been going on in Ireland. He could not agree that that emigration had been caused by the peculiar nature of the tenure of land in Ireland. There were several causes at the root of it, but the most important of them was, perhaps, the liberal wages which the emigrants expected to receive in another country. Bad advisers led the ignorant peasantry to believe that if they went to America they would find that wealth, and honour, and luxury they could not procure at home. They had been induced by those advisers to go to America, and when they got there they were placed in the front ranks of the army, only to perish on the field of battle. He believed that England in her harvest times would feel the want of Irish labourers, but he denied that population was a necessary element of wealth to a country. In 1846 the population of Ireland was eight and a half millions. Even then Ireland could not be considered as nearly in so prosperous a state as either Scotland or England. In England there were two and a quarter acres for each person, in Ireland two and a half, and in Scotland seven and a quarter; and the valuation per head, according to the last census, was £5 10*s*. in England, £2 10*s*. in Ireland, and £4 10*s*. in Scotland. The Returns from the registries were valuable as matters of scientific research and as statistics, but as such they were of imperial rather than of local benefit, and the expense of obtaining them should form an item in the annual Estimates. He regretted to see the bone and sinew of a country leaving it. England would suffer more from the emigration from Ireland, than Ireland would. In former times England had done everything to discourage the trade of Ireland, and it was not unlikely that the day was approaching when that policy would re-act against herself. It might be said that he was seeking to disturb a new Act. His reply was, that the Act was passed under a misapprehension. When the House passed the Act, it was told by the right hon. Baronet the Chief Secretary for Ireland

(Sir Robert Peel), that while the poor rate in England was 4*s.* in the pound, in Ireland it was only 2*s.*, and that consequently there would be no hardship in adding five-sixteenths of a penny to the Irish rate. The fact was, however, that the poundage upon land in England was 1*s.* 0¼*d.*; in Scotland, 1*s.* 1¼*d.*; and in Ireland, 1*s.* 0½*d.* If capital were assessed to its full value, the poundage in England would be 5½*d.*; in Scotland, 6¾*d.*; and in Ireland, 7¼*d.* Moreover, the right hon. Baronet omitted to inform the House what a heavy expenditure — amounting in the aggregate to £20,000—would be thrown upon the Irish Boards of Guardians for providing the machinery of registration. It might also be said that the law was the same in all the three kingdoms; but the fact was not so, for in England and Scotland, where the poor rate was or might be levied on means and substance, the assessment rested upon a broader basis than in Ireland. He hoped that if the right hon. Baronet could not accede on the part of the Government to that part of the Motion which asserted that it was not just to place those charges upon the poor rate, he would at all events agree that it should be an instruction to the Committee on Irish taxation to inquire into the matter involved in the second part. Small as the sum annually asked for to pay for the registration of voters was, it gave rise on each occasion that it was brought forward to more ill-feeling than any other money question which came before Boards of Guardians.

Mr. HENNESSY begged to second the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not just to charge the Poor Rate in Ireland with the expenses connected with the Registry of Voters and Births and Deaths; and that it be an Instruction to the Committee appointed on the subject of Taxation in Ireland, to consider how said expenses may be more equitably charged."—(*Sir Hervey Bruce,*)

—instead thereof.

Question proposed "That the words proposed to be left out stand part of the Question."

Sir ROBERT PEEL remarked, that the hon. Baronet, in referring to emigration and other kindred subjects, had travelled beyond the limits of his notice. There was nothing exceptional, as regarded Ireland, in charging the poor rate with the expenses connected with the registration of voters. In England the expense was borne by the local taxation; in counties by what was called the public stock of the county; and in boroughs by the poor rate. Neither was there anything exceptional in the manner in which the registration of births and deaths was charged on the poor rate in Ireland. A feeling seemed to have grown up of late that there was something unfair in putting this expense on the poor rate. The hon. and learned Member for Belfast, however, appeared to have informed the Belfast Board of Guardians that there was something exceptional in these expenses being placed on the poor rate, and they had sent circulars to the greater number of Unions throughout Ireland, calling attention to the subject. He had received a letter on the subject from the Kilkenny Board of Guardians, and it was evident that they derived the information which induced them to make representations to the Government, from Belfast. They took an entirely wrong view of the matter. In concert with him, the Poor Law Commissioners in Dublin had written a letter pointing out that these expenses were paid in Ireland as in England, partly by local and partly by general taxation, and the hon. Baronet, therefore, was under an erroneous impression in supposing that there was anything exceptional in the manner in which those expenses were charged in Ireland. As to the rate for the relief of the poor, it was heavier in England than in Scotland, and heavier in Scotland than in Ireland. As to referring the subject to the Committee—they had already before them the prospect of a long and arduous inquiry, and it would be hardly fair, without their consent, to extend the range of their duties. He would consult with the Chairman, and if the Committee were willing to undertake that new duty, the Government would have no objection.

Mr. HENNESSY said, that subject was regarded with great interest in Ireland. A strong impression was growing up there among the people that they were grievously overtaxed, and that the Government was perpetually bringing in new Bills which in some way or other increased their taxation. At the same time, when any proposition was made to treat the poor more liberally in Ireland, the Government pointed at once to the present amount of the poor rates as an argument against any such reform. He was by no means satisfied with the arguments of the right hon.

Baronet. The truth was, that those various extraneous charges on the poor rate in Ireland constituted a fraud on the poor. He believed it was perfectly competent for the Committee upstairs to inquire into that question without any instructions, and, under the circumstances, he would advise his hon. Friend to withdraw his Motion.

Sir HERVEY BRUCE said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

RETIREMENT IN THE ROYAL MARINES.

RESOLUTION.

Sir JOHN HAY said, that at a moment when it was understood that a large increase of pay was about to be granted to some officers in the Royal Navy, the House would probably not be indisposed to do an act of justice to the officers of the Royal Marines. He would not suggest the vote of a large sum of money to that distinguished corps, but would only ask the payment of a sum of money to which he considered the officers of that corps to be entitled. In 1854 a Royal Commission recommended that £60,000 a year should be applied to encourage retirement in the Line, and £48,000 in the Engineers and Artillery. In the same year the Admiralty obtained an Order in Council for the application of £35,000 to a similar purpose in connection with the Royal Marines, who were not included in that arrangement, they being not under the War Office, but under the Admiralty. That force then consisted of 12,000 men, but was subsequently raised to 15,000 and 18,000—the latter being its present strength. A corresponding increase had, of course, taken place in the number of officers. A difficulty had arisen as to the means of apportioning the £35,000, and to the present day the full amount had never been expended in any year. In fact, the £29,000 previously applied to the same object had not been exceeded. Thus there had been a saving of £5,000 or £6,000 each year, which should have been devoted to promoting retirement in the Marines. The Marine officers thought that, as their corps had been increased, the amount of money devoted to the encouragement of promotion should be increased in a like proportion. The number of retired general officers was only ten, and that bore no proportion to the number of retired officers of the same grade in other regiments. It had been suggested that the Admiralty should slightly increase the number of retired general officers in that corps. That course of action would help to restore the even flow of promotion, which was now wanting. It had been said that the senior officers of the Marine corps were exceedingly efficient, and that to promote them to be generals would be to dispense with the services of four officers of distinguished merit. Distinguished though those officers might be, however, he had no doubt that others of equal merit would be found in the lower grades of the corps. But, whatever course the Government might deem it desirable to adopt in the matter, it would, he thought, be unwise to give the Marines reason to think that they were ill-treated while the Engineers and the Artillery enjoyed the full benefit of the recommendations of the Royal Commission, and that the country was, as it were, withholding from them a sum of only about £5,000 a year, which would encourage that flow of promotion which was so beneficial to the service. His noble Friend the Secretary for the Admiralty might possibly say that he could find no officers who would retire; but, with a little of that dexterous management which he possessed in so remarkable a degree, he might discover some persons in the Marines who would avail themselves of the advantages of £4,000 a year surplus. At all events, instead of making such an excuse to the House of Commons, he had better tell it to the very distinguished corps of which he was speaking. The hon. Baronet concluded by moving the Resolution of which he had given notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House would view with satisfaction the distribution of the full sum awarded by the Order in Council of 1854 for the retired Officers in the Royal Marines, as it would tend to expedite the necessary promotion in that valuable Corps,"—(*Sir John Hay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. WILLIAMS said, it was a mistake to suppose that the number of retired general officers in the Marines was only ten. The number was actually thirty-nine. He trusted the House would not accede to the Motion of the hon. and gallant Member.

Lord CLARENCE PAGET said, he could not admit that there had been any misapprehension as to the terms of the Order of Council of 1854. That Order had been issued because at that time promotion in the Marines was excessively stagnant, and it became necessary that facilities should be given for the purpose of procuring a proper flow of promotion. The Government were authorised by the Order, to allow a certain number of officers to retire on certain conditions, and they had carried out the order; but his hon. and gallant Friend contended that a sum of £35,000 having been granted, it ought to have been expended irrespective of the conditions. Now, he could quite understand that it might be expedient, in the event of promotion in the corps of Marines becoming stagnant, that the Government should come forward and propose some plan by which a proper flow of promotion should be established; but it was not true that any such stagnation at present existed. Last year no doubt there was stagnation; and in all seniority corps, when promotion went by seniority, they might rely upon it periods of stagnation must necessarily take place. But was that the case with the Marines? In the year 1862 no less than thirteen captains were promoted. His hon. and gallant Friend, moreover, seemed to suppose that the Government could force the officers of Marines to retire, and it was perfectly true that, under the Order in Council, officers commanding divisions of the Royal Marines were entitled and could be compelled to retire on attaining the age of sixty, unless the Admiralty were satisfied that the discipline of the division was such that they might with advantage continue in command. As things stood, however, the colonels-commandant were active men, and the Admiralty could not compel them to retire. Of the £35,000, the sum allowed per annum for retirements, £30,400 was the sum expended; but it was quite possible that another year the full sum of £35,000 might be laid out. What his hon. and gallant Friend wanted, as far as he could understand, was, that an additional number of Generals should be created in the Marines; and he, for one, should be glad, having the greatest regard for the corps, as one of the important branches of the navy, to do anything which could advance its interests. He was not, at the same time, prepared to say that the Government could recommend any new Order in Council, and he hoped the House would not agree to the Motion. The colonels-commandant, he might add, were in the position that, when they came to hold their high rank, they were not liable to be called upon to serve abroad, whereas officers holding high rank in the army did not enjoy a similar privilege, but were often obliged to go on foreign service and to unhealthy stations.

Sir JOHN HAY said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

THE CHANNEL ISLANDS.

QUESTION.

Mr. DIGBY SEYMOUR said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that the practice still prevails of transporting Convicts and Vagrants from the Channel Islands to Southampton and other southern seaports. For a long series of years a custom had prevailed of deporting the criminal population of the Channel Islands to the southern ports of England, the peace and security of the inhabitants of which were thereby endangered. A memorial forwarded to the Government from the Mayor and corporation of Southampton stated that, within the last ten years, upwards of 1,000 persons convicted of housebreaking, robbery, and other felonies had been banished from Jersey and Guernsey and landed on the shore of Southampton and permitted to go at large, and that vagrants had also been landed there in like manner, by which proceeding the amount for the casual poor was increased. In a book written by one of the witnesses examined before the Royal Commission of 1847 on the criminal law of Jersey and Guernsey, it was stated that burglary was punished by deportation to England for a term of years, and the offenders were shipped off one or two at a time, lest the landing of many convicts at once among the peaceable inhabitants of the neighbouring ports should give rise to complaint. Convicts, who had been sentenced to three, five, and seven years' imprisonment, were sent to any part of England which they might choose, while persons charged with minor offences were often induced to quit the Islands before trial, their travelling expenses being paid, and they ordinarily went to Southampton. Practically, that brought the evil of transportation home to our very doors. Within the last two or three years there had been more than thirty cases of persons who had left the Channel Islands either in consequence of their poverty, or from being suspected of crimes, and become chargeable on the poor rates of Southampton. He trusted the Government would take some step to put down such a monstrous state of things?

SIR GEORGE GREY said, that not long ago he received a memorial, which had been addressed by the corporation of Southampton to the Lords Commissioners of the Treasury, in reference to the practice which they said extensively existed of sending persons convicted of crime from Jersey and Guernsey to this country. There was, however, only one case mentioned in the memorial—namely, that of David Brooke, who was said to have been banished from Guernsey ten years ago for threatening violence to those who had refused to relieve him, and for assaulting the officer who took him into custody. He transmitted the memorial to Guernsey and Jersey, with a request for information as to the practice which prevailed. He had not yet received an answer from Jersey, but he had from Guernsey, and so far as that island was concerned, it afforded a most complete answer. The Governor referred the matter to the bailiff, and he found that the register of criminal proceedings in the island did not contain the name of David Brooke, except as far back as the 26th of December, 1839, when a person of that name, who no doubt was the same individual, was brought before the court. It also appeared that in 1840 the corporation of Southampton sent a memorial nearly similar to the present one to Lord Normanby, the then Secretary of State, and that the ten years spoken of in the last memorial preceded 1840, and went back to the reign of William IV. He was also informed that no native of Guernsey had been transported from the island since 1840. He, therefore, thought that the hon. and learned Member had been wholly misinformed. If, however, he desired further information on the subject, the most satisfactory way of obtaining it would be to move for the production of the memorial and the correspondence which had taken place.

MEDICAL OFFICERS IN UNIONS (IRELAND).—RESOLUTION.

MR. MACEVOY said, he rose to move the following Resolution:—

"That, in the opinion of this House, Her Majesty's Government should now adopt the recommendation of the Select Committee of 1858, which recommended Her Majesty's Government to take into consideration the claims of Ireland to a grant of the half-cost of Medical Officers in Unions, with the view of providing for the same in future, as is now the practice in England and Scotland."

The hon. Gentleman proceeded to detail the various ways in which the burden on the land had been relieved in England, and the poor rate made lighter, as recommended by the late Sir Robert Peel in 1846, and contended that it might be inferred from the speech of the right hon. Baronet on that occasion, that the same measure of relief as regarded the cost of the Union medical officers which had been extended to England and Scotland, would have been extended to Ireland also had the state of the law in Ireland admitted of it at the time. The abolition of the Corn Laws, which had been a great boon to England and Scotland, had proved injurious to Ireland, and as the interests of the latter had been sacrificed to the good of the rest of the United Kingdom, that gave additional weight to the claim for that modicum of relief which he now asked for the Irish ratepayers. The payment of the Irish constabulary out of the Consolidated Fund ought not to be thought sufficient reason for refusing to accede to this request. Another argument was, that Ireland did not contribute towards the expense of the county and borough police of England. The fact was, however, that one-fourth of the whole pay and clothing of the police force of England was now paid out of the Consolidated Fund. It should also be remembered that, although the cost of the Irish constabulary was paid out of the Consolidated Fund, yet that the constabulary now discharged the duties of revenue police, whereby a saving of £15,000 a year occurred. It was evidently the intention of the late Sir Robert Peel to place Ireland in an equally good position as England and Scotland, and he trusted that the Government would consent to carry out the recommendation of the Committee of 1858.

MR. HENNESSY begged to second the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "In the opinion of this House, Her Majesty's Government should now adopt the recommendation of the Select Committee of 1858, which 'recommended Her Majesty's Government to take into consideration the claims of Ireland to a grant of the half-cost of Medical Officers in Unions with the view of providing for the same in future as is now the practice in England and Scotland,"—(*Mr. MacEvoy,*)

—instead thereof.

SIR ROBERT PEEL said, that in the year 1860 the hon. Member for Londonderry (Mr. Dawson) brought that subject under the notice of the House, on which occasion his right hon. Friend the Secretary for the Colonies (Mr. Cardwell) gave what appeared to him to be a satisfactory answer to the demand then made. The late Sir Robert Peel, in consequence of the financial changes introduced in the Budget of 1846, relieved the local rates of Ireland from the payment of £350,000 on account of the constabulary, the whole cost of which he placed on the Consolidated Fund; but he made no corresponding alleviation in England and Scotland. In Ireland there were now 717 dispensary districts and 764 medical officers, and the whole cost of keeping up this machinery was £75,000. The hon. Member for Meath (Mr. MacEvoy) asked that Ireland should be relieved of half that sum; but the relief afforded to Ireland by the payment of the constabulary was ten times greater than the relief now sought. No doubt when the late Sir Robert Peel removed the burdens of taxation, which were then so much complained of, he considered that he was doing what he thought sufficient. No positive promise was made in 1846 that one-half of the cost of the medical unions should be borne by the Consolidated Fund. The matter was one which lay with the Treasury rather than the Irish Government, and if the Chancellor of the Exchequer chose to relieve the local taxation of Ireland to the extent of £37,000 a year by paying half the cost of the dispensary officers, he, for one, should rejoice. He had no authority in the matter, and the Treasury might have good reasons for maintaining the present state of things. After that assurance on his part—which, however, he would admit did not amount to much, except that he sympathized with the hon. Gentleman—he trusted that he would withdraw the Motion.

MR. MONSELL said, that the right hon. Baronet the Chief Secretary for Ireland had not spoken with his usual confidence, and did not appear to think he had a very good case. For himself he did not entertain the least doubt, from the speech of the late Sir Robert Peel, that if medical relief had been conducted in Ireland on the same principles as at present, the relief for which his hon. Friend prayed would then have been granted. On what grounds did Lord Devon's Commission recommend that the constabulary should be paid out of the Consolidated Fund? Because all the appointments were vested in the Lord Lieutenant. In England, however, the patronage rested with the local authorities. The Report further stated that the Irish constabulary was a disciplined and armed force, stationed in regular barracks. In other words, the ground on which that Commission recommended that the whole expense of the Irish constabulary should be borne by the Consolidated Fund was that that force was almost a part of the regular army. The Government had no more right to call upon the ratepayers to pay for it than they had to call upon them to pay for a regiment that might happen to be quartered with them. The analogy between the English and Irish police forces, therefore, entirely failed, and there remained no colourable pretence for rejecting the Motion of his hon. Friend.

COLONEL DUNNE said, the Irish police were rather a gendarmerie than a police force. But he contended that the cost of the Irish police force was really borne by the people of Ireland. Ireland ought not to be taxed for an object which was not equally the subject of a tax in England and Scotland.

MR. BAGWELL said, that the reason given by Sir Robert Peel for not dealing with the charge for medical relief in Ireland as it was dealt with in England and Scotland was that the law with respect to medical relief in that country was different from the law in Great Britain, and showed that if the law had been the same he would have dealt in a similar manner with the charge. The whole cost of the Irish constabulary was placed on the Consolidated Fund, in order to induce the Irish Members not to oppose the repeal of the Corn Laws in 1846. The law of Ireland with respect to medical relief was now the same as that of Great Britain, and the charge ought, therefore, to be provided for in the same manner in all the three kingdoms. As to the police of Ireland, it was now essentially a military force. He thought it would be unworthy of the English Government to resist such a Motion as the present. It was a simple matter of justice that ought to be conceded.

MR. PEEL said, that the charge for medical relief in England and Scotland was not placed upon the Consolidated Fund to give relief to local taxpayers, but partly to compensate the agricultural interest for the difficulties to which it was believed that they would be subjected by the free importation of corn, and partly to give the Government a share in the appointment and superintendence of the medical officers, in order that a defective system might be improved. Neither of those reasons existed in Ireland at the present moment. There was no question of compensation, and the dispensary officers performed their duties in a most satisfactory manner. As regarded the relief to the ratepayer, Ireland received much greater compensation by the transference of the entire constabulary cost to the Consolidated Fund. He thought that if the claim now put forward had been a good one it would have been considered in the year 1852, when the charge for these officers was first placed upon the poor rates.

Mr. HENNESSY said, that before the House divided he should like to answer the only two Ministers who had spoken upon the subject by quoting the words of a distinguished man, to whom they ought to pay a little respect. The late Sir Robert Peel said—

> "I believe it will be an immense advantage to place the police force of Ireland directly under the control of the Executive, to prevent the possibility of all interference by local bodies, to make the police as perfect a system as possible, excluding all power of local nomination or local interference, taking the whole conduct, in fact, under the Executive Government, and, in order to make the system as perfect as possible, paying the police out of the public treasury."

Sir Robert Peel had in view an important object of Imperial policy, and to carry it out he was willing that the country should bear the expense. But that question had nothing whatever to do with the Motion brought forward by his hon. and gallant Friend. It was one of a class which had become rather frequent of late, in which the Irish Members asked for the same justice that was extended to England, and he trusted it would be pressed to a division.

Sir HERVEY BRUCE said, that when Sir Robert Peel refrained originally from extending the income tax to Ireland, additional taxation was imposed on stamps and spirits. Those charges had been maintained, although the income tax, since added, produced a revenue of £700,000.

Sir GEORGE GREY begged to remind the House that the whole subject of Irish taxation had been referred to a Select Committee. It would, therefore, be unfair to deal separately with items of taxation in the manner proposed by the present Motion.

Lord JOHN BROWNE begged to remind the Government that in the English Estimates a sum of nearly £300,000 was included for the support of County Courts in England, whereas the whole expense of such costs in Ireland was paid out of fees.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 73; Noes 58: Majority 15.

DENMARK AND GERMANY—DUCHIES OF SCHLESWIG AND HOLSTEIN.

Sir HARRY VERNEY said, he rose to put Questions connected with the Duchies of Schleswig and Holstein to the Under Secretary of State for Foreign Affairs. The subject was one in which a deep interest necessarily was felt by the people of this country, and a strong desire was expressed to obtain explanations leading to a right understanding of the merits of the conflict, and the course which England ought to pursue. It had been alleged that the States of Holstein formally thanked the King of Denmark when the change was made in the order of succession to that Duchy. The fact was that the States of Holstein never did express any opinion of the kind, for the question had never been submitted to them. Holstein was a constitutional country, and the change ought never to have been made without obtaining the assent of the representatives of the Staaten. The *Staatscalender*, the Royal organ in Denmark, gave information on this subject; and in it were laid down the functions of the States of Holstein and Schleswig. It said—

> "With regard to those affairs which fall under the official direction of our Ministry in the Duchy of Schleswig, no changes in legislation, with the exception of laws merely provisional, shall be made, without the assent previously obtained of the Provincial Estates of the Duchy, and in the arrangements respecting them the vote of the Provincial Assembly shall be expressly stated. With regard to the affairs of Holstein, which fall under the official direction of our Ministry in the Duchies of Holstein and Lauenburg, no changes in the legislation shall take place unless sanctioned by a previous vote of the Provincial Estates of the Duchy. And in the arrangements respecting them the vote of the Provincial Assembly shall be expressly stated."

When the new Constitution was submitted to the States, they were expressly precluded from discussing the first six paragraphs; and when the States of Holstein proceeded to consider the rest of the Constitution, they decided by forty to five that they should protest that those paragraphs had no validity, because they had not been submitted to them. That the States had a right to be consulted was evident both from the extract he had read and also from the promise of the King of Denmark, that all parts of his dominions should enjoy equal rights and privileges. Holstein and Schleswig were constitutional States. Their laws could not be changed without the assent of the representatives of the people, and because this change was effected without their assent the present horrid war was raging. Schleswig and Holstein, in ancient years, were united in one common Diet, which in 1460 elected the head of the house of Holstein-Oldenburg, Duke. The Sovereignty was elective till 1616, when the common Diet at Schleswig decided that primogeniture in the male line of succession should be the law of the Duchies, which law was in favour of the Duke of Augustenburg. By the ancient law he should now be their ruler. The King of Denmark promised in 1849-50 that the Duchies should be placed on the same constitutional footing with Denmark in all respects; therefore, in good faith to the subjects of the Duchies, the law altering the succession ought to have been submitted to the States of Holstein and Schleswig. A law which took away a man's birthright without his consent was an act of injustice. Excepting the old Duke Christian none of the Augustenburgs were asked to consent. He received £340,000 for estates that were worth £600,000, and he at the same time agreed not to interfere with any regulation of the succession which the King of Denmark might by legal means carry into effect. Vattel said that treaties were void that violated the rights of third parties. The alteration in the succession was declared to be law by the arbitrary will of the King of Denmark. The question was discussed in the Diet of Frankfort in 1846, when the rights of the Augustenburgs were acknowledged. It was said that the movement in the Duchies was not spontaneous but prompted by agents from Germany. An hon. Gentleman, whom they all respected, though they did not often agree with his opinions—the Member for North Warwickshire (Mr. Spooner)—said he believed that but for those agents from Germany, the great bulk of the population in the Duchies would have willingly recognized the King of Denmark. He was surprised to hear the hon. Member make that assertion. There was certainly a despatch from Sir Andrew Buchanan to Earl Russell, in which it was stated he had been informed that there was good reason to believe "that not less than 2,000 agents of the National Verein had been sent into the Duchy to agitate and excite the people. A system of terror also prevailed, which few persons were able to resist." [*Cries of* "Hear, hear!"] Hon. Members cried "Hear," which showed that they believed the statement. Now what he wanted to know was, on whose authority that had been stated. He believed it to be entirely untrue—absolutely, utterly, and totally untrue. Would any British agent declare that he believed 2,000 agents were sent from Germany in order to excite the people in the Duchies against the King of Denmark? He demanded the authority on which that statement was made. Lord Russell, in writing to Lord Cowley, used similar language. He said—

> "It was not till numerous democratic agents of the German National Verein swarmed into the Holstein villages that the rural population showed any indisposition to the Government of the King of Denmark. Even now the inhabitants of the villages show little inclination voluntarily to swell the democratic flood of German invasion."

The noble Lord sitting in Downing Street could not have known that, and he wanted to know the name of the agent who told him so. Mr. Grosvenor was sent for the express purpose of ascertaining the opinions of the inhabitants of Schleswig and Holstein, and what did that gentleman say? Mr. Grosvenor said that, although the agitation might be suppressed by the superior forces of the Great Powers, and Schleswig and Holstein might continue under the rule of Denmark, yet no satisfactory solution of the question could be obtained by those means, and the agitation would never cease until the people of Schleswig and Holstein were freed from the yoke of Denmark; and yet the people of this country were told that there was no spontaneous movement in the Duchies, notwithstanding the evidence furnished by our diplomatic agents, who were responsible for their statements. The evidence of Mr. Consul Ward and Vice Consul Rainals was in the same direction. It was also true that Her Majesty's Government had been incessantly urging the Government of Denmark to perform their promises to the Duchies, and yet what was now the state of affairs? Instead of compelling Denmark to fulfil those promises, it was doubtful whether we were not about to go to war in favour of Denmark, because she had not performed them. That appeared to him to be a curious *non sequitur*. If courage and endurance were alone to be the test, if our sympathies were to be enlisted on the side of the Power that showed the greatest endurance and most wonderful self-devotion, he should certainly say that we ought to support the Danes. But that was not the principle upon which we should be governed at that moment; he should be in favour of going to war in favour of Denmark. But this country ought only to go to war for a cause that was just. If we were to take part with the oppressed, we should have to take part with the German population of the Duchies, who had been abominably oppressed. He did not object to the Eider-Dane party, but he did object to the mode in which they sought to obtain their ends. He also sympathized with the brave Danish army and the self-devotion they had displayed, but he thought that great responsibility rested upon the Danish Government, who consigned those gallant soldiers to death, in a cause in which she was the original transgressor, and in order to conciliate the mob of Copenhagen. It was not even for the advantage of Denmark that the provinces, which had suffered so much from her oppressive rule, should remain under her Government. There were instances of countries which, after losing portions of their territory, had nevertheless increased in population—as in the case of Saxony, Belgium, and Holland. He would impress upon the House that the only proper course to adopt would be to refer the settlement of the question to the inhabitants of the Duchies themselves, who should be invited to express their opinions upon it in a proper and constitutional manner. He should conclude by asking the Under Secretary of State for Foreign Affairs to state to the House—

> "Whether he has reason to believe that the States of Holstein formally thanked the King of Denmark for what he had done in altering the succession; and, if so, on what authority he entertains that belief?
>
> Whether the intimation, in Despatches 709 and 784, that the movement in the Duchies of Schleswig and Holstein in favour of separation from Denmark was not spontaneous, rests on the authority of any agents of the British Government; and if he will lay upon the table any Documents or Despatches on these subjects?
>
> And, to move an Address for Copy of the Answers received from the Governments to whom invitations were addressed to attend the Conference now sitting in London?"

Sir Harry Verney

SIR FRANCIS GOLDSMID said, he wished to obtain from the Under Secretary for Foreign Affairs some further information, his desire for which was prompted by a feeling less Teutonic than that which animated the hon. Baronet the Member for Buckingham (Sir Harry Verney). That hon. Baronet referred to the spontaneity of the movement in Schleswig and Holstein; but the hon. Gentleman the Under Secretary in replying ought to take into consideration not only what he heard from British agents, but what was proved from the undoubted circumstances of the case. Immediately contiguous to the Duchies was a German population of 30,000,000 or 40,000,000 all anxious for annexation. He would not do the Danish Government in Schleswig the injustice of comparing it with the English rule in Ireland when the penal code was in force; but since that code had been abolished, and nothing but the remembrance of it remained to excite disaffection, what would have been our position if Ireland had been placed between France and England? Although the power of England bore a much larger proportion to that of France than Denmark bore to Germany, would any one, under the circumstances supposed, have maintained that a movement in Ireland against English rule was spontaneous? The hon. Baronet declined to trust unnamed British agents, but would he believe such persons as Count von Bismark and M. Rechberg? The British Minister, writing on the 5th of December, said that M. von Bismark told him that—

> "Money was also collecting throughout Germany for the Prince of Augustenburg; and, while offices had been opened in Hamburg and in several other States, to raise men for his Highness's service, arms, uniforms, and accoutrements were preparing for their use. Free corps might, therefore, soon enter Holstein and proclaim his Highness as Duke of Schleswig-Holstein. M. de Bismark did not doubt that the King of Denmark might be able to maintain his authority against any opposition which might thus be offered to it; but if his Majesty were obliged to employ force, many of the Schleswig-Holstein sympathizers who would fall in any conflict which might take place between them and his Majesty's troops might be lawless adventurers, but others might be enthusiastic young men, whose death would increase the excitement now prevailing in Germany to a degree which it would be impossible for the Governments to resist."

Thus M. von Bismark was of opinion that, but for those German sympathizers, some of whom were lawless and some enthusiastic, the King of Denmark might have maintained his authority even in Holstein. Yet, in the face of that statement, the hon. Baronet wondered upon what authority the English Government had conceived the notion that the movement had been stimulated from without. So, again, as to Schleswig, Lord Bloomfield, on the 18th of February, wrote as follows:

> "Count Rechberg assured me also, that as far as he could judge of public opinion from the various reports that had reached the Imperial Government, there appeared to exist great indifference in the Duchy of Schleswig generally, as to the Prince in whose hands the governing power should be placed. In fact, said His Excellency, if it were not for the activity displayed by the agents of some of the small German Powers, little would be heard on the subject of the Duke of Augustenburg; but the instant an agitating agent, following in the rear of the advancing army, contrived to get two or three insignificant people together to join in the cry for the Prince of Augustenburg, it was immediately telegraphed to all parts of Germany that the Prince had been proclaimed.
>
> "His Excellency added that these reports were totally untrue as representing an expression of the feelings of the mass of the population, who did not care for, and had certainly not evinced any partiality for, the Duke of Augustenburg."

In the face of those statements the House was told that the movement was spontaneous. He (Sir Francis Goldsmid) did not regard the present as being the occasion for going into the charges of broken faith which had been made against Denmark, and would, therefore, merely express his belief that those charges were unfounded. There was only one topic more to which he desired to advert. If the sympathy expressed by Germany for the people of Schleswig Holstein were real, it deserved their respect; but if, on the contrary, that sympathy were merely adopted as a pretence for the purposes of self-aggrandizement, it must be viewed on all sides with mistrust and aversion. Now, the true motives of a people were sometimes, perhaps, to be discovered rather in popular songs than in state-papers. And it was therefore worth while to observe that the favourite German song on this subject began with the words, "Schleswig Holstein, sea-girt land!" What had its being sea-girt to do with the matter? An oppressed nationality did not deserve aid more if it were maritime than if it were inland. But it might be a much more profitable business to help it if its territory contained a port which was coveted by the sympathizers. Considering, too, what Austria had done in Hungary, in Venetia, and in Galicia, considering the part which Prussia had taken last year with reference to the Poles, and considering the opinion expressed last December by Herr Von Bismark, that there would never be any peace between Germany and Denmark so long as Denmark permitted the continuance of democratic institutions, he (Sir Francis Goldsmid) could feel no sympathy, and he believed the House would feel none, with any pretended desire of those who were now attacking Denmark for the promotion of liberty.

MR. LAYARD said, he did not believe, if he might judge from the tenour of the House, that hon. Members were desirous of a long speech upon the subject, especially as a more solemn discussion was now going on upon that very important affair. He would, therefore, confine himself to the questions asked by his hon. and gallant Friend. He must, however, observe, that the doctrine laid down by the hon. Baronet, that the fact of a kingdom being as populous after its dismemberment as it was before was an excuse for its dismemberment, was most extraordinary, and one which he did not believe would be generally accepted. His hon. Friend had not accurately quoted the words he had made use of on the occasion of a former debate upon this subject. He had no doubt that his hon. Friend would remember that he was pointing out how dangerous it was for the House in discussing questions involving, as they did, the most comprehensive principles of International Law, to come to a hasty decision upon those questions, and that those matters had been discussed by some of the most celebrated legists of Europe. He also mentioned the powers of the States of Schleswig and Holstein. Those States were constitutional Parliaments, which, according to some, having the power of giving an opinion, and exercising an influence, upon any change in the succession, while others maintained that the only questions which they could claim to discuss were connected with matters of mere local interest. His hon. Friend had assumed that evening, what he regarded as very doubtful, the power of the States to discuss a change in the succession. He would remind his hon. Friend that the question was surrounded by too many difficulties to allow of its being decided by a mere *ipse dixit.* He (Mr. Layard) had said that others had asserted that the States had not only discussed the question, but had virtually returned thanks to the late King of Denmark for the settlement of the succession. That statement was made upon the authority of a report of the Holstein States on the modification of the Constitution which was adopted by the Assembly, dated December, 1853, and printed in the *Holsteinische Stönde Zeitung.* It contains the following words:—

> "The welfare of the people, the preservation or the loss of the greatest earthly benefits, not only for us, but also for the coming generations, depends upon a proper arrangement of the mutual relations between the different territories which now are united under the sceptre of His Majesty the King, and which also shall remain united as long as it pleases Providence, in accordance with an order of succession which has been fixed by our present Sovereign, with the assent of the great European Powers."

That Report had not been communicated officially to Her Majesty's Government, and he could not, therefore, lay it upon the table of the House, but he believed it to be authentic. His hon. Friend next proceeded to say that he was inaccurate in stating that the Diet did not object to the change in the succession. What he did say was, that up to the time of the death of the late King the question of the succession had not been made an element in the discussions which were then being carried on by that body in reference to the two Duchies; but that, on the contrary, when Earl Russell made his proposal of December, 1862, that proposal was accepted by all the German Powers and the Diet as one that was perfectly satisfactory. If Denmark had accepted that proposal, that difficult and important question would have been settled. That statement he now repeated. His hon. Friend had next asked upon what ground the statement was made that the expression of feeling in the two Duchies in favour of the Duke of Augustenburg was not a spontaneous one. The very despatch by Sir Andrew Buchanan, quoted by the hon. Baronet as an authority for his statement, that the expression of feeling was spontaneous, proved that it was brought about by the agents of the National Verein. The Report also of Mr. Consul Rainals, which had been quoted by his hon. Friend, would not bear him out in the opinion which he had founded upon it, as the following extract would show:—

> "First, I would state that I never once heard His Majesty the King of Denmark spoken of but with respect and affection, while I did hear expressions to the effect that if he possessed the power he had the will to make his subjects happy and content. I met with but very few persons who admitted that they desired separation from the kingdom of Denmark or union with Prussia or Germany, and these few were confined to strong partisans of the nobility (*ritterschaft*) and large landed proprietors; but so well are they aware that the population of the country do not share their sentiments, that they only communicated them when warm in argument and by mistake. The nobility and landed gentry formerly held Court and diplomatic appointments from Denmark, from which they are now excluded, and entertain, perhaps, hopes of being similarly employed if union with Germany could be effected. But these two classes have, nevertheless, by their intelligence, wealth, and connections abroad, a very considerable direct and indirect influence on the German population of the Duchy, which they use with the ostensible purpose of securing justice to the people and an union of the two Duchies. The wish for a legislative and administrative union with Holstein was generally expressed among the intelligent persons of the populations in the towns, but only to a small extent among those inhabiting the country districts, and neither party desired separation from Denmark, and much less union with Germany, or that Schleswig should become a member of the Germanic Confederation. I did not fail to observe that the opinions of many persons were influenced by a particular party hostile to the present organization of the Danish monarchy, and in this I was confirmed by partisans of the union with Holstein, who admitted the influence alluded to, but confessed they had become the followers of the party only as a means of obtaining release from the vexatious system of the ultra-Danish party. They further admitted that their leaders, the nobility (*ritterschaft*), and large landed proprietors, are not looked upon as their true friends, as they support the privileges of certain classes, and are adverse to the introduction of liberal institutions."

He would not deny that the Duchies had certain grievances against the Danish Government, nor had Her Majesty's Government ever maintained that Denmark had fulfilled all her promises. His hon. Friend, however, went on to say that because Denmark had not done so it was our duty not to take her part; but he could not acknowledge the justice of that argument. After Denmark offered, though late, to fulfil her promises, the *casus belli* was removed; and therefore for Austria and Prussia to have then gone to war with her was a great injustice. Mr. Grosvenor, a young man of intelligence, was not sent to report upon the feelings of the people of the Duchies; and if the hon. and gallant Member would look at the papers he would find that Sir Andrew Buchanan warned them against taking Mr. Grosvenor's opinion on that point. Mr. Grosvenor was sent to Holstein for a specific purpose. It had been stated that the Commissioners of the Diet, instead of doing that which they pledged themselves to do on commencing Federal execution — namely, to administer the Duchy in the name of the Duke of Holstein, had exceeded their powers, and proceeded to establish the authority of the Duke of Augustenburg. That statement was denied in Germany, and Mr. Grosvenor went to ascertain whether the arms of the King of Denmark had been pulled down, whether the authorities appointed by the King had been removed, and whether the Duke of Augustenburg had been virtually installed as ruler of the Duchy? These facts Mr. Grosvenor proved, but nothing more, and therefore, as far as the feelings of the population were concerned, he was no authority whatever. From all the information he (Mr. Layard) received it was a matter of public notoriety, that there was in Schleswig certainly no general desire on the part of the people to elect the Duke of Augustenburg as their Prince, or to separate themselves from Denmark. That was his impression, and he believed it was the impression of all who had taken the trouble to inquire into the matter. In conclusion, he would only add that the object of Her Majesty's Government was to restore peace; that he trusted that object would be attained, and felt sure the House would not create any fresh difficulties in the way of its attainment.

Lord ROBERT CECIL said, that before the House passed from that Question he desired to enter a protest with respect to those Danish debates. The hon. Baronet the Member for Buckingham (Sir Harry Verney) had spoken more than once on that subject, and they frequently had these Danish debates interpolated, as it were, in their discussions, when strong statements were made by the hon. Baronet and other hon. Members, advocates of the same cause. Now the enormous majority of that House sympathized with Denmark in that matter. But the Members of that majority had shown themselves anxious not to mar any chances that might exist of the restoration of that peace which they all desired by obtruding themselves with unnecessary vehemence in the debates that had taken place. He feared, however, that that reticence and forbearance on their part had been misunderstood out of doors. The hon. Baronet and the other partizans of Germany in that House, who might be counted upon one's fingers, had, he believed, with great ingenuity and skill, by showing themselves repeatedly, and on every possible occasion and in every possible guise, contrived to give the public out of doors the impression—the false and delusive impression—that there was a German party in the House of Commons. It was not his intention to enter into the arguments of the hon. Baronet or into what the hon. Baronet called his facts—it was not his intention, either, to enter into those feelings which led hon. Gentlemen to sympathize with faithless and treacherous despoilers, which feelings happily were rare among Englishmen. But he would only say this, that he trusted that no one out of doors would entertain the impression that because they did not contradict the statements—the wild and chimerical statements made with regard both to historical and present facts, the House, therefore, admitted them. Discussions upon that subject could not be fairly taken until the negotiations had been concluded, and until that House was placed by the failure—if failure it should unfortunately prove—of the Executive to bring that matter to a satisfactory termination, in a position to express its opinion on these unhappy transactions without thereby exposing to additional dangers those with whose miseries and unjust sufferings it most heartily sympathized.

Mr. NEWDEGATE said, he rejoiced exceedingly that the noble Lord had elicited the true feeling of the House. As he had been personally alluded to by the hon. Baronet the Member for Buckingham (Sir Harry Verney), he trusted the hon. Baronet was now satisfied that when he spoke his opinion plainly he had some grounds for it. The hon. Baronet the Member for Reading (Sir Francis Goldsmid) had referred to foreign agitators who had disturbed the internal peace of Holstein and Schleswig. Not so very long ago Canada was invaded by sympathizers from the United States, just as the Duchies of Schleswig and Holstein had been; but the conduct of the Government of the United States on that occasion ought to be remembered for ever with gratitude by this country. They lent no countenance to that system of sympathizing or filibustering. On the contrary, in spite of the feeling of a portion of their own people, they acted loyally towards us and enabled us in every way to repress that unjustifiable aggression upon Canada. The reprehensible conduct of Germany towards Denmark in the present instance was in striking contrast to the honourable conduct of the United States in that instance. He rejoiced to see at this moment a feeling which was truly natural exhibited towards Denmark, for it was no question of Schleswig or Holstein now. The whole of Jutland was now occupied, and the invaders were levying contributions on its inhabitants, and taking hostages in default of their payment. The question had come to this, that were it not for the sea, on which England had once some power, the State of Denmark would, he firmly believed, be swept from the category of nations—a fate from which he trusted England would see that gallant people saved.

Sir HARRY VERNEY said, he wished to explain that he had not expressed any approval of the conduct of Austria and Prussia, who had betrayed the Schleswig-Holsteiners in 1851-2, but had spoken of the German inhabitants of the Duchies.

INDIA—COVENANTED SERVANTS.

OBSERVATIONS.

Sir EDWARD GROGAN said, he rose to bring under the consideration of the House the position of the Civil Servants of the Crown in India who shall have entered into covenants to serve in that country. Under the nomination system there were two classes of examinations—one of a literary character, and another as to special qualifications; and those who passed those examinations had an absolute right to appointments in India. Under the former system a successful candidate entered into what was called a deed of covenant with the Secretary of State for India as to the nature of his services. The special matters to be done and left undone were set forth in that deed; but added to the deed was a penalty attached to dereliction of duty. He complained that young men thus becoming entitled to nomination, did not receive pay until they joined the presidency, to appointments to which they were nominated. He thought they should receive special pay from the time they signed the deed, and that an allowance should be made to carry them out to their destination. Such a rule was in force in the army, and ought not to be ignored in the Civil Service.

Sir CHARLES WOOD said, that the practice complained of was only that which formerly existed with regard to writers who were nominated for India under the East India Company, the rule being that Indian service should be paid for in India, and not elsewhere. In 1858 those appointments were thrown open to competition, and the successful candidates were placed on the same footing as the servants nominated under the old system, with the difference that a sum of £100 was allowed to them to defray their expenses between the first and second examination, and towards the payment of the expenses of their journey, and as, even on the hon. Baronet's own showing, so far from there being any want of candidates, there were at least two for every vacancy, he could not see any ground for altering the existing regulations.

Mr. VANSITTART said, he could confirm the statement of the right hon. Baronet as to the expenses of the old system. His anxious parents sent him to Haileybury College, where he spent the required time and passed the necessary examination, and yet he never received a single rupee from the Indian Government until he arrived in India. He could not, therefore, see what claim those poverty-stricken members of the Universities of Dublin, who were not compelled to enter the service, and who were not half so good as the Haileybury men, had on the Government for payment before their arrival in India.

Main Question put, and *agreed to*.

SUPPLY.

Supply *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

INTOXICATING LIQUORS (SALE ON SUNDAYS).—LEAVE.

Mr. SOMES moved for leave to bring in a Bill to impose restrictions on the sale of intoxicating liquors between eleven o'clock on Saturday night and six o'clock on Monday morning. The hon. Gentleman said that some explanation might be necessary with regard to this Bill, as it was different from that of last year. Last year his Bill proposed the total closing of public-houses on the Lord's Day. He gathered from the debate which occurred on the occasion of the second reading of the Bill, that the House thought some time was necessary to enable the public to get their dinner and supper beer on Sundays, and the absence of any such provision seemed to constitute the main objection to the Bill. But by the present measure he proposed to give an hour for getting the dinner beer, and he also proposed to allow an hour between eight and nine, for getting the supper beer. The House would, no doubt, consider that, provision having previously been made for travellers and lodgers, and two hours being allowed for everybody else, it could not be for the benefit of the working man and his family that he should have six hours extra for drinking in public-houses. Let them remember that the working classes prayed for this Bill. The number of persons in favour of the total closing of public-houses on the Lord's Day was 903,987, or about one in twenty of the whole population of England and Wales. The great bulk of those who signed the petitions he was referring to were of the working classes, who, most of any, were directly interested in the passing of the Bill. A working man said to a London clergyman, "People say we working men show that we are weak when we ask the Legislature to close public-houses on Sundays, because then we have our wages in our pockets, and nothing to do;" but do not the aristocrats pray every day, "Lead us not into temptation," and should not the working men also be preserved from temptation when they beg it as a favour at our hands? The convictions from Saturday and Sunday nights exceeded those of every other day in the week. Sunday was the high day of England's drunkenness, caused by spending the wages that should go to the wife and family. If they wished the working-men to get their dinner beer and supper beer, the Bill gave them two hours for that purpose. Such a measure as this had been said to be an interference with the liberty of the subject. Look, however, at the case of Scotland. Would any one say that Scotland was behindhand in the love of liberty? And yet that country had found that a severer measure than that which I propose was not incompatible with such a sentiment. She preferred to preserve the liberty of thousands by closing public-houses on Sunday—those thousands who, in the absence of such restriction, would find themselves on Monday morning in the hands of the police. In New York for years the public-houses had been closed on Sundays, and such had likewise been the case in Sydney and in other of our colonies. These facts went to show that this measure is not the offspring of a society, or of a people unmindful of the blessings of liberty. Seeing the impatience of the House, he would not trespass further upon their attention, but would simply move for leave to introduce a Bill for restrictions on the sale of intoxicating liquors between the hours of eleven of the clock on Saturday night and six of the clock on Monday morning. He would not trouble the House with further details and statistics on the question, which would be unusual at this stage of the Bill; but he trusted that after the petitions, signed by thousands, which had been presented in favour of the larger measure, the House would not deny to them the present modicum.

MR. PEASE begged to second the Motion. The subject of the proposed Bill only required to be better understood to be better appreciated. It had been proved to demonstration that the chief difficulty all our religious and philanthropic institutions had to contend with arose from the drinking customs of this country. Such was the deliberate opinion of the judge upon the bench, the clergyman in the pulpit, the Sabbath School teacher, and others acquainted with the habits of the lower classes. The proposed Bill had on the face of it something so reasonable that he was satisfied the House would allow it to be introduced, and he was persuaded that on further examination it would be found that the objections relative to an alleged interference with the private rights were not so cogent as some hon. Gentlemen supposed. He had the honour of representing a large constituency, and all classes had joined in requesting him to support the Bill.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for restrictions on the sale of Intoxicating Liquors between the hours of eleven of the clock on Saturday night and six of the clock on Monday morning."—(*Mr. Somes.*)

MR. ROEBUCK said, he would not detain the House for many minutes, for there were two considerations which compelled him to be brief—one the lateness of the hour, and the other the fact that the introduction of a Bill was supposed to be a mere matter of courtesy. He had no fanatical hatred to the proposed measure; his only desire was to protect his countrymen in the fair enjoyment of their rights and liberties. As for the question of courtesy, he begged the House to recollect that though the present was said to be a different Bill from that which was decided last year, it was, in reality, the same. [*Cries of* "No, no!"] Hon. Gentlemen might cry "No, no," but before he had done he would prove "Yes,

yes." The ground of that Bill was twofold. There was a body of people in this country who were Sabbatarians; there was also a body of Teetotallers. Those two muddy streams of sentiment had united. Running side by side for a long time, they had at last united their waters, and now they formed one foaming, muddy river, which it was difficult to stem, and very disagreeable to see. [An hon. MEMBER: And to smell.] Aye, and to smell. Those two sets of people had joined their forces on the present occasion. Why did he oppose them? First and foremost, because that was a law for the poor and not for the rich. A rich, well-to-do man could have his own beer or wine in his own house, he could draw his beer or uncork his wine when he chose, but that was not the case with a poor man. Parliament began with fiscal regulations. It had put a tax upon malt, and he had always voted with the Chancellor of the Exchequer on that subject, but he had always felt that he was preventing the poor man having his own beer in his own house and driving him to the public-house. He wished the House to understand that every man who went into a public-house was not a tippler. The poor man who was compelled to go to the public-house was like the gentleman who sent down his butler for his glass of wine when he wanted it. If the hon. Member for Hull (Mr. Somes) and his friends were really in earnest—if they were anything more than canting hypocrites—they would propose a law for the rich as well as the poor. Not only would they shut up every public-house—not only would they shut up the Star and Garter at Richmond, and the Trafalgar at Greenwich, but they would also shut up every club in London. Would they dare to introduce a Bill for that purpose? If not, how could they presume to say that they were the friends of morality and justice? He spat upon their paltry pretence. He had no hesitation in saying that those who were endeavouring to bring in that Bill under the guise of being the protectors of morality, were merely carrying out their own individual views respecting the enjoyments of others. "We are virtuous," they exclaimed, "and, therefore, you shall have no more cakes and ale." The introduction of that Bill would create dissension throughout England. [*Cries of* "No, no!"] "Yes, yes;" it would create the necessity on the part of hon. Members who thought, as he did, of sifting the sentiments of the people of England, as they did last year. The seconder of the Motion had talked of representing a large constituency. He represented a still larger constituency, and he opposed this Bill. Last Session he presented a petition signed by 20,000 people, and when he went down among his constituents during the year what occurred? Several gentlemen came to him and said, "Oh, this is a people's measure, and you must support it." His reply was, "Prove that to me and I will vote for the Bill." They had a meeting in the open air, and it was carried against them by a majority of thousands. So much for the present being a popular measure. He represented a set of hardworking men who were confined to a smoky town all the week, and, as he said to those gentlemen, if he lived in Sheffield he should be very glad to get out on a Sunday to breathe a mouthful of fresh air. A working man who had expended his week in hard labour was naturally glad to get out of Sheffield for a few hours on Sunday, but if the hon. Gentleman's Bill passed he would find the door of every public-house shut against him. That man was not necessarily a tippler. What right had they to say to that man that he should only have his luncheon at one o'clock, and not at three, if he liked it best then? Public-houses in the country were only open now from twelve to three, and from five to eleven. What harm was there in that? A working man in London went out on Sunday for a few hours' recreation, and then those sour Gentlemen turned round on him and said, "You ought to be at church." That was their creed—that if they kept a man out of the public-house they sent him to church. If a man were religiously inclined he went to church before he took his walk into the country; and was it not a way of worshipping the great Creator to walk among His works and admire their beauty? The Bill would not put an end to drinking; it would force men to break the law. There would be just as much drunkenness as ever, and a great increase of hypocrisy. The hon. Gentleman had quoted the example of Scotland. Scotland was an ascetic country, with a peculiar flavour for what was called Sabbath observance, and it was the most drunken country on the face of the earth. A friend of his who had been in Scotland on a visit had brought back a very good story. He was stopping in the neighbourhood of a very beautiful waterfall, and when Sunday came round, there being an interval between kirk and dinner, he said, "I'll go and see your waterfall." "Gude mon," said his host, "it's the Sabbath." "What, then," replied his friend, "can't I see God's works on God's day?" "Oh, no," replied the host; "You maun stay here; you can't break the Sabbath." And in deference to his host the gentleman staid indoors and they sat down to spend the day in tippling. That was a well-to-do house, where they could drink their own beer and whisky without having to send out of the house for it. Did the hon. Gentleman believe that he would make men worship God more completely by compelling them to abstain from walking abroad? What he wanted was to turn this nation into a sour, ascetic, hypocritical people. The Bill was the same in substance as that which was introduced last year, and the hon. Gentleman was honest enough to say that the modifications which he had introduced were against his will. That was exactly the principle of the promoters of the Bill—they thought a thing was wrong, but still they did it. The Bill last year was rejected with ignominy, and to prevent the dissension and dissatisfaction which were occasioned then he would ask the House to mark its sense of it by refusing leave to introduce it.

MR. CLAY said, he thought that the House ought to allow the Bill to be brought in, if it were only out of respect for the immense number of petitions which had been presented in its favour, more especially as various important modifications had been introduced into it in deference to the opinions expressed in the House last year.

SIR WILLIAM JOLLIFFE said, that although he had the greatest respect for the hon. Members the Mover and Seconder of that Motion, and lamented equally with them the inclination to drink existing in this country, yet he hoped that the House would not sanction the commencement of an agitation such as had taken place before, in consequence of the course they were about to adopt. Eight years ago there was a sort of *émeute* among the three millions of the population in this metropolis, which led Parliament to change a recently-passed law with more haste than was altogether seemly. A compromise was then agreed to, which had satisfied the public and licensed victuallers. He hoped the Government and the House generally would pause before embarking on a project like the present, which was calculated to bring about a repetition of those scenes. What was proposed was that the poor man should only be allowed two hours out of the twenty-four on Sundays to get his beer. A working man might not be able to get out till late in the afternoon, and it was not right that he should be deprived of the opportunity of enjoying his only holiday in the week. This proposal did not take into account the state of three millions; and those hon. Members who supported the measure had not visited the working man's home. He believed the measure was one likely to cause great dissatisfaction both in the metropolis and throughout the country, and would, if carried, cause the same agitation as it did on a former occasion, and hon. Members would very likely end (as they nearly did before), by seeing all the restrictions as to opening public-houses on Sunday swept away.

SIR GEORGE GREY said, that last year, in deference to the strong opinions expressed by a large number of persons in the country, and from a desire that the subject might be fully and fairly discussed, he gave his vote for the introduction of the Bill. He had no reason to regret that he did so, for the advocates of the measure had an ample opportunity of stating the grounds on which it could be defended, and the House rejected it, on the second reading, by a numerous majority. Therefore he did not think he could now be accused of any want of respect to the supporters of the Bill if he declined to follow the same course again. The proposal before them was substantially the same as that of last year. As had been remarked, if the Bill were allowed to be brought in and the second reading were fixed for a fortnight hence, the interval would be spent in canvassing and agitation, and in the end, he was confident, the House would reject the measure. It was only a few years since the existing restrictions were adopted, and he could not but think it was inexpedient to attempt to disturb the arrangement then come to. He should, therefore, vote against the Motion.

MR. HORSFALL said, he must express his surprise that the House, as an assembly of Gentlemen, should have tolerated the language of the hon. and learned Member for Sheffield (Mr. Roebuck). The hon. and learned Member had no right to stigmatize nearly a million of his fellow countrymen as "canting hypocrites," or to apply that epithet to any Gentleman in the House. He was astonished, also, to hear him say he spat on the Bill. He thought that such language was not becoming the dignity of the House. The hon. and learned Gentleman had told them that he stood up for the rights and privileges of the people; but he seemed to ignore the claims of the poor barmen, who had petitioned Parliament in thousands to afford them relief. He appealed to the House to comply with their request. The hon. and learned Member undertook to prove that the Bill was precisely the same as that of last year, but had neglected to do so. The fact was, the Bill was different from its predecessor. His hon. Friend the Member for Hull (Mr. Somes) consulted him on the subject, and he recommended him not to submit the same Bill to the House, but to defer to the opinions then generally expressed, and allow two hours a day. His hon. Friend had taken that advice. He regretted that the Home Secretary had not seen fit to grant the courtesy of a first reading, but hoped the House would not yield to the influence of the Government in the matter.

MR. PACKE said, that the Bill confounded the innocent with the guilty, and deprived the sober man of his beer because others got drunk. That was a kind of legislation the House ought never to agree to. The case of Scotland was entirely different to that of England. There malt liquor was not the beverage of the people who drank whisky, which could be kept at home, whereas beer could not. He should vote against the introduction of the Bill.

Question put.

The House *divided*:—Ayes 87; Noes 123: Majority 36.

House adjourned at half after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 9, 1864.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Supplemental* (No. 71).

Second Reading—Promissory Notes and Bills of Exchange (Ireland)* (No. 68); Customs and Inland Revenue* (No. 69).

Report—Durham University*; Naval and Victualling Stores [H.L.]* (No. 64).

Consideration—Naval and Victualling Stores*.

DENMARK AND GERMANY.

THE EARL OF CARNARVON, who had given Notice "To call Attention to the present State of the Danish Question," said: My Lords, when I gave notice of my intention to bring this subject under the consideration of your Lordships I did so under the belief that the Conference, which was then sitting, was practically at an end. I have heard since then that it has been stated in another place that that Conference is still sitting—that an armistice has been agreed to and accepted by all parties. I will at once state that it is my intention, if that Report be true, to withdraw my notice; but I shall be glad to hear from the noble Earl the Foreign Secretary whether that is so—and perhaps he will also be good enough to inform your Lordships under what circumstances the armistice has been agreed to, and what the terms and conditions of the armistice are?

EARL RUSSELL: My Lords, I have to state to your Lordships with great satisfaction that at the Conference to-day a suspension of hostilities has been agreed to, between Austria and Prussia on one side and Denmark on the other. The terms on which the suspension of hostilities has been agreed to are on the basis of the *uti possidetis*—each Power retaining its own position both by sea and land. The blockade is to be raised, and the suspension of arms is to be for one month. The Conference will meet again on Thursday.

THE EARL OF DONOUGHMORE: Do I understand that Jutland is not to be evacuated?

EARL RUSSELL: The question was between a suspension of arms and an armistice. The Allied Powers agreed to a proposition made in Conference by which Jutland would have been evacuated by the Germans, and Alsen by the Danes; but the Danish Government have preferred a simple suspension of hostilities for one month.

THE EARL OF CARNARVON: Under the circumstances I shall postpone my Notice. I cannot say, however, that the statement which has fallen from the noble Earl is satisfactory to me. I am not sanguine enough to expect any great results from the Conference now sitting. I should not, I hope, in the observations which it was my intention to make, have said anything whatever to embarrass Her Majesty's

Government; but, under the circumstances, inasmuch as a result has been obtained—though a very moderate one—I doubt, indeed, whether any subsequent result will be obtained of any moment—I will not say anything that, however indirectly, may tend to embarrass Her Majesty's Government. At the same time I cannot say that I have heard with any great satisfaction the terms on which this armistice has been agreed to. It seems to me an armistice the most one-sided I ever heard of—an armistice all the advantage of which is for the Germans. But I am sure of this, that Denmark, by her moderation in accepting these terms, has entitled herself as much to the sympathy of Europe as she has done by the extraordinary gallantry she has shown.

EARL RUSSELL: As I have already said, it was proposed in Conference that there should be an armistice on the terms that Jutland and Alsen should be evacuated, and that there should be an entire suspension of the blockade. Denmark, of her own accord, preferred a simple suspension of hostilities. I cannot say I think her wrong in that preference. The noble Earl says he has very moderate expectations as to the result of the Conference. I cannot quarrel with him on that account; but I am not surprised that the Conference, which met on the 25th of April, has not in fourteen days come to a conclusion upon questions which have created so much difference of opinion for the last fourteen years.

THE EARL OF ELLENBOROUGH: The noble Earl will perhaps be good enough to tell us on what day the suspension of arms is to commence with regard to Jutland?

EARL RUSSELL: It commences on the 12th of the present month.

POLAND.—RESOLUTIONS.

LORD CAMPBELL: My Lords, in rising to call attention to the Correspondence upon Poland, I wish it to be understood that I was quite ready to give precedence to the notice upon Denmark had it been the pleasure of the House, as I was told on Friday that it would be. The noble Earl (the Earl of Carnarvon) having just withdrawn his notice, I have no course left except that of troubling your Lordships. My Lords, I am well aware of the nearly fatal disadvantage under which I do so. When Parliament has been and is engrossed by a transaction geographically nearer, still more critical, and still more vitally affecting our interest and honour, every other subject comes to be regarded with aversion. But it does not in the least follow that no duty remains to be fulfilled by us in reference to Poland. And should there be one, the events in Denmark, agitating as they are, can hardly supersede it. They increase, no doubt, the difficulty of suggesting it, and require brevity from any one who does so, but will not, I trust, preclude, on the part of this House at least, a limited indulgence. But, if it is essential in some degree to vindicate allusion to the Polish question at this moment, a fact well known to the House may be sufficient for the purpose. My noble Friend the Foreign Secretary delivered in the autumn a speech of much political significance. In that speech he uttered the opinions which form the basis of the present Resolutions. Addressing not only the people of Blairgowrie, but the country and the world, he informed them that the Czar had violated the conditions upon which the Treaty of Vienna had made him Sovereign in Poland; and that in consequence his title there could hardly be maintained. The speech caused a general vibration on the Continent, where, at that time, the Polish question overruled all others. I happened to be in Paris, coming back from Warsaw, at the moment, and I can speak in some degree of the impression which the noble Lord produced whose foreign policy was canvassed. For many days the press abounded with remarks upon his statement. It gave the Poles the liveliest assurance not of material support, but of such a diplomatic line as it appeared to promise and foreshadow. The question in Paris was—will a despatch be issued to St. Petersburg in the same sense and the same spirit. The despatch which followed in October was very far indeed from corresponding with the language at Blairgowrie. It rather dwelt on the benevolent intentions of the Czar, than on the wrongs of Poland and the violations of the treaty. Soon afterwards a strong impression gained currency in Europe that a despatch had reached St. Petersburg, of the very kind which might have been anticipated; that before it was presented the Russian Government objected to it; that, in obedience to their wishes, it was modified or mutilated, or in some degree transformed. In the other House of Parliament this Session, questions have been put, and the answers which the First Minister has given do not clash at all with such a version of what happened. If this notice elicits from the noble Lord an avowal that he was true to the opinions he delivered at Blairgowrie, until new events controlled the Foreign Office; if it elicits from him an avowal that he still maintains the view which in September he pronounced, the Polish cause will gain, according to the judgment of its highest representatives. Whether or not the Resolutions are accepted by the House, I may thus hope to be humbly instrumental in effecting an advantage for a people with whose objects it is easy to connect the balance of power, and in some contingencies the safety of Great Britain, although it is not requisite to touch upon the reasoning which leads to a conclusion of that nature. My Lords, if it is now clear that the subject ought not to be excluded, I can explain in a word the political result the Resolutions aim at. It is not to shake the power of the Czar, a result which some Members of the House desire and others deprecate. It is not even to give encouragement to Poland, a result which some noble Lords regard as inconsistent with our policy. The object they propose may challenge approbation from all parties, since it is merely to repair, so far as it is possible, the dignity and honour of the country which are compromised and tarnished by the attitude in which we stand upon the Polish question. At the same time, they do not call upon the Government to renew or to extend the correspondence with St. Petersburg. They allege that it has not reached a satisfactory conclusion, and that the Government are not bound to recognize the sovereignty in Poland, which the Treaty of Vienna called into existence, while that treaty is neglected; in other words, that at their own time, Ministers would be justified in taking the very course my noble Friend is understood to have adopted, or, at least, to have began and afterwards recoiled from. Were such Resolutions voted, although Government did nothing for the present, our diplomacy would have a very different end from that which now belongs to it. Reluctant as I am to detain the House, it is essential to advert to the Correspondence in order to ascertain how far it requires such a step as I propose. It is not at all requisite to dwell upon the early stages which came last Session before Parliament. A few words ought to revive a picture once familiar to your Lordships. Two despatches to Lord Napier, dated March 2 and April 10, 1863, contained the views of Her Majesty's Government on the Polish question. Their effect was to array nearly all the Powers who had signed the Treaty of Vienna in a remonstrance to the Czar, as to the misgovernment which had brought about the Polish insurrection. The reply of Prince Gortschakoff, dated April 26, and interpreted by Baron Brunnow, in an interview with the noble Lord on May 2, was accepted as in some degree encouraging. It led at least to a new effort in which France and Austria participated. On the 17th of June an elaborate despatch was addressed by the noble Lord to Lord Napier at St. Petersburg, in which Russia was advised to make six concessions to the Poles, in which an armistice was recommended between the Czar and the Insurgents, and, last of all, a Conference of all the Powers which had signed the Treaty of Vienna. The reply of Prince Gortschakoff was dated July 1. It forms an epoch in the Correspondence. It excited much uneasiness in Parliament. It rejected all the propositions of the Foreign Office; it dropped the mask which had been worn, and would hear of no arrangement for the Poles until the insurrection was annihilated. We now pass beyond the boundary of last Session, and come to the despatches which have never yet been brought before your Lordships. The noble Lord answered Prince Gortschakoff on the 11th of August, and after copious refutation of his arguments, informed him that if Russia persisted in defiance of the treaty she would incur a very grave responsibility. On the 1st of September, in a manner which can only be described as a contemptuous one, Prince Gortschakoff declared the readiness of his Government to accept the whole responsibility of the course they were pursuing. The speech of my noble Friend on September 28th at Blairgowrie forms the next stage in the proceedings. Then follows the despatch of October 20, which seemed to contradict its tenor and to neutralize its value. As the question now before the House turns upon that document, the last which left the Foreign Office for St. Petersburg, its very phrases ought to be before your Lordships. After acknowledging the despatch of Prince Gortschakoff of September 9, it runs as follows:—

> "Her Majesty's Government have no wish to prolong the correspondence on the subject of Poland for the mere purpose of controversy.

> Her Majesty's Government receive with satisfaction the assurance that the Emperor of Russia continues to be animated with intentions of benevolence towards Poland, and of conciliation in respect to all foreign Powers.
>
> Her Majesty's Government acknowledge that the relations of Russia towards European Powers are regulated by public law; but the Emperor of Russia has special obligations in regard to Poland.
>
> Her Majesty's Government have in the despatch of the 11th of August, and preceding despatches, shown, that in regard to this particular question, the rights of Poland are contained in the same instrument which constitutes the Emperor of Russia King of Poland."

The House would look in vain through the despatch for a protest against the title which, according to the noble Lord, the Czar had forfeited in Poland. Its tone is one of acquiescence rather than reproach. But by far the most powerful and striking comment on its tendency is found in the remarks which it led to from Prince Gortschakoff, and which Lord Napier has reported. On the 27th of October, Lord Napier wrote to Earl Russell from St. Petersburg as follows:—

> "The Vice Chancellor read your Lordship's despatch through aloud without offering any remark. In conclusion his Excellency observed, that in the communication with which I was charged, he saw a proof of the friendly disposition of Her Majesty's Government, and an act conformable to the true interest of Poland; for the moderation of Her Majesty's Government must discourage the exaggerated expectations of the revolutionary party, and hasten the moment when the Emperor would be enabled to carry into effect his benevolent intentions towards his Polish subjects."

Great Britain, in the eyes of Prince Gortschakoff, was no longer the reprover, but had sunk into the accomplice of St. Petersburg. Great Britain, in the eyes of the Vice Chancellor, by the despatch of October 27, had become an instrument in hastening the moment when the insurrection would succumb, and Polish nationality be stifled. This was the conclusion of the labours for the Polish cause by which Europe had been roused, and which France and Austria had conspicuously supported. Would any man presume to rise in either House of Parliament and call it satisfactory or tolerable? Would anybody venture to deny that the country was dishonoured until by some method she flung back the revolting praise which Russia had inflicted on us? And can it be done with greater moderation than by stating that Parliament is not responsible for the humiliating close of our diplomacy, and that in their opinion the Government are not bound to recognize a sovereignty which he Treaty of Vienna had created while its stipulations are forgotten, and while its objects are defied. In the full conviction that my noble Friend has held the very language which the Resolutions would suggest—that the despatch of October 27 was not the one originally contemplated—that the speech at Blairgowrie represented the genuine convictions and half accomplished measures of the Foreign Office, I shall not undertake myself, but leave to him the vindication of his doctrine. To such abilities as his the task would be an easy one. It would not be an effort to point out, by referring to the 1st article of the treaty, that Russia is bound to uphold the Polish nationality wherever it existed, and not only in what is now known as the kingdom. It would be still less difficult to show that the Russian system is directed to exterminate the very race which the Treaty of 1815 aspired to perpetuate. It follows that the sovereignty of the Czar, in every part of ancient Poland, is illegal. But in reply to those who think that such a declaration, although unanswerable, would be useless, my noble Friend might urge that the leading representatives of Poland have assiduously demanded it with a view to the position it would give them in their struggle. He might show that such a manifesto must pave the way for every legitimate solution of a question by which Europe has been agitated. Above all, he might dilate on the magnitude and stages of the crime involved in the dismemberment of Poland, and to which Great Britain is a party when she acknowledges the title of the Czar reposing as it does upon that crime, and not upon the treaty as its basis. My Lords, I stated that the practical result to which the Resolutions looked was one which all parties in the House would admit to be desirable, namely, to recall the dignity and honour of the country which the startling end of our diplomacy on this question has eclipsed. But there is one collateral advantage which they seem to me to promise. It cannot be denied that the alliance with France has suffered by our Polish Correspondence. On that side of the Channel it was felt that we had yielded too much to Russian influence and menace, and too suddenly renounced the path which in the spring of 1863 the French Government had joined us in attempting. When, indeed, the Cabinet of St. Petersburg could venture in October to describe us an ally against the Polish insurrection, the opinion could not be considered an unfounded one. A temperate and guarded declaration of what we feel as to the Polish title of the Czar, would do something to remove impressions of that character. Such an effect will not be underrated by your Lordships at a moment when the union of the Western Powers is seen to be more than ever indispensable to the integrity of free States, the peace of Europe, and the safety of the world. On this ground, as much as any, I commend the Resolutions to the favourable judgment of your Lordships, and move—

> "That, in the Opinion of this House, the Correspondence of Her Majesty's Government with the Cabinet of Saint Petersburg on the Polish Question has not as yet reached a satisfactory Conclusion:
>
> "That, in the Opinion of this House, the Czar having failed to comply with the Conditions upon which, according to the Treaty of Vienna, he acquired his Sovereignty in Poland, it is no longer binding on Her Majesty's Government to acknowledge it."

EARL RUSSELL said, he thought their Lordships would agree with him in thinking that there could be no practical utility in coming to a Resolution in conformity with his noble Friend's Motion. On the contrary, he thought it would tend rather to impair than to increase the authority of the House. Out of respect to his noble Friend, he would, however, go over very briefly the different steps of the diplomatic negotiations in regard to Poland. Their Lordships knew that in 1831 a struggle took place in the Kingdom of Poland, similar to that of last year. His noble Friend Lord Palmerston, who was then Secretary of State under the Premiership of Earl Grey, carried on a correspondence in which he strongly protested against the acts of the Russian Government in Poland. The reply of the Russian Government was that the insurrection had put an end to the obligations of the Treaty of Vienna, and that the Kingdom of Poland was in the position of a conquered territory. In the beginning of last year, Lord Palmerston being then himself Premier, I reproduced the same arguments that my noble Friend had used, and the Russian Government replied very much to the effect—that they were not disposed to agree in principle to the proposals made by the Governments of England, France, and Austria. They acknowledged fully the authority of the Treaty of Vienna, and the obligations under which the Russian Government lay; but they urged that during a period of insurrection it was impossible, without destroying the legitimate authority of the Russian Government, to carry out the conditions laid down in that treaty, and that therefore their consideration must be postponed until a time of tranquillity; they alleged, moreover, that those conditions would not at all fulfil the expectations of the Polish insurgents, because what the Poles asked for was the restoration of the ancient Poland—not merely of the Kingdom of Poland, but of all the provinces which formerly belonged to that kingdom. Without finding fault with the Polish insurgents (for it was, of course, for them to consider what was their best part to take), still he must say that they had placed themselves on a ground where it was impossible for the parties to the Treaty of Vienna to follow them. At the end of July, there was a good deal of discussion between the three Governments of England, France, and Austria as to what should be the terms of a despatch to be sent in reply to the Russian Government. As appeared from the papers laid on the table of the French Legislative Body, the French Government wished that an identical despatch should be adopted; but Her Majesty's Government thought that that would imply action on the part of this country; while the Austrian Government, as is well known, were most averse to war on behalf of Poland: and every despatch and telegraphic communication from Vienna expressed over and over again the desire that Her Majesty's Government would do nothing to force the Austrian Government into war, as the state of their finances and other circumstances forbad them to look to war with any other feeling but the greatest apprehension. Her Majesty's Government, for reasons already explained in a former debate, were not likely to go to war on behalf of Poland, and for this obvious reason — that that country, unlike Greece and Belgium, in which insurrections had taken place, and where Governments had been set up which could be acknowledged, had effected nothing in the shape of successful insurrection, nor set up any Government which could be acknowledged and supported by the Governments of England, France, and Austria. In these circumstances the Austrian Government proposed to write a despatch to the Russian Government, containing the following expressions:—

> "In again communicating our views to Prince Gortschakoff there would remain to us, at all events, an imperious duty to fulfil. It is that of

calling his most serious attention to the gravity of the situation, and the responsibility which it imposes on Russia. Austria, France, and Great Britain have pointed out the urgency of putting an end to a state of things in itself deplorable, and full of perils for Europe. They have, at the same time, described the means which it appears to them should be employed to reach this end, and they have offered their concurrence with a view of attaining it with greater certainty. If Russia does not effect all that depends upon her to second the moderate and conciliatory views of these three Powers, if she does not enter upon the path which is pointed out to her by friendly counsels, she exposes herself to the grave consequences which the prolongation of the troubles of Poland may produce."

This despatch was accepted by this country and by France. It did not pledge this country to war, but left England, France, and Austria at liberty to say at any time that they had warned Russia of the consequences of neglecting their friendly counsels. The French Government, contrary to the opinion of Austria and England, were for taking a course which, according to the judgment of Her Majesty's Government, would have ended in war, and there were reasons why Her Majesty's Government should not commit themselves to war. Under these circumstances, it was an easy matter for Prince Gortschakoff to say that he was willing to accept the responsibility imposed on him; but, at the same time, Prince Gortschakoff did not say, as he (Earl Russell) had supposed that Prince to have said, that Russia was in any degree freed from the obligations of the Treaty of Vienna. It was under the supposition that Prince Gortschakoff had made that statement that he delivered the speech alluded to by his noble Friend; and, in reply to the inquiry of his noble Friend as to what communication was made to the Russian Government, he had to observe that, in a despatch of the 20th of October, it was stated that—

"Her Majesty's Government have, in the despatch of the 11th of August and preceding despatches, shown that in regard to this particular question the rights of Poland are contained in the same instrument which constitutes the Emperor of Russia King of Poland."

After that despatch he received an assurance that the Russian Government fully acknowledged their obligations under the Treaty of Vienna. Then the question arose whether, without the hope of obtaining some practical benefit, it would have been wise to lose all the advantages which might hereafter arise from that acknowledgment by pressing certain demands on the Russian Government. If the Polish Insurgents had asserted their independence, and established an insurrectionary Government, it might have been possible to press those demands on the Russian Government; but as this was not the case, and as Austria and England were not willing to go to war, Russia was then reminded of her obligations arising out of the Treaty of Vienna. With respect to his opinion on the subject, he could only say that it had not at all altered. He did not think that the Emperor of Russia, if he persisted in a time of tranquillity to disregard all the obligations of the Treaty of Vienna, could make any just appeal to that treaty as the title of his sovereignty in Poland. The case, however, did not now arise, and he thought it would be imprudent on the part of Her Majesty's Government to raise it at the present time. He thought that they had better rest on the diplomatic Correspondence, very unsatisfactory as it appeared to him, which had taken place, rather than urge pressing demands which the Emperor of Russia might think freed him from his obligations. Looking to the future, he could not think that an Emperor of Russia of intelligent views could continue to govern Poland as if it was a country in perpetual insurrection. When some years ago some Polish friends spoke to him (Earl Russell) on the subject of Poland, he ventured to say to them—

"You have now among the Russians many who are anxious to obtain political freedom and a constitutional form of Government; and it seems to me that instead of promoting further animosity between Russia and Poland, it would be for the interest of Poland to wait until the Russian party who are in favour of freedom should obtain the privileges which they seek, and then, instead of having the Russian nation against you and opposed as they have always been with violent hostility to the Polish cause, you will have a large body among them in your favour, and you will have a greater prospect of gaining those rights which justly belong to you."

The gentlemen to whom he had spoken were, he believed, anxious to take that advice, but the violence of the Viceroy of Poland had driven the Poles in anger and despair into insurrection. As a question of general policy, he believed the Poles were far more likely to obtain their rights when there was a greater appreciation of the value of liberty in Russia than there was at present. Unfortunately, in every contest between the Government of Russia and the Polish people, there had been a strong national feeling among the Russians that the greatness and glory of their country were concerned in putting down anything like resistance on the part of Poland. When that feeling was entirely done away with, the Poles might look for a better future. He thought there had been great forgetfulness on the part of the Poles of the changes which had taken place not only in the Duchy of Poland, but, to a still greater degree, at Dantzic and in Galicia, making it hopeless to think that those provinces would ever form part of Poland again. If, however, their views were confined to Poland only, they might look forward to a better state of things; and, after a time, to a Government conducted on principles of liberty by the Poles themselves. He trusted the noble Lord would not persevere with his Resolutions.

Earl GREY concurred with the noble Earl in thinking that the Resolutions ought not to be pressed. He also agreed with his noble Friend that the Correspondence had come to an unsatisfactory conclusion —so unsatisfactory that it was better not to carry it any further. The only remark he wished to add was this—that he greatly lamented that last year, before the Correspondence began, his noble Friend had not considered to what it was likely to lead. He ventured last year to express an opinion that it could lead to no useful issue, that it was impossible for us to take up arms in behalf of Poland, and that if we did, evil only could result from our interference. All that had since occurred had shown the justice of that opinion. Our interference had only tended to encourage the Poles in a useless resistance to overwhelming force, to bring upon ourselves a rebuff which a nation like England ought not to be exposed to, and to leave matters in a worse state than we found them.

Lord CAMPBELL said, that as no other noble Lord had risen to address the House, he must ask leave to trespass on them for a moment. No argument of any sort had been adduced against the Resolutions. But, without assurance of support, he should not deem it right to run the hazard of dividing. The noble Lord the Secretary of State had made a remark which in justice to himself he (Lord Campbell) was bound to notice. He had implied that a protest against the title of the Czar would release him from the obligations which the Treaty of Vienna had imposed upon him. How was it possible to release him from the obligations of that treaty by vindicating and asserting it? If the most limited assertion of the treaty did nothing to release him, why should he be released by the most solemn and the most conspicuous assertion of it? The declaration would be in substance that the Czar could not profit by the Treaty of Vienna while he defied the Treaty of Vienna; but must observe what it required in order to enjoy what it conceded. Such a manifesto would be obviously designed to circumscribe his action by the treaty, and not to disengage him from it. If it had the latter tendency, the noble Lord would not surely have made the speech he did make in September. There was one other observation which, in justice to the Polish leaders, he (Lord Campbell) could not leave unanswered. The noble Lord had charged them with attempting to withdraw from Austria and Russia the Polish territory which belonged to them. The Insurgents had studiously avoided the attempt, obeying policy instead of yielding to ambition. They had resolved to localize the struggle between Russia and themselves, in order that the German Powers might have no pretext for conspiring against them. He (Lord Campbell) disagreed altogether with his noble Friend in one opinion he had stated, namely, that the Resolutions, if adopted, would lower the dignity of Parliament. He felt convinced they would increase it, on the grounds he had already brought before their Lordships; and he was glad to find, that although the noble Lord was unwilling to accede to them, he had not deemed it right to question either of the propositions they embodied.

Resolutions, by leave of the House, *withdrawn.*

House adjourned at half past Six
o'clock, till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 9, 1864.

MINUTES.]—Select Committee — On Patent Office Library and Museum, *appointed**. (*List of Committee.*)

Supply—*considered in Committee*—Army Estimates.

Public Bills—*Ordered*—Drainage and Improvement of Lands (Ireland) *; Public Works (Ireland) *; Indemnity *; College of Physicians *; Railways (Ireland) Acts Amendment *; Valuation of Rateable Property (Ireland) *.

First Reading—Indemnity * [Bill 97]; College of Physicians * [Bill 98]; Railways (Ireland) Acts Amendment * [Bill 99]; Drainage and Improvement of Lands (Ireland) * [Bill 100]; Public Works (Ireland) * [Bill 101]; Valuation of Rateable Property (Ireland) * [Bill 102].

Second Reading—Pier and Harbour Orders Confirmation * [Bill 91].

Committee—Summary Procedure (Scotland) *re-committed* [Bill 76]; Collection of Taxes* *re-committed* [Bill 96]; Naval Prize * *re-committed* [Bill 65]; Admiralty Lands and Works* [Bill 88]; Joint Stock Companies (Foreign Countries)* [Bill 87]; Partnership Law Amendment [Bill 68]—R.P.

Report—Summary Procedure (Scotland) * [Bill 76]; Collection of Taxes * [Bill 96]; Naval Prize * [Bill 65]; Admiralty Lands and Works* [Bill 88]; Joint Stock Companies (Foreign Countries) * [Bill 87].

Considered as amended — Court of Justiciary (Scotland) * [Bill 31]; Naval Agency and Distribution * [Bill 63].

Third Reading—Under Secretaries Indemnity * [Bill 85]; Naval Prize Acts Repeal * [Bill 64].

THE INDIAN ARMY.

QUESTION.

CAPTAIN JERVIS said, he would beg to ask the Secretary of State for India, When he will lay upon the table of the House the proposed plan for redressing the grievances of the Officers of the late Indian Army?

SIR CHARLES WOOD said, in reply, that much greater delay had occurred in this matter than he had expected. A great many minute details had to be considered; but he would take care that the interests of the Officers should not suffer. Last week His Royal Highness the Field Marshal Commanding-in-Chief, the Secretary of War, and himself had a meeting, at which they finally arranged what was to be done. The necessary Warrant would have to be submitted to the Queen, and that would take some time, at least a few days, and as soon as the Warrant was signed it should be laid upon the table. Not one moment should be lost more than was absolutely necessary.

MINUTES OF COUNCIL ON EDUCATION ON ENDOWED SCHOOLS.

QUESTION.

MR. MITFORD said, he wished to ask the Vice President of the Committee of Council on Education, If the Minutes of May 19th, 1863, and March, 11th, 1864, on Endowed Schools, are to be withdrawn?

MR. H. A. BRUCE said, in reply, that as he was about to reply to the Question of his hon. Friend by a suggestion, which he should take the liberty of offering to his right hon. Friend the Member for North Staffordshire (Mr. Adderley), perhaps the House would have the kindness to allow him to preface that suggestion by a few remarks, the more especially as the position of the Government with respect to those Minutes was very peculiar and exceptional.

LORD JOHN MANNERS said, he rose to suggest that, if the right hon. Gentleman was going to make any statement, there should be an understanding that there would be a right to reply, in case anything should fall from him which would necessitate a reply.

MR. H. A. BRUCE said, he regretted the interruption of the noble Lord, for he (Mr. Bruce) could not but think that the House itself would have been much better satisfied if it had heard the short statement he had to make. However, he should refrain from making those observations now; and, in reply to his hon. Friend (Mr. Mitford), he would simply state that the hon. Member for Berkshire (Mr. Walter) had moved for a Return relating to the amount of endowments held by Endowed Schools assisted by the State, which would be laid on the table of the House in the course of the week. He would suggest, therefore, to his right hon. Friend (Mr. Adderley), that inasmuch as these Minutes would not come into operation till the 30th of June, and as the House would not be in a position to judge of the effect of the Minute of March 11th of this year, without having before them the Return that had been moved for, the discussion on his Motion should be postponed until that Return was before the House, the Government undertaking to give the right hon. Gentleman a day before the 30th of June for bringing forward his Motion.

MR. MITFORD: Are the Minutes to be withdrawn or not?

MR. H. A. BRUCE: They are certainly not to be withdrawn. As I have stated, they will not come into operation till the 30th of June, and before that time arrives the right hon. Gentleman the Member for North Staffordshire will have an opportunity of bringing forward his Motion.

MR. ADDERLEY said, he wished to observe that his Motion in relation to Endowed Schools could not possibly be affected by any statistical Return, as it was on principle that it disputed the application of private endowments in reduction of public grants. But if the Government asked him to postpone his Motion to another day he was bound to acquiesce, only stipulating that he should be put in as good a position as that which he was about to surrender out of courtesy to them, and that he should have, at least, a fortnight's notice of the day fixed.

MR. H. A. BRUCE: Of course both those conditions will be complied with. The suggestion that I have made is quite as much for the convenience of the House as it is for that of the Government.

EDUCATION—SCHOOL INSPECTORS' REPORTS.—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask, Whether the Motion of the noble Lord the Prime Minister, for the appointment of a Committee upon the Reports of Education Inspectors will come on for discussion on Thursday, and what will be the order of the business of the evening?

SIR GEORGE GREY said, in reply, that it was proposed first of all to take the Motion referred to by the right hon. Member, and a Motion would be made to postpone the Orders of the Day until it had been disposed of. The hon. Member for the King's County (Mr. Hennessy) has a Motion upon the paper for Thursday with reference to Poland. As he (Sir George Grey) understood that it was not the wish of the hon. Gentleman to bring forward his Motion until the noble Lord at the head of the Government was in his place, he should ask him to postpone it until the first evening after the holidays, when Supply was the first business to be brought forward, so that the hon. Member would then stand in the same position as he did now.

MR. HENNESSY said, he would acquiesce in this arrangement.

CHINA—HONG KONG ORDINANCES. QUESTION.

COLONEL SYKES said, he wished to ask Mr. Attorney General, To which of the Hong Kong Ordinances of January, 1855, "to enforce neutrality during the contest now existing in China," his answer to the Member for South Northumberland was intended to apply, that of the 15th January, 1855, or that of the 17th January, 1855, or to both.

THE ATTORNEY GENERAL was understood to say that his answer was intended to apply to the earlier and longer of the two Ordinances.

DENMARK AND GERMANY— THE CONFERENCE—CONCLUSION OF AN ARMISTICE.—QUESTION.

MR. HOPWOOD said, he would beg to ask the Secretary of State for the Home Department, Whether the Government will state what course they intend to take with regard to the Danish Question before the House adjourns for Whitsuntide?

SIR GEORGE GREY: Sir, the Question put to me by the hon. Gentleman is similar to that which was put to me the other day by the hon. Member for North Warwickshire (Mr. Newdegate). I then stated that the Conference was sitting, and that we hoped that its first result would be the establishment of an Armistice, and that the Government would continue, in concert with other Powers, to take those measures which were best calculated to conduce to the restoration of peace. I have now the satisfaction to inform the House that at its sitting to-day the Conference has agreed upon an Armistice for a month.

Afterwards—

MR. DARBY GRIFFITH said, he would beg to ask, Whether the right hon. Baronet has any objection to communicate to the House the terms of the Armistice?

SIR GEORGE GREY: Sir, I am quite unable to communicate the terms of the Armistice at present, but there will be no difficulty of doing so at an early date.

CHARITABLE BEQUESTS (IRELAND). QUESTION.

MR. HASSARD said, he wished to ask Mr. Attorney General for Ireland, If he has directed his attention to the Petition filed by the Commissioners of Charitable Donations and Bequests in Ireland against the Attorney General and others in the matter of the "Fanning Charity, Waterford," and to the Judgment pronounced thereon by the Lord Chancellor of Ireland on the 3rd May instant; and if it is his intention to introduce any measure to amend the Laws relating to Charitable Donations and Bequests in Ireland?

MR. O'HAGAN said, in reply, that his attention had been directed to the case in question, and that the Lord Chancellor had expressed some doubts as to his jurisdiction in certain matters of great importance relating to the Charities in Ireland. He had himself been in communication with the Commissioners of Charitable Donations, and he proposed to introduce a measure shortly after the recess which he hoped would set all these doubts at rest.

VACCINATION OF SHEEP.—QUESTION.

Sir JERVOISE JERVOISE said, he would beg to ask the Vice President of the Committee of Council on Education, Whether, in the absence of the Return of the Results of Experiments in Vaccinating Sheep, the question of Infection at the long range of 500 yards, as stated at p. 259 of the Fifth Report of the Medical Officers of the Privy Council, will be considered by the Select Committee on the Cattle Diseases Prevention and Cattle, &c. Importation Bills?

Mr. H. A. BRUCE, in reply, said, he had no doubt the subject mentioned by his hon. Friend would be fully considered by the Committee.

MAGISTERIAL CONVICTIONS IN CORNWALL.—QUESTION.

Mr. HUNT said, he wished to inquire, Whether the attention of the right hon. Gentleman the Home Secretary has been directed to a statement in the papers describing the committal of a whole family for three weeks, with hard labour, for the offence of sleeping under a tent? The statement was to the effect that a family of gipsies—a mother with six children, the youngest being only eight years old—had been committed to gaol by the Rev. Uriah Tonkin, on the 25th or 26th of last month, at a place called Hale, in Cornwall. He also wished to ask, whether the right hon. Gentleman will not make inquiry into the circumstances, with a view to advise Her Majesty to remit the sentence, and whether he has any objection to lay on the table the depositions and conviction?

Sir GEORGE GREY said, in reply, that he had received no information respecting the case referred to by the hon. Member. No application had been made to him by any of the parties concerned. If the hon. Gentleman would give him the particulars, he would make inquiries, but he could not give any intimation as to what the result of those inquiries would be. It was probable that the prisoners were convicted under the Vagrancy Act.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SCHOOL OF NAVAL ARCHITECTURE. SIR WILLIAM SNOW HARRIS.

MOTION FOR PAPERS.

Mr. AUGUSTUS SMITH said, he thought that on a former occasion the noble Lord the Secretary to the Admiralty had spoken in very unhandsome terms of Sir William Snow Harris, stating that though he might be an authority upon lightning conductors, he was no authority upon a School of Naval Architecture, and that it was unfair to ask that his opinion on such a subject should be circulated at the expense of the country. In his (Mr. A. Smith's) opinion, Sir Snow Harris was a high authority on such a subject, and as the noble Lord was ready to produce a Report from the Institute of Naval Architects, of which the right hon. Baronet (Sir John Pakington) was President, he thought the cost of laying before Parliament this and other papers, would be money well laid out. One reason given by the noble Lord for placing this School at South Kensington was that there were rooms and lecturers to be had there; but he (Mr. A. Smith) was informed that there were neither suitable rooms nor competent lecturers at South Kensington. The scheme propounded by the noble Lord ought not to be adopted until it was thoroughly examined, so that the House might see whether it was likely to prove successful, and what the cost was likely to be. Unless they had the whole plan before them, he was convinced that hereafter they would be called upon for some enormous expenditure. There existed schools in the dockyards already; it was only necessary that the education given there should be carried a little further than at present. He understood that there would be no objection to produce the Report from the Institute of Naval Architects, and therefore he would only move for

"Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture,"—(*Mr. A. Smith,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord CLARENCE PAGET said, he must protest against the assertion that he had at any time said anything derogatory of Sir Snow Harris, or that there was anything offensive to Sir Snow Harris in declining to accede to the request that the pamphlet written by that gentleman should be laid upon the table. He said that he had the highest opinion of Sir Snow Harris as a man of science, to whom the navy owed a great debt of gratitude for his system of lightning conductors, which was now in general use. But he repeated that Sir Snow Harris was no authority on the education of naval architects, and, therefore, had no claim whatever to have his opinions published at the public expense, any more than other persons had who chose to write upon a subject of public interest. At the same time, if the House should be of opinion that the circulation of these opinions were of public interest, he would, of course, produce them. On the other hand, the Institute of Naval Architects was a very important establishment, the object of which was to improve the system of naval architecture and the education of naval architects, and it would, therefore, be for the interests of this House, that their opinions should be laid upon the table. He had never said that the rooms at South Kensington were ready for the School. On the contrary, he had asked the House for a Vote of money in order to appropriate certain rooms for the purpose, and he believed that the sum voted would entirely cover the expenditure for the fitting up of those rooms. He had before expressed his opinion that it was much to be regretted that the former School of Naval Architecture had ever been given up. The present dockyard schools were not of a sufficiently high class, and could not bring out and educate naval architects in the higher scientific branches required by them at the present day; nor did there exist in the dockyards the means of giving the lectures which were required. At South Kensington, however, there were capable lecturers. [Mr. Augustus Smith: Who?] It was not necessary to name individuals, but there were eminent lecturers, who would be able to render great public service. The Government, therefore, decided that, upon the whole, South Kensington was the best place at which to establish the School. Upon the grounds he had stated, he should feel bound to oppose the Motion.

Sir JOHN PAKINGTON hoped his noble Friend the Secretary of the Admiralty would re-consider his determination, and not produce the papers on this subject until they were in a perfect state; because the papers which he had consented to produce would give a very imperfect view of the position in which this very interesting question now stood. He hoped his hon. Friend (Mr. Augustus Smith) would not press for their production at present.

Sir JAMES ELPHINSTONE complained that Captain Coles and other gentlemen who competed with the Constructor of the Navy were much obstructed by official obstacles, while the Constructor of the Navy was left to himself. The *Royal Sovereign* was nobody's child; yet if she should prove a failure, as very probably she would, the blame would be cast upon Captain Coles. He objected to the selection of South Kensington for the School. A naval school of architecture ought to be in a first-class port, where the whole process of construction would come under the eyes of the students.

Mr. DILLWYN said, that the Government wanted to send everything to South Kensington, where they believed perfection reigned; but by the country at large the proposal to send the School of Naval Architecture there was looked on as simply ridiculous.

Sir JOHN TREVELYAN said, that Sir William Snow Harris was competent to give an opinion on this subject, and that his letter ought to be laid before the House.

Admiral DUNCOMBE said, he would advise his hon. Friend to withdraw his Motion for the papers altogether, as the production of one portion of them was objected to by one side of the House, and the production of the remaining portion of them by the other side. As the Motion seemed to be considered premature at present, his hon. Friend could repeat it at a future time.

Mr. AUGUSTUS SMITH said, he would adopt the advice of his hon. and gallant Friend, and ask leave to withdraw his Motion.

Amendment, by leave, *withdrawn.*

PUNISHMENT OF DEATH—ANSWER TO ADDRESS.

The Controller of the Household *reported* Her Majesty's Answer to the Address of this House of May 3rd as follows:—

I have received your Address, praying that a Royal Commission may be issued to inquire into the provisions and operation of the Laws under which the Punishment of Death is now inflicted in the United Kingdom, and the manner in which it is inflicted, and to report whether it is desirable to make any alterations therein.

And I have given directions that a Commission shall issue for the purpose which you have requested.

DENMARK AND GERMANY—NAVAL ACTION OFF HELIGOLAND.

QUESTION.

Mr. BERNAL OSBORNE: I wish to ask the right hon. Gentleman the Secretary of State, Whether the Government have received any information of a collision in the North Sea, off Heligoland, between the Austrian and Danish ships of war; and, if he has received any information, is it to the effect that the Austrians have got the worst of it?

Sir GEORGE GREY: My right hon. Friend the Secretary of State for the Colonies received a telegram this afternoon at four o'clock from the Governor of Heligoland, in these words—

> "Two o'clock, p.m.—Austrian squadron, consisting of two frigates and three gunboats, just engaging Danish squadron, consisting of two frigates and one corvette, six miles east of Heligoland. Result later."

Since the House was sitting my right hon. Friend has received the following additional telegram from the Governor—

> "Four o'clock, p.m.—Danes have won the action. One Austrian frigate is in flames, and she, together with the other Austrian frigate and gunboats, are making for Heligoland. They are almost in English water. The *Aurora* is here."

DENMARK AND GERMANY—THE ARMISTICE.—QUESTION.

Mr. DISRAELI: I understand that the conditions of the armistice have been communicated to another assembly. It seems to me that matters are not well managed or with due consideration to the House of Commons, if any other place is better informed than we are upon a matter of so much interest and importance as an armistice, and that we should be informed by the Government that they had no communication to make to us. I trust that in future we shall be as soon informed as another place upon matters of this importance. Perhaps by this time Her Majesty's Government may have it in their power to communicate to us what the conditions of the armistice are?

Sir GEORGE GREY: I stated all the information I had myself—which was that a suspension of hostilities, which is practically the same thing as an armistice, had been agreed upon for a month. That was all the information I had received at the time. My noble Friend the Secretary for Foreign Affairs was at the Conference, and sent that information to me. It was impossible for him at the moment to communicate to me the terms of the armistice. I only regret that I did not know them at the time; but, as I stated, there could be no difficulty in communicating them at a future time. I can assure the right hon. Gentleman that I withheld no information from the House.

Mr. BERNAL OSBORNE: Is the right hon. Gentleman aware of them now?

Sir GEORGE GREY: No, I am not.

ARMY—RATING OF OFFICERS OF CHELSEA HOSPITAL.

ADDRESS MOVED.

Colonel NORTH, who was almost inaudible, moved an Amendment with reference to the rates and taxes recently charged upon the officers resident in Chelsea Hospital in respect of houses therein officially occupied by them. The hon. and gallant Member was understood to urge that the long and gallant services of these gentlemen entitled them to every consideration.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to relieve the Officers of Her Majesty's Royal Hospital of Chelsea from the payment of all Rates and Taxes which have been charged upon them by a recent regulation for houses in that Hospital occupied by them in the performance of their duties,"—(*Colonel North,*)

—instead thereof.

Mr. PEEL said, that the question brought forward by the hon. and gallant Gentleman was under consideration at the Treasury, in connection with the general question of the exemption of Government property from local taxation. He understood that no conclusion had been come to, but that the subject was still under the consideration of the Admiralty and War Office. The particular case of Chelsea Hospital had not been brought before the attention of the Treasury since 1858 The question whether official residences should be exempted or not from local rates was, of course, one of great importance to the parishes interested. There must be a beneficial occupation in order to render official residences liable to assessment; but it was not in his power to give a definition of what was to be considered a beneficial occupation. There was then the further question, whether the rates should be paid by the Government or the officers themselves, and a decision had been arrived at in favour of the latter course among other reasons, because it was deemed desirable that the emoluments of officers should be fixed and certain rather than be made up of such uncertain elements as free quarters, free from rates and local charges. The hon. and gallant Gentleman's Motion, moreover, went beyond the mere question of rates and applied to taxes. A similar question was raised in 1858, when an application was made to the Treasury on the subject of the House duty, and the decision arrived at in reference to that application was that, saving present appointments, the officers should pay the assessed taxes themselves. It appeared to him, indeed, that there was no better reason why the officers of Chelsea Hospital should not pay those taxes than why they should be exempt from the income tax, for the payment of which by them provision was made in the Act of Parliament.

CAPTAIN JERVIS said, that the residence of these officers in the Hospital was compulsory, and was necessary to the duty which was imposed upon them, and that they therefore ought not to be mulcted on that account. The argument, he observed, applied not only to Chelsea Hospital, but to every barrack in England. For his own part he did not think it right that, because the parish of Chelsea chose to levy high rates they ought to be thrown on those unfortunate officers, contrary to all right and justice. It was quite evident that the right hon. Gentleman knew nothing about the matter.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. and gallant Gentleman in saying that his right hon. Friend knew nothing about the matter, had gone somewhat beyond the ordinary licence of debate. The position of the officers in Chelsea Hospital did not appear to him to be precisely analogous to that of ordinary regimental officers residing in barracks. The former were rather to be regarded in the light of civil or public

servants. Be that, however, as it might, the question involved in the discussion took a much wider scope than its bearing simply upon the Chelsea officers, and it appeared to him that the point of the liability of these gentlemen to pay rates ought to stand over for consideration until the general question had been brought to issue. If when that general question was decided, the hon. and gallant Gentleman still remained dissatisfied with the views of the Government, he would be in a position to ask the House to pronounce a judgment on the subject with greater advantage than at present.

MR. H. BAILLIE said, the question was one in which the Government, and the Government alone, were concerned. It was impossible that a parish would tax any Institution like that of Chelsea Hospital without the consent of the Government. If the Government gave up their rights, and said they would not defend such Institutions, it was quite obvious that the parishes might do as they pleased. A similar question had arisen in the case of Hampton Court Palace. The Government refused to oppose the demand, and the persons residing there had to pay their own taxes, whereas, in the case of St. James's Palace they had interfered and expressed a determination that it should not be made liable to rates. The charge, therefore, against the Government was that they had not performed their duty in defending Chelsea Hospital, and he trusted that his hon. and gallant Friend would go to a division on the subject.

COLONEL DUNNE said, that the question was one which affected not only Chelsea Hospital but all the barracks in the Kingdom, and he hoped that his hon. Friend would press his Motion to a division. In Ireland a movement had been made to impose the rates upon barracks, and he understood that even the lodging money given to officers had been charged with income tax.

LORD NAAS said, it appeared by the Returns that no general rule existed with regard to these assessments; he therefore desired to know whether, before the House came to those Votes in the Civil Service Estimates which provided for the payment of rates, the Government would state the conclusion at which they had arrived upon this rather important question ?

MR. COWPER said, that by law parishes had a right to rate all property which was beneficially occupied, and the

Government could not prevent it from being rated. The residences of officers in Chelsea Hospital had been held to be property beneficially occupied, and therefore the parishes had a right to receive rates for them. The only question was, whether or not the Government should pay for the officers the rates which were legally due. The question was considered in 1858, and the Government then decided that all officers who were appointed after that date should pay their own rates, and that regulation had not been since departed from. As the whole subject was now under consideration, the hon. and gallant Gentleman had no reason to press his Motion.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 184; Noes 102: Majority 82.

Main Question put, and *agreed to*.

SUPPLY—ARMY ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) Original Question again proposed,

"That a sum, not exceeding £750,870, be granted to Her Majesty, to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

Motion made, and Question again proposed,

"That a sum, not exceeding £675,870, be granted to Her Majesty, to defray the Charge of the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

Mr. MONSELL said, that the hon. Member for Rochdale (Mr. Cobden) had stated that he intended to bring the subject of the Government manufacturing establishments under the consideration of the House: he therefore desired to ask the hon. Member if he could state when he would carry that intention into effect, as he (Mr. Monsell) thought he would be able to show that the manufacturing establishments had been the means of saving large sums of money to the public?

Mr. COBDEN begged to state, in answer to the Question put to him by his right hon. Friend, that it was his intention to raise the whole question of Government manufacturing establishments, and he would bring it forward in such a form as to give his right hon. Friend an opportunity of showing that which he (Mr. Cobden) thought he would find it very difficult to do—namely, that these establishments had been a benefit to this country. He would try his chance by the ballot to-morrow, but at any rate would bring it forward at the earliest opportunity.

Sir WILLIAM JOLLIFFE reminded the noble Marquess the Under Secretary of State for War, that on Thursday last he had called his attention to the dilapidated condition of the stables and other buildings in the North Camp at Aldershot, and asked for some information upon the subject, but that the Chairman had been directed to report Progress before he received an answer. He would now repeat his request for information. He would also ask for some explanation of an item in the Vote for a naval store at Bermuda, which appeared to him rather a matter for the Naval Estimates.

Sir HENRY WILLOUGHBY called the attention of the noble Marquess to the fact that there were in this Vote three items for the purchase of land, but no estimate of the cost was given. He also wished to know what were the powers possessed by the Secretary of State in respect to sales of land? The Committee would see that it was of great importance that no sale of public land should take place without being brought to the knowledge of the public by general advertisement. There had been a sale of land recently, of the site of the house and battery at Brighton, for £16,000, which was only made known through the Report of the Commissioners of Audit, to whose knowledge it came by accident, and of which sale there was no record in the War Office accounts. It was a singular transaction, and required the attention of the Government. It appeared that the solicitor of the War Office had sold this land, and, as he presumed, by the order of the Secretary for War, to a company, the original intention being that it should be exchanged for land belonging to the Woods and Forests Department. These transactions ought not to be allowed to pass without the knowledge of the House. He hoped also that the noble Marquess would be able to afford the House some prospect of a diminution of the expenditure at Aldershot.

Mr. C. P. F. BERKELEY said, that in justice to those hon. Members who had not been present on a former occasion, he would again call attention to some discrepancies which were unaccounted for; though he thought that it was but fair to the noble Lord the Under Secretary for War to state that those errors had not arisen alone during the period in which he had been in office, but that the system had been going on for some time. The reason why these discrepancies had not previously been pointed out by any hon. Member was because of the extreme difficulty of perceiving any alteration upon the face of the Estimates. The first Estimate for the drainage of Cove Common at Aldershot of £4,300 was originally £2,000. In 1862 the sum had grown to £2,150; in 1863 to £3,150, without any explanation of the cause of the increase being given, nor did they know where it was likely to stop. The estimate of £5,200 for improving the water supply at the same camp had increased by £1,800, the estimate last year for the same work being £3,400. The proposed cost of the cavalry barracks at Colchester had made a stride of £30,000 in one year, the estimate last year being £80,000, and this year £110,000. The re-form of the eastern defences at the Tower had increased £1,500 during the year, and the hydraulic engine house by £700. The new barracks at Chelsea, for which £187,000 were voted, had actually risen £47,000, the original estimate being £140,000. The erection of a new hospital at Netley, which last year was to cost £315,541, had increased to £328,079. He found that in 1862 there was also a very great increase upon that work, but a note was placed in the margin calling attention to the fact, and stating the reason; and he thought that that plan should always be adopted. When the estimate for the work of levelling and planting the grounds of that hospital was first framed they were to cost £1,200. In 1861 the estimate had increased to £2,000, in 1862 it was also £2,000, in 1863 it reached £2,100, and now it actually amounted to £4,000. In the cost of the quarters and stabling required for a detachment of Military Train the original estimate of £1,500 had not been increased; but they had already voted that amount, and a demand for another £1,500 was now made upon the House. In the case of the new powder magazine at Newcastle-on-Tyne they had already voted the estimated expense of the work, and yet they were asked for a further sum of £2,000. The same system was perceptible abroad. At King William's Town the estimate for the building of store accommodation had not been increased, but the money applied for had been raised from £1,000 to £1,500. The extension of the commissariat establishment at Gibraltar was estimated last year at £6,800, while this year it had reached £11,000, the original estimate being only £4,000. The erection of huts at Gibraltar had increased by £1,600, and the magazine accommodation at Nova Scotia by £1,000. There were many other items which he might have referred to, but he would not detain the Committee by going through them; he would simply state that there was upon these items an aggregate excess of £25,000, for which no explanation had been given, and it was the sum thus in excess upon the original Estimates which he proposed to negative. He also asked the noble Marquess how it was that no total estimate was given in the case of many of the Votes asked for, so that the Committee were kept altogether ignorant what money would be required in future years?

Sir HARRY VERNEY desired to point out that many of the works mentioned in the Estimates—such as those for improved drainage—might be performed by the soldiers themselves, and in this way not only would economy be practised, but—and this was a still more important object—the character and well-being of the men would thereby be improved. The greatest curse of our soldiers was the idleness in which they were kept; and he thought that after they had been taught their drill they ought to be employed in industrial capacities, thereby earning a little money for themselves, learning to perform duties with which foreign armies were perfectly familiar, and which would often save them from severe suffering in the field. With regard to Aldershot, he hoped the men would be removed as much as possible from that abominable village, where more injury was done to their *morale* than in any other place in Her Majesty's dominions. Unhappily barracks had been constructed close to the village; but during the summer a considerable number of soldiers might be removed from barracks and placed under canvas.

Colonel NORTH said, he could not agree with the hon. Baronet in what seemed to be his assumption — namely, that drill should be a secondary consideration.

COLONEL DICKSON said, he was aware that the proposal which the hon. Baronet had just made was a popular one; but he doubted whether it would meet with much favour from the soldiers themselves, who would feel that they had not enlisted for the purpose of performing such duties. He could not imagine what the Vote of £8,000 for removing the sewage from the Camp was for. He supposed that the farmers wanted the sewage, and, if so, let them take it away themselves. As to Aldershot, he deprecated the extraordinary outlay which had taken place there, and quite agreed that the soldiers ought to be removed. A regiment which had spent years in a foreign country was placed in one of these camps, where there was no amusement and where the men were exposed to horrible temptations. This was a great grievance, and the expenditure on these camps ought to be confined to the narrowest limits.

COLONEL SYKES said, there was no army in the world in which military pride was stronger than in the French army, and there was none in which so many works were performed by the soldiers. The French soldiers were not only employed in constructing fortifications, but they hutted themselves and built their own barracks; even the Sepoys built their own huts; and if in this country such works were made, as they might easily be made, an honourable occupation, and, at the same time, a source of profit, our soldiers would emulate the French in their devotion to industrial works. He wished to know how and by whom these Estimates were verified, and who gave the final fiat for their adoption? The French system of estimate and check was, undoubtedly, worthy of inquiry, if not of adoption. As an instance of the slovenly way in which these Estimates were presented, he would refer to an item for the "purchase of land and erection of rifle range, huts, &c., for 700 men," at Gravesend. The total Estimate for this was given at £64,000; the total amount already voted, £73,800; the gross sum already expended, £54,252; so that about £19,000 remained in hand; and yet the House was now asked to vote £2,000 more, while it was stated that £6,177 would be required to complete the work. Surely there must be some blundering here.

MR. BUXTON said, the point raised by the hon. Baronet (Sir Harry Verney) was one of considerable importance, for it seemed absurd that they should have on the one hand bitter complaints because our soldiers had nothing to do, and on the other work suited to them done by contractors. As to the alleged unpopularity of this work, he believed that the men would be glad enough, in consideration of a little extra money, to be employed on works required in connection with the army. With regard to the Estimates, it seemed as if the Engineer Officers had fallen into the habit of making Estimates of about half or two-thirds the real sum; committing Parliament to their adoption, and then coming up to the House for supplementary Votes. Lord Hardinge had told him that, on taking office, he found an order of the Duke of Wellington to the effect that whenever a new building was erected there should be placed upon it a brass plate, stating the original estimate, the actual cost, the time in which it was completed, and the name of the officer who had designed it.

GENERAL PEEL said, it would probably be found that the blame did not attach entirely to the Engineer Officers. Estimates of this kind were generally cut down at the War Office, the great object being to reduce them within a certain amount. He always impressed everybody at the War Office that the worst thing they could do was to attempt to deceive the House of Commons; but the root of the evil lay in the paring down of Estimates by the House of Commons, which necessitated subsequent augmentations. In regard to the circumstance that the sum named in the original Estimate for the purchase of land at Gravesend was £64,000, and the sum already voted was £73,000, he might explain that the money spent in the course of the financial year went back to the Exchequer. The gross sum actually expended was £54,000, and this was, no doubt, the cause of the discrepancy. He thought it would be better if there were a column to show in such cases the amount of the original estimate. He had always held that it was useless to compare the Estimates of one year with those of another unless they knew the actual expenditure.

MR. KINNAIRD said, he wished to urge upon the noble Lord most strongly that the system of giving employment to the soldiers should be adopted throughout the army. They had been set to work at Aldershot with the best results. The work was admirably done, and at no great cost, while the physical condition of the men was much improved. The best way of taking the soldier out of the way of the diseases of which they heard so much was by giving him constant and healthy employment. He believed that the experiment had been also successfully tried at Plymouth, and he trusted that it would be carried out with vigour.

Colonel NORTH quite agreed with the hon. Member who had just spoken. He regretted that in a Vote of more than £300,000 so small a sum as £5,000 only was set aside for "reading and recreation rooms." Most of the soldier's idle time was in the evening, and if his barrack rooms were made more comfortable and lit with gas he would not be so anxious to leave them. At present the Government gave two wretched candles to light a large room; and who would not prefer a gin palace to such a place? A young officer of artillery deserved great credit for having established a reading room for the troops at Gibraltar, at first at his own expense. The plan had been found most successful, and had been approved both by the late Lord Herbert and Sir George Lewis. He wished the Vote for reading and recreation were four or five times as large.

Mr. W. EWART said, he would also have been glad to see a larger item for reading and recreation. Remembering how fond the French soldiers were of gardens, and how healthfully and innocently they were employed in taking care of them, he could not help wishing that the English soldier, too, could have his little garden at the camp. He was glad to see an item of £4,000 for gymnasia, and thought that these establishments might be extended greatly for the benefit of the army.

Colonel DUNNE said, that the readiness with which the House voted everything the soldier did not want was remarkable. With regard to sales of land by the War Department, he had known some extraordinary proceedings to take place. When he was at the Ordnance, land could not be sold without the leave of the Treasury; but he had known that land had been sold very cheaply which the Government had to buy back a few years afterwards at three or four times its former price. It was time the House should be informed what was to be done with Aldershot. Was it to be a barrack for 15,000 or 30,000 men, or a camp of instruction, as it was originally intended to be? The wooden huts were becoming decayed, and it would soon be necessary either to renew them or replace them by something else. If huge barracks were to be built, the House ought to know how much was to be laid out upon them. The same questions might be put in regard to the Curragh. The drill ground at Aldershot was one vast mass of dust. No doubt the men might be set to work, and even had been; but their employment, for which they must be paid, would be frequently interrupted by the duties and drill of a camp of instruction. A soldier who had been out for four or five hours with 50lb. to 60lb. on his back would be in no condition for work. No one could oppose making the soldier more comfortable, but it must be recollected that a barrack was not a private house, and that he gave up many of the comforts of private life when he entered the army, and he doubted whether the House was not now running into too great an extreme in the direction advocated by hon. Members opposite. Many of the difficulties which the noble Marquess had to contend with arose, no doubt, from the mass of work to be transacted in his Department, and of which he was supposed to give explanations; in fact, he was astonished that the noble Lord should be able even to keep in his head so many subjects connected with a profession to which he had never been bred, though he could scarcely be expected to be able to give detailed answers about them; but, even at the risk of adding to his duties, he must request some explanation on the subject of fortifications, which seemed to be erected everywhere except in Ireland. In the present year, it seemed to be stated that £30,000 was to be spent there under that head out of a total Imperial expenditure of £2,500,000. The Defence Committee recommended that the fortifications of the south and south-west of Ireland should be put into a state of repair, and the Commander-in-Chief in Ireland had supported that recommendation; yet there was Bantry Bay, where, little more than sixty years since, the French attempted to land—a place which would also be very convenient for America if she took it into her head to attack us—left without any means whatever of resistance.

Enormous sums were expended on small batteries in England, useless except for practising purposes; while in Ireland, through which this country could be just as successfully attacked, the existing fortifications were allowed to crumble to pieces. A nobleman (Lord Charles Clinton) who had purchased land in that country, and was interesting himself in this subject, forwarded to the Government extracts from the published opinions of the Defence Committee, and also a statement of the views entertained by General Sir George Brown as to the necessity of those defences, and the benefit that would arise to the people by the employment these repairs would give; but the answer he received, after repeated applications, was, that to carry out the works referred to would confer no real benefit on the people of Ireland, inasmuch as the Government would be obliged to employ skilled artificers. In the end, they employed neither skilled nor unskilled labourers, and the defences remain in their old condition. He protested against the doctrine that England, while levying money for these special objects of fortification, and refusing to spend any in Ireland, was entitled to tax Ireland for the purpose.

THE MARQUESS OF HARTINGTON said, that since Thursday night he had made inquiries as to the state of the buildings in the North Camp at Aldershot, and was unable to find that any report had been received at all bearing out the description given the other night by the right hon. Baronet the Member for Petersfield (Sir Wm. Jolliffe) of their ruinous condition. If the right hon. Gentleman would look at Part 3 of the present Vote, he would see that no less than £22,440 were taken for repairs of the camp at Aldershot. The huts were not by any means comfortable quarters — that did not admit of doubt—but their discomfort, he thought, was attributable to the situation and other causes, which no amount of money spent upon them would be able to remedy, rather than to their condition. He was not aware of any intention to alter existing arrangements there. The Government did not propose to take any sum of money for new buildings, except for stabling of a more permanent character; and the Vote for this purpose did not appear for the first time in the present Estimates, money having been taken in 1861-2 and 1862-3. Last year the works were temporarily suspended, but would now be resumed; and the importance of their completion had been shown by the disastrous fire which took place in one of the temporary stables, where, through the flimsy and dangerous character of the materials, a number of valuable horses were destroyed. Hon. Members would see that, in the Vote under consideration, an attempt had been made to give the House much fuller and more detailed information than usual; but it was impossible at all times to obtain precise information, and, therefore, the original Estimates were sometimes exceeded. The drainage of Cove Common had proved more costly than was expected, but the reason was because a larger quantity of ground had been drained than was at first contemplated. It might, perhaps, have been desirable to append a note stating that the Vote asked for would only cover a portion of the expense; but such a practice, if adopted, would necessitate very minute detail. In the formation of reservoirs, the nature of the ground and the extent of embankment could not be determined till the work was commenced, and he was assured that in such cases approximate estimates were seldom to be depended upon. He was afraid he could not give the hon. Baronet the Member for Evesham (Sir Henry Willoughby) any more distinct explanation of the circumstances connected with the transfer of the plot of ground at Brighton, than he had already received. An arrangement had been sanctioned by the Treasury under which the War Department were to exchange certain lands for others in the possession of the Woods and Forests, the value being in the first instance ascertained by a person mutually agreed on. The plot in question was valued at £9,000, and the War Department, thinking that estimate too low, made inquiries, and ascertained that a hotel company were willing to pay £16,000 for it. The Woods and Forests, being informed of this circumstance, replied that they were unwilling to give that amount, but if the War Department would negotiate the sale, offered to give a corresponding quantity of land. A certain sum of money was taken from the hotel company as security while the purchase was being completed, and was placed for a short time in the hands of the Accountant General at the War Office, by which means it was made to appear on the books of the department. He was not aware of anything irregular in the practice, which had been sanctioned by the Treasury. As regarded lands belonging to the Crown which could be devoted to purposes of defence, or used for purposes connected with the army, they were vested for the time being in the Secretary of State. The hon. Member for Gloucester (Mr. C. P. Berkeley) had repeated some of the observations he made the other evening with reference to the total estimates of cost having been exceeded in several items. He (the Marquess of Hartington) had given a short explanation when the subject was last under discussion, and he would not now follow the hon. Member through all the items he had mentioned. The most important item had reference to the cavalry barracks at Colchester, the estimates for which had been increased by a sum of from £20,000 to £30,000. This increase was owing to an alteration in the plan, and the great rise in the price of labour and materials. The barracks were made larger than had been at first contemplated, and higher prices on the new portion had to be paid than those on the first stage of the works. He admitted it would be very desirable that, either by marginal notes or some other mode, the Committee should have a more complete knowledge of the facts where original estimates were departed from, and the reasons which had led to that departure. He should be sorry to pledge himself to have the Estimates prepared in any particular form next year, but he would promise that the subject should be considered. He could assure the Committee that he quite agreed with the right hon. Gentleman the Member for Huntingdon (General Peel) who said that it was the worst policy in the world to attempt to deceive the House of Commons; first, because it was impossible to do so; and next, it was not desirable to do so even if it were possible. With reference to the purchase of land for a rifle range at Gravesend, it had been found that the land it was originally proposed to purchase was not of sufficient extent to render the rifle range safe; it therefore became absolutely necessary to purchase more land. With regard to Netley, the original estimate was £1,500; that sum had been already voted, but it had been spent on other works which were more urgent, and the same sum was now again asked this year. The increase in the hydraulic engine house at the Tower was occasioned by a slight alteration in the works, in order to provide rooms for the person in charge, which would save £20 a year in future. The alteration would also add to the ornamental character of the works. At Netley the increase was almost entirely owing to the changes which had taken place in the character of the building. When the plans and details of a building were materially altered the expense was naturally increased. If these things were fully explained in the Estimate he was afraid a large portion of it must be filled with marginal notes. The only sum for new works in the whole of this Estimate was £2,000 for the conversion of the barracks at Haslar into an hospital. With respect to the naval store at Bermuda, he had been asked why that should be provided for by the War Department. The War Department furnished the naval service with all warlike stores required, and not only were ships furnished with those stores, but the stations for providing accommodation for warlike stores of that description for the use of ships of war. With respect to the excess in the Vote for the works at Gibraltar, if there was any, it must be small, and could not be considered extravagant on so large a Vote as the original Estimate. It might also be accounted for by the fact, that when the Estimate was framed the Vote for the transport service connected with the works was undertaken by the Commissariat Department. No doubt it was quite true that sometimes in the War Office the estimates of the Engineers were cut down by striking out the charges for works which were not indispensably necessary; but the Engineers' estimate for that portion of the work which was to be carried out was invariably adhered to. The hon. Gentleman complained that no total was given of the sum which would be required in the future for regimental chapels, schools, &c.; but he thought the Committee would see that no total of the future expenditure could be given under this head. It would be impossible for the Secretary for War to say what he might have to ask in future years, as that must depend on circumstances. The same observation applied to the married soldiers' quarters. The Committee was aware that in the old barracks that kind of accommodation was extremely deficient; but it would be impossible to say at the present time to what extent improvement in that respect was to be carried. That must depend very much upon the temper of future Houses of Commons, and the amount of funds made available for that purpose. As regarded reading and recreation rooms, in a great number of barracks such rooms had been built, or apartments had been appropriated to reading and recreation; and the £5,000 asked for in the present Estimates would go a long way in the matter. It would not, however, be well to act too hastily without further experience, and to at once set up reading and recreation rooms after one fashion in every barracks at home and abroad. With respect to the employment of soldiers at trades, there could be no doubt that such employment, where it could be carried out, was very useful to the soldier, and an experiment would be made as to its practicability; but it would be only as an experiment, because there was some apprehension that the discipline of the army might be imperilled by such a course. Last year a great many soldiers were employed at Aldershot in connection with water works, road making, and to some extent in building. He hoped they would be employed to a still greater extent, for it was beyond doubt most beneficial to the soldier that he should be employed. In some instances, too, a saving was effected by employing soldiers; but in some kinds of work engineers would tell them that military labour was not the most economical. However, employment at trades was decidedly most beneficial for the soldiers themselves, and, as far as possible, it would be resorted to. With regard to the question put to him by the hon. and gallant Member (Colonel Dunne) on the subject of fortifications in Ireland, he would remind the Committee that the principle upon which our scheme of fortifications was to be carried out was not that of defending the whole coast of Great Britain and Ireland, but that of refusing the enemy access to those points which were considered vulnerable. Our dockyards and arsenals, and the harbours in which our ships of war would take shipping, were the points to which the attention of our engineers was directed; but it never had been proposed to fortify the whole coast of the United Kingdom, so as to render it impossible that an enemy could ever attempt to land on our shores. A considerable sum of money had been expended upon the works at Spike Island, and other works were to be erected, he believed, at the mouth of Cork harbour. So far as Ireland was concerned, the recommendations of the Defence Committee were being entirely carried out.

Colonel BARTTELOT congratulated the noble Lord on his explanation, and appealed to the hon. Member for Gloucester (Mr. C. P. F. Berkeley) to withdraw his Amendment. He, however, thought that there ought to be a statement in the Estimates as to where the money for sanitary purposes and for married soldiers' quarters was to be expended. He had to call the attention of the noble Lord to the disgraceful state of the Clarence Barracks at Portsmouth. They were not fit to put a regiment into. Formerly they were barracks for Marines; but they were condemned thirty or forty years ago by the Admiralty, and had been sold because they were unfit for the Marines; but they were now turned into permanent barracks for our soldiers. The officers' quarters and the men's rooms were both bad, and the place in which the meat was stored was placed in the immediate neighbourhood of the most offensive smells, and it would be impossible to keep the meat sweet for a day in summer. With regard to Aldershot, he knew the feeling of commanding officers to be that, while it was a very good thing to have troops there in summer, in winter it was a very bad place, both for their young officers and their men, and that there ought to be regular barracks for the winter months.

Mr. C. P. F. BERKELEY thought the first step towards any sound economy was that these accounts should be rendered in an accurate and distinct form to the House; but after the assurance given for the future on that point by the noble Lord, he would withdraw his Motion.

Colonel NORTH hoped that something would really be done in regard to the state of the Portsmouth barracks which had been alluded to.

Sir HENRY WILLOUGHBY thought the Committee must feel obliged to the noble Marquess for his able answers to the numerous questions put to him, and which might well embarrass any one. As to the sale of public property, however, the noble Marquess had overlooked the main point—namely, that so large a sum as £16,000 should have been received for public property, and yet that there should be no record of that expenditure in any authorized document. No Government Department ought to have the power of selling public property without first duly advertising the sale, and then accounting for it in some authentic public record.

Colonel SYKES complained that the

accounts had not been satisfactorily explained yet; there was a mystification in them.

Mr. MONSELL said, it was utterly impossible that the exact sum taken every year could be spent. For instance, there was a strike among the workmen engaged on a particular work, a portion of the money voted would have to be re-paid into the Exchequer. With regard to the large sum being spent in fortifying Halifax, Nova Scotia, the other day one of Her Majesty's ships was obliged to ask permission to go into a dry dock at Boston, because we had no dock of our own on that coast. It was absolutely necessary, especially in the present state of the world, that the money being laid out at Halifax should be made as available for its purpose as possible, and that proper means for refitting our ships should be provided in that quarter.

Colonel DUNNE said, he did not think the explanation with regard to expenditure for the defences of Ireland was at all satisfactory. Large sums were voted for the defence of the Humber and other places in England, where there were no docks or arsenals, while the defence of the coast of Ireland was neglected. These commercial ports should contribute something towards the cost of their own defence. Bantry Bay was a most dangerous part of the Irish coast, and all the defence of Ireland ought not to be confined to Cork. Unless justice were done to Ireland in this matter he would formally bring the question before the House.

Mr. W. WILLIAMS thought that some further explanation was required in reference to the Vote.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) 173,883, Military Education.

Mr. MAGUIRE: I am compelled, Sir, by the conduct of the Governors of the Royal Hibernian Military School, to bring before the Committee a subject which, whatever it may appear at the first glance, is one of very grave importance, not only to the Catholic people of Ireland, but to the public service. It is not my fault that this matter should be now brought before Parliament—it is the fault of those who have been appealed to in vain for redress. By the last census the population of Ireland consisted of 4,500,000 Catholics, and about 1,200,000 Protestants and Presbyterians. Now, it is well known that the great majority of those who enlist in the

Queen's service in Ireland are Catholics—that for every single Protestant or Presbyterian who enters the British army, there are at least five Catholics. The reason is obvious. The Protestants, for instance, are not usually of the class who most readily yield to the seductions of the recruiting officer, while the Catholics form the bulk of the population, and are to a considerable extent of the class most liable to enlist. It is therefore strange and unaccountable that in the only establishment for the education and care of the orphan children of Irish soldiers, the proportion of Catholics and Protestants should stand thus:—By a Return dated the 27th of February, 1861, the boys in the school numbered 410, of whom 278 were Protestants and 132 were Catholics. Since then the disproportion has increased, for at present the school contains 283 Protestant boys, and only 127 Catholics. For a public institution in a Catholic country this is a most unjust and unsatisfactory state of things, and for which I find it impossible to account on any reasonable ground. Considering the class and creed from which the army is recruited in Ireland, the proportion between Catholic and Protestant children is most unfair. I cannot understand why the children of Catholic soldiers are not as much entitled to sympathy and protection as the children of Presbyterian or Protestant soldiers; for no one will deny that the Catholic soldiers are as brave and devoted as those of any other creed, or that they shed their blood as lavishly in defence of the flag under which they serve. In the name, then, of the Catholic people of Ireland, of the Catholic soldiers of the army, and of those who still look to Ireland as one of the most valuable recruiting grounds for the British army, I appeal to the House for a change in the constitution and management of this institution. The disproportion of less than one-third Catholics to two-thirds Protestants is bad enough, but it is by no means the worst. A greater injustice arises from the constitution of the teaching staff. In 1861, there were sixty-nine persons holding offices of various kinds in this establishment—these offices ranging from the very highest to the very lowest—from those of the greatest authority to those of the most inferior position. And of these sixty-nine persons, only one, holding anything like a position of authority or influence, was a Catholic—that was the Catholic clergyman. The dispenser of medicine was also a Catholic; but he could hardly be said to be one likely to have much control over the management of the institution. Thus out of sixty-nine persons holding office, but nine were Catholics, and of these nine but two—the officiating clergyman and the dispenser of medicines—held the position of a gentleman, the other seven filling the humblest offices in the household. The entire teaching staff was Protestant then, and is Protestant now, and this in an institution in which some one-third of the scholars are Catholics—the children of Catholic soldiers! That teaching staff consists of four masters, four assistant masters, and ten monitors — all Protestants. The Protestant Chaplain is the resident, while the Officiating Catholic Clergyman is not. The one is always on the spot, the other is only permitted to attend on certain days, and for a limited time, as I will show. Now, not only is the Protestant Chaplain resident, but all the officers having authority and influence are likewise resident. The Protestant children are instructed in the Catechism of the Church of England daily; it is part of the duty of the masters to teach them that which is considered by each church to be the foundation of the belief of a Christian. The Protestant boy is carefully taught the principles of his religion; but the Catholic boy is necessarily neglected. The Protestant boy is taught his catechism daily; but the Catholic children can be instructed only three times a week in the truths of their religion. The Catholic clergyman lives three miles away from the school, and is only allowed to attend in it for an hour on Wednesday, two hours on Saturday, and two hours on Sunday—five hours altogether in the week! This surely is not a fair protection to the faith of the Catholic child, the orphan of the Catholic soldier. Here, then, is a school in which there are 127 Catholic boys of tender years, everything else is Protestant— the officers of rank, authority, and influence are Protestant, the teaching staff is Protestant, and the books are Protestant. The books—histories, for instance—are not those which are used in the National Schools of Ireland, or, in other words, in schools in which the mixed system is taught, and in which there are supposed to be children of different religious denominations. In the Session of 1861, I brought this matter before the House, and on that occasion two Members of the Government expressed opinions unfavourable to the state of things then shown to exist, and which state of things continues to this hour. The present Colonial Secretary was then Secretary for Ireland, and he agreed with what fell from the then Under Secretary for War (Mr. Baring), who "thought it was a pity that more Roman Catholics were not employed in the management of the school." The then Irish Secretary (Mr. Cardwell) used these words—

> "The institution was now to be regarded as a public establishment maintained for the general benefit of the Queen's Irish subjects serving in the field."

And he added—

> "He must express his cordial concurrence in the wish expressed by his hon. Friend the Under Secretary at War, that as vacancies occurred among the officers, they should be filled up solely with a view to the objects for which the school was supported, and that no selections should be made with the intention of favouring any one class in the community."

Some time ago I was distinctly promised that the next vacancy in the teaching staff should be filled up by a Roman Catholic. But how was that expectation, that promise realized? It was filled up by one who was the son of Catholic parents, who was registered as a Catholic, but who, having been given to one of the Protestant teachers as his servant, succumbed to the influences of the school, and became a Protestant. This lad was then sent to the military school at Athlone, and he was afterwards brought back, in the capacity of a master, to the school which he had entered as a Catholic, and in which he was induced to change his faith. What worse example than this could be set to a Catholic child? What more direct encouragement to proselytizing could have been afforded than by that appointment? If I am asked where are the evil consequences resulting from the character of the institution, the teaching staff, and the instruction, I point to the flagrant case I have mentioned as one proof; and I add to that the fact that in a few years, from 1851 to 1858, as many as 22 Catholic boys abandoned the faith of their parents and became Protestants. I said the books were not—some of them at least—such as the Government permitted to be used in the mixed schools in Ireland. Mr. Gleig's historical works, however suited for Protestant children, and notwithstanding their ability, are not the books I should place in the hands of a Catholic boy, unless I desired to destroy his respect for his faith and his church. It is not fair to use such books in a mixed school; but, as the Committee will see, works of a far different character are introduced into this asylum for the training and protection of the children of Irish soldiers. Tracts of the most aggressive and offensive character are allowed to be circulated, not only amongst Protestant but amongst Catholic boys. As many as 22 of these pestilent productions—some of them written by pious fools, perhaps more of them written by lying knaves—were found in the hands of Catholic boys; and not only do these tracts poison the minds of the Protestant boys against their fellow pupils of another faith—by whose side they might stand at some future day in deadly fight, and whom they should learn to love and not to hate—but they are attended with the most mischievous effects on the Catholic boys, and are even calculated to weaken their belief in all revealed religion. Let the House judge of the character and influence of these tracts from a very few examples. One found in the hand of a Catholic boy, named George Fennell, contained the following:—"Popery is the most perfect contrivance of the devil for leading souls to hell." That, at least, is mild and tolerant. Another line — "Popery is as bitter an enemy to the truth as ever." Here is another passage—

"The people of Ephesus worshipped a goddess, whom they called Diana. The idolators of Rome at the present day do the very same thing."

What can be thought of the officers of an institution supported by the State—supported out of taxes to which Catholics contribute their share — in which such works are circulated amongst young boys of different religious denominations, and who should be suffered to grow up together in amity? As a further indication of the character and tone of this school in which we find 127 helpless Catholic children, I may briefly refer to a case that occurred in the summer of 1861. An orderly sergeant named Harrison when on his deathbed desired to see the Catholic clergyman. Every possible obstruction was opposed to the wish of the dying man. Urged by Harrison's wife, the Rev. Mr. Leonard endeavoured to see him, but in vain. Having applied to several officials for an order of admission, he at length procured one from Sir George Brown; but, though possessing that order, he was kept at the door of the establishment for one hour and twenty minutes, and was not allowed to cross the threshold until Harrison breathed his last! It is only fair to say that the Lord Lieutenant, true to his character as a man of liberality and justice, wrote a minute in which the conduct of certain officials was rebuked. Lord Carlisle is not one who is likely to rebuke severely; but his opinion was pronounced with sufficient distinctness. He said "he considered the detention of the Rev. Mr. Leonard at the gate of the hospital as most unfortunate." That minute is important for this additional reason, that it pointed out to Mr. Leonard the course he should take for the future. It concludes with these words—

"The Rev. Mr. Leonard would, however, do well to bear in mind, that upon any future occasion, when he may see reason to complain of the conduct or proceedings of any officer of the institution, he should in the first instance apply for redress to the Governors of the School."

Let the Committee now see what the Rev. Mr. Leonard gained by following that proper advice. At the desire of his spiritual superior, the Most Rev. Dr. Cullen, he addressed a respectful and earnest statement and remonstrance to the Board, in which he urged the necessity for appointing a Catholic teacher for the Catholic boys, and which he fortified by the recorded opinions of Mr. Cardwell and Mr. Baring in its favour. The answer was in this sneering fashion—

"Adjutant General's Office, Royal Hospital,
Dublin, May 22nd, 1862.

"Sir,—I am directed by Sir George Brown to acknowledge the receipt (yesterday evening) of your letter of the 19th instant, in which you are pleased to favour the General with your opinion as to the most judicious mode of selecting teachers for the Royal Hibernian Military School.—I have the honour to be, sir, your obedient servant,

(Signed) "G. S. Brownrigg, Deputy.

"The Rev. John Leonard,
R. H. M. School, St. Bridget's Blanchardstown."

Mr. Leonard is a man not to be driven from his purpose by a sneer, and, like any one who has a good cause to defend, he determined to persevere. Not finding redress from the Governors he turned to the War Office. Nothing daunted by his rebuff from Sir George Brown, Mr. Leonard appealed to the late lamented Secretary for War, Sir George Lewis, than whom there was not an abler public servant or a juster man; but as the War Office has really no jurisdiction—and this is a point of great moment—he was referred back to the Governors, by whom he was treated with contempt. This was his answer from the War Office—

> "War Office, 18th June, 1862.
>
> "REV. SIR,—In reply to your letter of 29th ultimo, addressed to the Secretary to the Council of Military Education, I am directed by Secretary Sir George Lewis to acquaint you, that though the actual appointments alluded to in your letter are not precisely specified, it is assumed that they are such as are comprehended in the Charter granted to the Royal Hibernian School, dated 14th December, 1846, which vests the power of appointment to certain offices in the Governors of the institution. I am therefore to state, that your application should be made to the Governors, instead of the Council of Military Education.—I am, sir, your obedient servant,
>
> (Signed) "EDWARD LUGARD,
>
> "Rev. J. Leonard, St. Bridget's,
> Blanchardstown, Dublin.

I confess, Sir, that my blood boiled when after reading the respectful, calm, full, and comprehensive statements and remonstrances of the Rev. Mr. Leonard, I observed the scornful and contemptuous manner in which that gentleman on all occasions was answered. At one time—in answer to grave statements and earnest appeals—he was told that he was going beyond his province ; at another he was told that he was dictating to the Board ; at another, he was threatened with suspension ; and on all occasions the replies he received, whether written or oral, were contradictory, vacillating, and imperious. The last reply was given in the month of April this year; but no redress, or hope of redress, whatever. I have no hesitation in saying that the conduct thus wilfully pursued by the Governors of the Royal Hibernian Military School is pernicious in itself, bad as an example, and most prejudicial to the service of the Queen. Let it be known that Catholic children were proselytized in this school, that apostates from the Catholic faith have been selected in preference to Catholic teachers, that no protection is given to the orphan children of men who shed their blood in defence of this country, and the number of enlistments in Ireland, already very small, will speedily become much less. I believe the Lord Lieutenant and the Government are willing to do justice, but they are powerless in the matter. Parliament, however, is not so; and if the charter of the school does not give sufficient power to the Government, it can be altered. The House is asked this year to vote upwards of £11,000 for the support of the Hibernian School. The officials, therefore, are public servants, and should be amenable to public control; and, if they wrap themselves up in their bigotry and folly, they must be made to feel that they cannot be allowed to stand in the way of the interests of the Empire and the service of Her Majesty. I hope the Under Secretary for War, who is a just and generous man, will give full and free expression to his opinion, so that an end may be put to an intolerable grievance; but if justice be not done before next Session, and if these gentlemen will not do that voluntarily which they will otherwise be compelled to do against their will, I, Sir, should no other Member propose it, will move for either a Commission or a Select Committee to consider the constitution of the school, and the necessity for altering its charter.

MR. VANCE said, that the hon. Member for Dungarvan (Mr. Maguire) had moved this Session for some elaborate Returns connected with the Royal Hibernian School. In those Returns it was proposed to embrace statements as to the religion of the teachers and the boys at the school, as well as other minute particulars which he believed it was not in accordance with the practice of the House to have furnished. But, be that as it might, he had been awaiting the production of those papers, and had not for a moment supposed that the hon. Member would have substituted for them Returns of his own. [MR. MAGUIRE: It is on Returns presented by order of this House that I mainly rely.] Yes; Returns for 1861, which were not at all the same as those for which the hon. Member had moved, and into the examination of which he had meant to enter during the Whitsuntide recess, not at all imagining that in their absence the subject would have been brought forward that evening. As, however, it had been brought forward, he might take that opportunity of saying that he knew the Governors of the institution in question, and that a more honourable or high-minded body of men did not exist. The school, he might add, was a military school; the boys in it were intended for the most part for Her Majesty's service ; and if a conflict of opinion on sectarian matters were allowed to prevail there, a spirit of insubordination would be likely to be produced, not only among the teachers, but the taught. The school as it stood, he believed, was working admirably, and it would be dangerous to introduce novel experiments. He hoped that before the noble Lord the Under Secretary for War pledged himself to make any organic change in it he would take pains duly to inform himself whether the Governors, in the course which they had pursued, had not proceeded on just and proper grounds.

Colonel NORTH said, he had listened with the utmost surprise to the statements which had been made by the hon. Member for Dungarvan (Mr. Maguire). He took it for granted that the school was equally open to Roman Catholics and to Protestants; and that being the case he could not understand how, in a country, the majority of the inhabitants of which were Roman Catholics, only one-third of the scholars should be Roman Catholics, and all the orderlies of one religion—the Protestant. During the time he served in the army, he had, for the most part, been connected with regiments which were composed chiefly of Roman Catholics, one of the last being the Royal Irish Fusiliers, in which, out of 1,000 men, there were not more than seventy or eighty Protestants; and he defied any man to point out an instance in which the Roman Catholic soldier in those regiments had not done his duty most nobly, led by Protestant officers, in the service of a Protestant Queen. It was, therefore, much to be regretted that in an institution like the Royal Hibernian School, any marked difference should be made between the members of the two persuasions.

The Marquess of HARTINGTON said, that he had to thank the hon. Member for Dungarvan for the very temperate manner in which he had introduced the subject to the notice of the House, which was undoubtedly a very important one. The hon. Gentleman had very fairly stated that the Secretary of State had no power to interfere directly with the management of the institution in question. He was prepared, at the same time, to admit, that as a sum of £12,000 appeared in the Army Estimates for its support, it was but right that the representative of the War Department should be called upon to account for the expenditure of that money. Sir George Lewis, he might add, having inquired into the subject, had come to the conclusion indicated by the letter to which the hon. Member referred, and the charter of the institution set forth, in the most distinct terms, that the control of the school should be vested in certain Governors, who should have power to appoint the officers and teachers, the discretion vested in the Secretary of State having relation simply to the salary which those officers should receive. That being so, the hon. Member complained that not only were certain books made use of in the school for the purposes of education to which he, as a Roman Catholic, objected, but that religious tracts of a controversial character had been introduced, and were freely circulated among the boys. Now, into the character of the books employed in the educational course he would not enter; but he must say, that having looked over some of the extracts to which the hon. Gentleman alluded, he could not see that there was in them anything very objectionable. But, however that might be, it was for the Governors of the school, and not for the House of Commons, to determine what books should be used in the ordinary course of instruction. Then as to the charge that controversial tracts were freely circulated in the school, that, no doubt, was a very serious charge; but he felt bound to say that he did not think it had been substantiated. Earl De Grey and Lord Carlisle having heard what Colonel Wynyard, the commandant of the establishment—in whose veracity every one who knew him was aware the utmost reliance might be placed—had to say on the subject in reply to the appeal of Mr. Leonard, had come to the conclusion that the explanation was perfectly satisfactory. Colonel Wynyard stated that the rule of the institution was, that no boy should be permitted to give his Bible or religious books to any other boy who was not of the same persuasion, and it was posted up in the hospital that severe punishment would follow the breach of this regulation; and he distinctly stated that in the two years and a half during which he had been commandant, only two cases of such an exposure of tracts as Mr. Leonard alleged had taken place in twenty-two instances had been recorded, and that with those cases he had duly dealt. If, he might add, Mr. Leonard had discovered the tracts which he mentioned, was it not his duty, before advancing so grave a charge as he had done against Colonel Wynyard, to inform him that certain books had been found in the school, and to afford him an opportunity of inquiring how it was they had got there? Colonel Wynyard only knew of two cases, and in those Mr. Leonard brought the facts to his notice in such a manner that it was difficult to deal with the offenders. Instead of taking the books to Colonel Wynyard, Mr. Leonard had sent them to Archbishop Cullen, and thus the Commandant had not the opportunity of ascertaining its real character. Nevertheless, in both cases, the order which he had just read was vindicated. Upon this explanation and other evidence, the Governors came to the conclusion that Colonel Wynyard had completely exonerated himself from the charges made against him, and Lord Carlisle had in a minute expressed himself satisfied. With many of the other remarks of the hon. Member he agreed, and he fully concurred in all that was said three years ago by the then Under Secretary for War and his right hon. Friend now Secretary of State for the Colonies. The explanation given by Sir George Brown of the absence of Roman Catholic teachers was, that the Governors never inquired into the religion of the candidates, but had in all cases appointed the man whom they thought best fitted for the appointment. He had no doubt that that explanation was perfectly true, but to him it was not satisfactory. He thought that the principle upon which the Governors had acted was an erroneous one. He thought that in a country like Ireland, where so many of the pupils were Roman Catholics, the Governors ought to inquire into the religion of the candidates, and to take care that a certain proportion of the teachers should be Roman Catholics. Earl De Grey held the same opinions as were expressed three years ago by Mr. Baring and his right hon. Friend the Secretary for the Colonies; and, indeed, he had caused Sir George Brown to be informed that, though the War Department had no power of interfering with the conduct of the institution, yet unless a fair and just course was pursued towards the Roman Catholic children, it would be impossible either for him to defend the institution or for him (the Marquess of Hartington), who was the representative of the Military Department in the House of Commons, and answerable for the expenditure of the money voted for the Department, to defend it there. Further than that it was impossible for the Secretary of State to go. It was possible that the Governors might refuse to take the advice which had been given to them, and in that case it would be competent to the hon. Member, or any of his Friends, to move for an inquiry into the system. He trusted and hoped, however, that after it had been pointed out to Sir George Brown, who he was sure had in this instance, as in all others, no desire except to do his duty, that the principle upon which the Governors were acting was not a right one, and that they ought in fairness to consider the religion of Roman Catholics as a qualification for appointment as teachers, both he and the other Governors would act upon the suggestion, and that in future Roman Catholic parents would have no reason to fear for the faith of their children who belonged to this school.

SIR EDWARD GROGAN said, that with every desire to give credit to the hon. Member for Dungarvan for honest zeal, he thought that it would have been better if he had told the Committee that although complaints had been made as to the introduction of controversial tracts into this school, they had not been substantiated, except in two isolated cases. He had heard with surprise the speech of the noble Lord opposite, and he must say that before the noble Lord went the length of inferring censure on Sir George Brown and the Governors of the Institution, he ought to have satisfied himself that there was sufficient reason for doing so. In justice to those who had the management of the school, it was only right to assume that if they had not acted upon the advice of the Government it was because they had good reasons for adhering to the old system. No one had cast the slightest doubt upon the efficiency, value, and excellence of the school. The school was popular with the army, and he had not heard of any complaints of its management having been made by those most interested in it. Why, then, should a change be made; and why should the masters be altered simply and solely that some of them might be Roman Catholics? Had the noble Lord fully considered the effect of such a change, and did he desire to introduce that principle in every instance? Did he desire to see the harmony of the school broken up by religious dissension between the boys, and—what was worse—between the teachers? The object of the attack of the hon. Member for Dungarvan was altogether a polemical one. [Mr. MAGUIRE: No, no!] That would be the opinion of every impartial person who had heard or might read it, and the proof that it was so was to be found in the stress which the hon. Gentleman had laid upon the appointment to a subordinate office in the school of a young man who had, he presumed, from conscientious reasons, abandoned the Roman Catholic faith and become a Protestant. He had no authority to speak on behalf of this school. He had no communication from the Governors, but he had heard enough to convince him that this was simply and solely a sectarian and polemical attack, directed to the aggrandizement of the Roman Catholic Church. ["Oh, oh!"] There was no argument in "Oh, oh!" He repeated that that was the case, and it rested with the Government to say whether an institution which was working soundly and well, and training up loyal subjects and good soldiers, should be needlessly interfered with to conciliate the views of parties who had not always been distinguished for loyalty to the Crown.

Mr. CARDWELL said, it was no answer to his noble Friend to say that this was a sectarian and polemical attack. The real question was, whether the present state of things was just and desirable. No attack was made on the general character of the institution, of which he could, from personal knowledge, speak, in many respects, in the highest terms, nor on the distinguished General who had the command of the forces in Ireland, whom they all respected. Objection was taken only to the exclusive nature of the principal appointments in the institution. Was it wise or just that an institution intended for the orphans of soldiers who had served their Queen, should be under an exclusive management? The hon. and gallant Member for Oxfordshire (Colonel North), who had been in Ireland and knew the Irish soldiers, had told them what must be the feeling caused by so one-sided an arrangement. And by whom was this institution maintained? Principally by the Vote of this House, and was not a mere charity, but a mark of gratitude for services rendered to the country. Its primary object was not eleemosynary—its primary object was for the public education of orphans of soldiers, and, being for the education of all, it ought to be conducted in a manner in which it could be accepted by all. The hon. Member for Dublin, however, defended the institution on the very ground that it was exclusive. He (Mr. Cardwell) could not admit that argument, and ventured to adhere to the opinion which had been quoted, that not only good feeling towards those for whom the institution was intended, but motives of the highest public policy dictated that the institution should not be exclusive. He sincerely hoped that those who governed the institution, hearing of the opinions expressed on both sides the House, would act on the principle that there should be a just admixture of both religions, and that an institution which was intended for the benefit of all should be so constituted and so conducted as to command the confidence of all classes of the community.

Mr. BRADY held that an institution which was supported out of the taxation of the whole kingdom, and was intended for the benefit of the army, without distinction as to religion, should not be allowed to assume an exclusive character. It was most unjust that only one-third of the scholars should be Catholic, while the number of Catholic soldiers was six to one. He, for one, would not allow of supremacy any longer, nor confess himself a less man than another because he professed the religion in which he was born. They were all equal, and he would assert the claim of the Catholic children to all the rights to which they were entitled in this institution. He believed that the speech of the right hon. Gentleman the Secretary for the Colonies would have a most beneficial effect in Ireland.

The Marquess of HARTINGTON said, that the Hibernian Military School was not exclusively for the children of Irish soldiers, but was intended for the children of all soldiers in Ireland, and the proportion of Irish Catholic soldiers in Ireland, as compared with Protestant soldiers there, could not be so large as the hon. Member had just mentioned.

Mr. BRADY stated that he spoke of the children of Irish parents who enlisted in Ireland, and of these there were four or five Catholics to one Protestant.

Mr. O'REILLY said, that the speeches of the noble Lord the Under Secretary for War, and of the right hon. Secretary for the Colonies, were only such as might have been expected from them, and rendered it almost unnecessary for him to make any additional observations on the subject before the House. The difficulty in respect to the Royal Hibernian Military School appeared to arise from the fact that its government was vested in certain Governors, and not in the responsible Government of the country. Nevertheless, that House found the necessary funds to the amount of £12,900. He would suggest a means by which the difficulties that at present existed might be avoided. If the Governors thought that their school would be spoiled by any admixture in the religious element, then let them send the Roman Catholic children to be taught in Roman Catholic schools, and let the Government pay to the managers of those schools the cost of the maintenance and education of these children at the Hibernian School, namely, £27 per head. There would be no difficulty in such schools if it were thought desirable in adding military training to the other branches of education. With regard to the circulation of controversial tracts in the school, it was said that there was no proof of the general circulation of these tracts. That proof, however, it was almost impossible to give, though a number of individual instances might be adduced; and he put it to any hon. Gentleman whether tracts, simply abusing a religion different from that of the writer's, were in any degree necessary for the promotion of religious knowledge or charity among Protestant children. The evidence went to show that such tracts were frequently found in the institution. He would now advert to another subject. When he made a general statement the other evening with respect to the Army Estimates, he said he would draw attention in detail to those particular Votes on which he mentioned the expenditure to be most remarkable, and as the Education Vote was one of them he would briefly allude to it. His previous statement was chiefly founded on a comparison of the cost of the English and French services; and he thought the item of education was one in which a comparison might safely be instituted, and he would, therefore, call attention to the cost of some of the English military schools, not only compared with the French, but with the civil schools in their country. He would take first of all the Royal Military Academy. Any one might suppose that the great expenditure in English military schools was caused by the higher class of treatment which the lads received; but the cost for living was as much in France as it was in England, while the expense of superintendence was in England double its amount elsewhere. There were 250 pupils in the Royal Military Academy, and they cost on the average £161 each. That cost was divided in this way; teaching, £56; administration, £29; namely, £21 10*s.* for superior and £7 10*s.* for inferior administration; living and all other expenses, £76. If that was compared with the French Ecole Polytechnique, an institution not inferior, the results would be as follows:—number of pupils 260 (nearly the same as the number in the Royal Military Academy), cost £115 per pupil. The analysis of that expense was, for teaching and administration—for these items were not given separately—£40; living and other expenses, £75; total, £115. In the Royal Military Academy there were 45 teachers, or nearly 1 to every 5 pupils, and that was exclusive of officers. In the Ecole Polytechnique there were 42 teachers, or 1 to every 6 pupils. Then, in the Royal Military Academy there were 48 administrators, or 1 to every 5 pupils, and that arose from a peculiarity of our system, which was that we had not only an entire teaching staff, but also an entire military teaching staff. In foreign schools the two functions were combined, and there was no reason why the captain of a company should not be an efficient teacher. If we compared those items with the cost of civil schools, every one would admit that the expense was excessive. With regard to the Royal Military College for Cadets, the number of pupils was 296, and the cost for teaching was about £55 10*s.*; for staff £14 10*s.*, and for living, &c., about £70, making a total of £140 per pupil. In the Ecole Impériale Spéciale Militaire, which might be compared with the Cadets College, the number of pupils was 600, the cost of teaching and staff was £34, and of living, &c., £48; total, £82. In the Cadets College there were 42 teachers, or 1 to every 7 pupils; the French found 17 teachers, or 1 to every 35 pupils, enough. To teach 296 pupils we had 8 professors of mathematics, 8 professors of fortifications, 8 professors of military drawing and surveying, 4 French masters, 2 German, 2 who were given as instructors in languages, but it was not said what languages, and 4 professors of landscape drawing. Now, he believed that everyone acquainted with teaching in this country would admit that the number of professors was far more than was necessary. He had nothing more to say upon the subject, but had made these remarks in fulfilment of a pledge which he had given on a former occasion.

COLONEL SYKES said, the cost of military education last year was £172,201, or at the rate of £1 3*s.* 2½*d.* per head for the 148,000 men in our army, while in France it was only 7*s.* 1*d.* per head.

Sir HARRY VERNEY said, that the cost of education in the army must be compared with the cost of education in the country generally. Every one knew that just as good education might be got at Vienna, Berlin, or in various parts of Italy, for one-third of what it would cost in this country.

Colonel NORTH asked for some explanation of the fact that for twenty Queen's Cadets nominated by the Secretary of State for India, an item of £1,500 was set down, and at the bottom of page 58, it was stated in a note that the Indian Government contributed £3,000 per annum for the Education and Maintenance of twenty Queen's Cadets, nominated by the Secretary of State for India. In the Hospital Vote a sum was set down for pay and lodging allowance for forty-five probationers, to fill up vacancies in the medical department. He wanted to know whether there was any security that those probationers would enter the army medical department?

Colonel DUNNE inquired whether any alteration would be made in the course set down for the competitive examination for the army? A more absurd system never existed. The French taught everything that the young officers ought to know, we taught them everything but what they ought to know. On the other hand we went to the most ridiculous extreme, and inquired into their acquirements in everything that could not be of the least possible use. The Professors themselves sought for questions merely to puzzle young men, and there was not a single one of those Professors, notwithstanding all their quibbling questions, who would be fit to enter the army.

The Marquess of HARTINGTON said, the expense of the military colleges was, no doubt, high, but the explanation suggested by the hon Baronet (Sir Harry Verney) was, no doubt, the correct one—that the expense of educational establishments of all kinds in this country was much higher than on the Continent. An immense number of Professors were certainly employed in our military colleges, and it would be for the Secretary of State for War to say whether any reduction could be made. As to the question asked by the gallant Colonel opposite (Colonel North) with respect to the twenty Cadets nominated by the Secretary for India, he was not at that time in a position to give an explanation. With respect to the probationers, they would not be compelled to enter the service, but of course it was their intention to do so, otherwise they would not have become probationers.

Colonel NORTH said, it had been stated that no one could be got to enter the medical department of the army, and, therefore, some security should be had that these persons who came to the army schools for medical education, should join the army medical service. He wished to know why a swimming master had not been appointed, as had been recommended by the Committee.

Vote *agreed to.*

(3.) £88,345, Surveys.

Sir HARRY VERNEY asked why the recommendations of the Committee on the Cadastral Survey, in 1862, were not carried out. He wished to urge on the Government the propriety of completing the survey on the 25-inch scale, such as had been adopted by most of the principal countries in Europe. A Government map on such a scale, accessible to every one, would be of immense advantage in an infinite number of cases, particularly in those connected with the sale and transfer of land, drainage, questions arising under the Parochial Assessment Acts, &c. It was shown before the Committee which investigated this subject that the larger the sum voted at the outset the cheaper the map would be in the end, as delays and difficulties inseparable from endless changes of plan would thereby be obviated.

Mr. HUSSEY VIVIAN suggested that the attention of the Director of the Cadastral Survey should be directed in the first instance to the mineral districts of the country.

Sir WILLIAM JOLLIFFE considered that the department should first direct its attention to the survey of the populous districts, and where the country was greatly subdivided. He understood that maps of portions of Kent and the South Coast were in a very forward state, and nearly fit for publication. He suggested that these should be brought out at once, as the large sale they would be sure to command would greatly stimulate the progress of the rest of the survey. It was idle to go on publishing maps of distant and unimportant portions of the country to the neglect of fields so much more productive and inviting.

Mr. WYLD said, that the Government survey was being executed in the most expensive and costly manner. He believed that under proper management a great deal more work might have been executed for the £100,000 which had been for several years voted for the purpose. Scotland had great cause of complaint, because, although she contributed her share towards the Vote for the Ordnance Survey, she had suffered great neglect at the hands of the Director General of the Survey. Next Session he proposed, when this Vote was again before the House, to enter upon an analysis of the work, and to show how for the same expenditure a greater result might have been obtained.

Viscount BURY said, that the spirit of the recommendation of the Committee had been carried out. The sum of £67,000 voted last year for the survey had been increased this year to £75,000. The Government were assailed from two opposite quarters on this matter, for while some hon. Members advised a diminution of the expenditure, others thought a largely increased expenditure would be beneficial. The Committee which sat for two years recommended that a sum of £90,000 should be devoted annually to complete the survey of Great Britain, and the late Sir George Lewis announced that this recommendation would be adopted by the Government and carried into effect. The history of the Ordnance Survey showed that the sums voted by Parliament had fluctuated to a degree that had paralyzed the survey, and caused a waste of £40,000. At first the survey was not conducted according to one uniform system of triangulation, and when the results were put together, enormous discrepancies were observable. It was then resolved that there should be one uniform system of survey for the whole of the kingdom. A few years ago, however, it was determined to survey Ireland on the six-inch scale, and also some of the Northern counties. The whole survey was then suspended and referred to a Committee which reported in favour of the one-inch scale. The matter was then referred to a Royal Commission, which recommended the 25-inch survey. The House, on the Motion of Sir Denham Norreys, affirmed the principle of the 25-inch survey, but next year the hon. Member for St. Andrew's (Mr. E. Ellice) carried a Motion condemning the principle. By this means the operations of the department were paralyzed, and a loss of from £35,000 to £40,000 was sustained. Not less than fourteen blue-books had been published on this subject. It had been examined by a Royal Commission and three Committees. The last Committee, of which he was a member, recommended that a fixed annual sum should be voted, and that a 25-inch survey should be carried on because it contained within itself the elements of all the other surveys, and might be reduced to any other scale. The invention of photography and zincography had saved the country many thousands of pounds. Maps were formerly reduced by the slow process of the pentagraph; but now a map was placed upon a board in a room, and, by means of photography, was reduced in ten minutes to any scale that might be desired, and with perfect accuracy. He believed that the Survey Department was exceedingly well managed. The Committee went down to Southampton, investigated the means and appliances of the office, and were satisfied that the department was well organized. The triangulation over the whole of Great Britain was now completed. Certain portions of the kingdom, where works had been recommended by the Defence Commission, had been already surveyed on the 25-inch scale, and when the rest of the kingdom had been surveyed these portions would be brought in without additional survey to make a general map. It had been said by the hon. Member for Bodmin (Mr. Wyld) that the one-inch map should be completed before proceeding further with the 25-inch, but hon. Gentlemen should recollect that the greater contained the less. With respect to the progress of the Ordnance Survey, he could state that all England had been surveyed upon the one-inch scale, and, with the exception of parts of Northumberland and Cumberland, the maps had been published. The hon. Member for Bodmin would recollect that the Committee recommended that the Highlands of Scotland should not be surveyed upon the larger scale. Upon the whole, he thought it would be found the survey had proceeded with tolerable rapidity.

Mr. F. S. POWELL observed, that in these discussions there always appeared to exist a confusion between surveys and maps. It was supposed that because a survey was on a certain scale, therefore the map must be on the same scale; but, in truth, if the survey was made, the question as to the scale upon which the map should be made was subordinate and should be decided independently. The great question was when would the survey be completed; and, therefore, he hoped the Committee would vote sums sufficient to allow of the survey being pressed with vigour and efficiency. When completed it would be of the utmost value. We were very far behind other countries in this matter, both as to the progress of the survey and the quality of the maps.

Mr. AYRTON said, that if this Committee were as well inclined to economy as a former Committee had been, he should ask them to put an end to the publication of the series of maps upon a 25-inch scale for the whole country. Those maps had been invested with a degree of mystery by being styled cadastral surveys—which they really were not, because a cadastral survey would give an account of all the landed property of the country, the acreage and tenure of the land. If this minute style of mapping was to be truly and honestly carried out it could not be done for £1,400,000, but would cost nearer double that amount; and, after all, would be badly done, and would be of little value to anybody but the proprietors of landed estates. At present the Survey Department confined itself to maps upon the 1-inch scale, which were found to be very inaccurate. If that was the case with a 1-inch scale what would it be with maps upon a 25-inch scale. He believed that, for all practical purposes, the House was sanctioning a great and useless expense, because if gentlemen wanted their estates surveyed they should do it in their own way, and pay for the labour themselves.

The Marquess of HARTINGTON said, that the extension of the survey was conducted mainly upon the principle advocated by the hon. Baronet opposite (Sir William Jolliffe); the chief towns of the kingdom had been completed to a great extent; and the maps sold to the amount of £12,000 a year, which very much more than compensated for the cost of publication. The suggestion of his hon. Friend the Member for Glamorganshire (Mr. Hussey Vivian) was, no doubt, worthy of consideration. Those parts of the country where fortifications already existed, or were about to be erected, required the earliest attention, and the utmost accuracy; but he promised his hon. Friend that attention would be paid to his suggestions in reference to the mining districts, if it could be done without adding very much to the cost. As to the observations of the hon. Member for the Tower Hamlets (Mr. Ayrton), he could only say that the subject of the survey was one of a scientific nature, and the House had several times agreed to treat it as such, and to refer it to those who could enter upon it better than the House. The House last year accepted the recommendations of the Select Committee, on the suggestion of the late Sir George Cornewall Lewis, as it seemed to that right hon. Baronet that it would be a waste of money to be continually changing the scale of survey. If the country were to be surveyed at all, the whole of the country should be surveyed; and then no one could object to the publication of the maps, because as the publication was equally advantageous to individuals as it was to the public, the sale would return some compensation for the outlay.

Sir WILLIAM JOLLIFFE said, he concurred with the noble Lord who presided over the Survey Committee (Viscount Bury) that the early surveys were inaccurate, though they referred to some of the most important districts of the country. The hon. Member for the Tower Hamlets (Mr. Ayrton) seemed to be carried away with strange notions as to the use of those maps. He seemed to think that they were only intended to point out the boundaries of gentlemen's estates. The parish authorities, however, wanted the correct boundaries; so did the Tithe Commutation Commissioners. All parties, in fact, required to have accurate maps with the view to the proper conveyance of land. He was anxious to see accurate maps, and he did not care about the expense of obtaining them.

Mr. F. S. POWELL thought that the Committee were entitled to know what was the time at which the ordnance and geological surveys would be completed. They had been voting, year after year, large sums of money, and they were now entitled to know when they would obtain the fruit of their labours.

The Marquess of HARTINGTON said, it was calculated that £90,000 a year would be required for twenty years for the Ordnance Survey. The Geological Survey was not connected with the Ordnance Survey, and he was unable to answer in respect to it.

Vote *agreed to.*

(4.) £123,103, Miscellaneous Services *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £223,834, be granted to Her Majesty to defray the Charge of the Administration of the Army, which will come in course of payment during the year ending on the 31st day of March, 1865, inclusive."

MR. O'REILLY said, that the cost of the administration of the army had been frequently referred to as being the department of our public expenditure where a good deal of judicious paring could be exercised with advantage. The noble Lord who represented the Army Department had, on a previous occasion, when the subject was under discussion, made some little confusion between the general Staff and the administration of the army. The hon. and gallant Member for Queen's County (Colonel Dunne) had also expressed a hope that he would not press for any diminution of the general Staff of the army. But, in fact, that department was entirely different from the administration. In administration the French were certainly not inferior to ourselves. Our head department consisted of a Secretary of State and a Commander-in-Chief, the expense being £9,442, while the French managed with one Minister, to whom they, however, paid more, his salary being £5,200. The French officials—*directeurs*, *chefs*, *et commis*—equivalent to our officials from secretaries to clerks inclusive—were for the double-sized army only 501, whose salaries were £58,964, against 627 persons in our own departments, with £177,207 of salaries. The office-keepers and servants were in both the English departments 106 in number, at a cost of £4,999; the French were about the same, with £5,462 of salaries. The total cost of the English administration, deducting the Quartermaster General's department, was £1 7*s*. per man, while the French total, leaving out the *Dépôt de la Guerre*, which was equivalent to our Surveys and Topographical Department, was about 4*s*. 6*d*. per man. It was said that this difference arose from the different rate of pay and of salaries in the two countries. But this could not be, inasmuch as the average English salary was somewhat more than double that of the French, while the cost per man was eleven times as great. It had been said that what Members should do was, not to make comparisons between the cost of the two armies, but to point out how reductions could be effected. But it was idle to expect that any Member could point out, for example, which of the 627 secretaries or clerks could be dispensed with. He should not conclude with any Motion, but in another year he thought that if the Government did not diminish the cost of army administration the House ought to enforce it upon them.

COLONEL SYKES said, the French divided their administration into *personnel* and *matériel*, and his estimate did not differ substantially from that just given, for he made it 5*s*. 5*d*. per man, while in the English army it was £1 8*s*. 8*d*. per man.

MR. W. WILLIAMS asked for an explanation of the extraordinary charge of £973 for forage for the Commander-in-Chief.

COLONEL BARTTELOT said, it was in the civil administration of the army that reductions must take place, and pointed out that there was an increase of clerks simultaneously with a reduction of the army.

THE MARQUESS OF HARTINGTON said, the forage allowance to the Commander-in-Chief was not a new charge; it was only that which the regulations sanctioned for a Field Marshal, and he did not think that the Committee should grudge this charge. As to the civil branches of the army, the Secretary for War was inquiring into this subject, with a view, if possible, to make reductions. He did not think it was quite fair to compare this with the corresponding French Vote, for a great part of the services which were performed in the War Department and in the Commander-in-Chief's department in this country were performed in France, as he understood, by the *Intendance* and the *Etat Major*, neither of which came into the coresponding French Vote.

MR. O'REILLY said, he had made the requisite allowance for this in his calculation.

THE MARQUESS OF HARTINGTON said, that, according to an estimate made in the War Office, the expenses of that office, of the Commander-in-Chief's office, and the Staff did not compare nearly so unfavourably as the hon. Member had stated with the expenses of the French War Office, the *Intendance* and the *Etat Major*. From this estimate it appeared that the relative cost of the two administrations maintained the same proportion as that of other branches of the service, the English costing about double that of the French.

MR. WYLD called attention to the fact that the Topographical Department had recently published a plan of the fortifications of Fredericia, which gave the Germans information which they did not before possess. During the Italian war a somewhat similar incident took place. The Austrian Government had published some time previously a large map of the Austrian empire. When the war broke out they refused to supply it, and prohibited its sale. But our Topographical Department reproduced this map, and the French Government, who could not obtain it elsewhere, actually supplied themselves with copies thus taken.

THE MARQUESS OF HARTINGTON said, the functions of the Topographical Department were to collect and preserve authentic maps of every part of the world respecting which it was for the interests of the service that we should have information. It was impossible that the plan of Fredericia, to which the hon. Member had alluded, could have been of any assistance to the Germans. In the first place, the original map had been obtained from the British Museum, where it was open for anybody's inspection ; and, in the next place, it was by no means an accurate plan, having been published before 1848, since which time he believed that new fortifications had been erected. The map in question was published simply for the purpose of rendering more intelligible the despatches of our Ministers which might be received during the progress of the war. It was impossible that its publication could give any information to either army which they were not in possession of before. At the same time, he quite agreed that great care should be taken as to the publication of maps under such circumstances.

MR. W. WILLIAMS said, no proper explanation had been given of the item of £973, the reduction of the allowance for forage to the Commander-in-Chief. He would move the reduction of that item by the sum of £473, and the reduction of the allowance for forage to the Adjutant General by the sum of £244.

Motion made, and Question, "That the Item of £973, for Allowance for Forage to the Field Marshal, Commanding-in-Chief, be reduced by the sum of £473,"—(*Mr. Williams,*)—put, and *negatived.*

Original Question put, and *agreed to.*

The Marquess of Hartington

The following Votes were also *agreed to :—*

(6.) £26,020, Rewards for Military Service.

(7.) £75,400, Pay of General Officers.

(8.) £449,471, Pay of Reduced and Retired Officers.

(9.) £162,986, Widows' Pensions and Compassionate Allowances.

(10.) £29,663, Pensions and Allowances to Wounded Officers.

COLONEL DUNNE asked for some explanation respecting the mode of pensioning; and called attention to the case of the barrack-masters, many of whom were of an age that almost unfitted them for the performance of their duty. He had also to call attention to the case of distinguished cavalry officers placed on half-pay without the Commander-in-Chief being able to give them active employment. It was most objectionable to place officers after long service in India on half-pay on their return. He was sure the House would readily vote the money to keep those officers in active service.

THE MARQUESS OF HARTINGTON said, that the practice referred to had always existed ; and, as far as he knew, there was no intention on the part of the Government to alter it.

Vote *agreed to.*

(11.) £33,260, In-Pensioners of Chelsea and Kilmainham Hospitals.

(12.) £1,161,812, Out-Pensioners of Chelsea Hospital, &c.

(13.) £136,332, Superannuation Allowances, &c.

(14.) £31,213, Non-Effective Services, Disembodied Militia.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

PARTNERSHIP LAW AMENDMENT BILL.

[BILL 68.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (A Limited Partnership may be formed).

Amendment again proposed,

At the end of the Clause, to add the words "and all such partnerships shall be distinguished by the addition of the word 'registered' to the name of the firm, in all its dealings and transactions."—(*Mr. Thomas Baring.*)

Mr. SCHOLEFIELD said, the proposition of the hon. Gentleman was fully discussed on a former evening, and he would not repeat the arguments which were then used against it. However, he might observe that it would be just as reasonable for the hon. Gentleman to ask that every loan should be registered as to ask that loans under this Bill should be registered. The Amendment would be a serious detriment to the measure, and he hoped the House would not adopt it.

Sir JOHN SHELLEY supported the Amendment. He should like to have some proof of the injury likely to be done by the insertion of the word. The word "limited," as at present applied to various undertakings, was not detrimental to the investment of capital therein. Surely when a partnership changed its character, and came under the operation of the Bill, the public were entitled to be acquainted of the fact.

Mr. GOSCHEN, as a friend of the Bill, would be glad to see a provision introduced to compel the announcement in the *Gazette* of an alteration in the constitution of a firm. That, he thought, would answer the purpose required.

Mr. Alderman SALOMONS supported the principle of giving the most complete publicity to the circumstances of these partnerships.

Mr. BRIGHT protested against the attempt to combine in the present Bill objects not compatible with its provisions. If such objects were desired, they might be made the subject of a special Bill, but ought not to be included in this. Hon. Gentlemen might depend upon it that they were taking care over much. People concerned with firms under the Bill were shrewd enough to take care of their own interests, if they only had perfect liberty to act. He could not help thinking that a great deal of the zeal shown by the hon. Baronet was opposed to the Bill itself. Years ago he was opposed to the principle of joint-stock liability, and predicted that disasters would result from it. But the change had been most successful. Freedom of commerce had been attended with enormous advantages here, as it had in every country where it had been adopted. He (Mr. Bright was satisfied that, if the Bill were passed without any of the endless irritating restrictions sought to be put on its free working, we should in a few years be as content with the working of the measure as we were with the working of that of limited liability.

Mr. LOCKE saw no reason why, if these partnerships were to be registered, they should not say so plainly to all the world.

Mr. T. BARING said, that if the Law Officers of the Crown were content to allow the clause to be passed in its present shape he would offer no further opposition to it.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 58; Noes 43: Majority 15.

Clause 4 (Any person lending money to General Partners on certain Terms to be a Limited Partner).

Mr. BUCHANAN moved the omission of the words "or contract to lend." His objection to the proposal for contracting to lend was, that all those who had advocated the measure did so on the ground that it would chiefly be of use in enabling young men to come forward in business, by their friends advancing them a loan without incurring the risk of a partnership. No doubt the advance of money to such young men was of the utmost importance, but it was quite a different thing to "contract to lend" and to actually advance money.

Amendment proposed, in line 40, to leave out the words "or contract to lend." —(*Mr. Buchanan.*)

Mr. SCHOLEFIELD opposed the Amendment. He had never put the case which his hon. Friend had just put to the Committee. The Committee would surely not compel a limited partner to pay into a concern which did not want the money. The clause only carried out the principle of a company whose shares were not paid up in full.

Mr. T. BARING remarked that in France and the United States the money must be actually paid to the firm. Supposing the person contracting to lend money should fail, what claim would the limited partnership have on the estate.

Question put, "That those words stand part of the Clause."

The Committee *divided:*—Ayes 39; Noes 46: Majority 7.

Mr. SCHOLEFIELD said, after the decisions of the Committee he thought it would be useless to proceed further with the Bill. He would, therefore, move "that the Chairman leave the Chair."

Mr. J. C. EWART hoped the hon. Gentleman would not abandon the measure, as notwithstanding the alterations that had been made there was much good in it.

Sir JOHN SHELLEY thought the principle involved in the measure was of far too great importance to be left in the hands of a private Member, and was of opinion that if it was to be dealt with at all it should be dealt with by the Government.

Mr. W. E. FORSTER contended that the hon. Member for Birmingham had adopted the right course in withdrawing the Bill, and trusted the Government would bear in mind the fact that the commercial community would expect from them the introduction, with as little delay as possible, of a measure embodying the principle involved in the present proposal.

Mr. CRAWFORD said, that his hon. Friend had, he thought, done wisely in withdrawing the Bill. As far as he could see, the Government appeared to have no decided opinion on the matter, inasmuch as some of its members had voted one way and some another in the divisions which had just taken place.

Mr. T. BARING urged the expediency of having a Bill dealing with the law of partnership, if introduced at all, brought in on the authority of the Government, and under the auspices of the Law Officers of the Crown.

Mr. MILNER GIBSON thought his hon. Friend the Member for Birmingham had a fair right to expect that his Bill would have received the support of the House, seeing that a similar measure had passed through the House, after having been referred to a Select Committee last Session. If exception were to be taken, as seemed to be the case, to every word in every clause, it would be impossible even for the Government to carry through such a measure. The Government, he might add, had several Sessions ago brought forward a proposal embodying the principle of enabling persons to lend money to prosecute a business without making themselves general partners, but the proposal had not met with much favour. He could only say, in conclusion, that he regretted his hon. Friend had been so discouraged as to be induced to give up the Bill.

Mr. BUCHANAN, as a Member of the Select Committee to which reference had been made, wished to observe that they refused to hear any evidence. Were they a tribunal, then, he would ask, which ought to be looked to to inform the public as to the merits of the question?

Mr. CRAUFURD trusted the hon. Member for Birmingham would re-consider his determination to abandon the Bill. Even with the Amendments which had been introduced into it, there still remained in it, he thought, no small amount of good.

The CHANCELLOR of the EXCHEQUER wished to make a similar appeal to his hon. Friend, who, he was sure, was of too high a character to be influenced in the matter by mere feeling. If he were to take further time to consider the course which he should pursue, it was quite possible he might find in the Bill provisions still untouched which would render it worth his while to persevere with it. If, however, he should withdraw it, he had no doubt the Government would be quite ready to take into consideration the question, whether it was possible to frame a measure on the subject; while, at the same time, it was not, in his opinion, desirable to lay it down as a rule that all questions would be more advantageously dealt with by the Government than by a private Member.

Mr. SCHOLEFIELD said that, in compliance with the suggestions which had just been made to him, he should withdraw the Motion that the Chairman leave the Chair, and simply move that he report Progress, with the view of proceeding with the Bill after the Whitsuntide recess.

Mr. W. E. FORSTER remarked that in the divisions which had just taken place the President of the Board of Trade had voted one way and the Attorney General another.

The ATTORNEY GENERAL said, that by the vote which he gave he did not intend to take a step which would be prejudicial to the Bill, and he had heard with great regret his hon. Friend's announcement that he should abandon the measure. He was entirely favourable to the principle of the Bill, and had only voted to-night as he had voted last year. He thought that if a new class of partnerships were introduced and required to be registered, they ought to go into the world avowedly such as they were.

House *resumed.*

Committee report Progress; to sit again on *Thursday*, 19th May.

PATENT OFFICE LIBRARY AND MUSEUM.

SELECT COMMITTEE MOVED FOR.

MR. DILLWYN, in moving the appointment of a Select Committee to inquire as to the most suitable arrangements to be made respecting the Patent Office Library and Museum, said, that he had communicated with the noble Lord the Member for King's Lynn (Lord Stanley) the Chairman of the Patent Law Commission, who had informed him that he saw no objection to the appointment of this Committee before the Report of that Commission had been presented.

MR. COWPER thought that it would be both inconvenient and disrespectful to the Patent Law Commission that this Committee should be appointed before their Report, which might shortly be expected, was received. He, therefore, could not assent to the Motion.

MR. GREGORY wished to hear further particulars from the Government, for the House ought to have more precise knowledge before deciding on the subject. He thought it would be well to wait for the Report of the Commission.

MR. AYRTON said, that as the noble Lord the Member for King's Lynn had stated that this Committee would not interfere with the proceedings of the Commission, the fact that that Commission had not yet reported was no reason for delaying its appointment.

THE ATTORNEY GENERAL said, that although the appointment of this Committee might not interfere with the proceedings of the Patent Law Commission, yet when that Commission reported there would be a great many subjects connected with patents which must necessarily be considered, and it would be convenient to consider them all together. It would, therefore, be better to postpone the appointment of this Committee.

Motion made, and Question put,

"That a Select Committee be appointed to inquire as to the most suitable arrangements to be made respecting the Patent Office Library and Museum."—(*Mr. Dillwyn.*)

The House *divided*:—Ayes 21; Noes 16: Majority 5.

On May 23, Committee *nominated* as follows:—

MR. DILLWYN, Mr. COWPER, Mr. GREGORY, Mr. KNIGHT, Lord ROBERT CECIL, Lord HENRY LENNOX, Mr. AYRTON, Mr. AUGUSTUS SMITH, Lord ELCHO, Mr. WALDRON, Mr. ADDERLEY, Mr. WALTER, Mr. CALTHORPE, Mr. HOLFORD, and Mr. FRANCIS SHARP POWELL:—Power to send for persons, papers, and records; Five to be the quorum.

And, on May 27, Mr. HOLFORD *discharged* and Mr. HUMPHERY *added.*

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) BILL.

On Motion of Mr. PEEL, Bill to explain certain provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," *ordered* to be brought in by Mr. PEEL and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read 1°. [Bill 100.]

PUBLIC WORKS (IRELAND) BILL.

On Motion of Mr. PEEL, Bill to amend the Acts for the extension and promotion of Public Works in Ireland, *ordered* to be brought in by Mr. PEEL and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read 1°. [Bill 101.]

INDEMNITY BILL.

On Motion of Mr. PEEL, Bill to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively, *ordered* to be brought in by Mr. PEEL and Mr. BARING.

Bill *presented*, and read 1°. [Bill 97.]

COLLEGE OF PHYSICIANS BILL.

On Motion of Mr. PEEL, Bill to enable Her Majesty to grant a Lease for nine hundred and ninety-nine years of the building known as the College of Physicians, in Pall Mall East, *ordered* to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read 1°. [Bill 98.]

RAILWAYS (IRELAND) ACTS AMENDMENT BILL.

On Motion of Mr. PEEL, Bill for amending and extending "The Railways (Ireland) Act, 1851," and "The Railways (Ireland) Act, 1860," *ordered* to be brought in by Mr. PEEL and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read 1°. [Bill 99.]

VALUATION OF RATEABLE PROPERTY (IRELAND) BILL.

On Motion of Mr. GREGORY, Bill to amend the Laws relating to the Valuation of Rateable Property in Ireland, *ordered* to be brought in by Mr. GREGORY and Sir COLMAN O'LOGHLEN.

Bill *presented*, and read 1°. [Bill 102.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 10, 1864.

MINUTES.]—*Took the Oath*—The Lord Bishop of Cork.

PUBLIC BILLS — *First Reading* — Divorce and Matrimonial Causes (Amendment)* (No. 75); Chimney Sweepers and Chimney Regulation* (No. 76); Under Secretaries (Indemnity)*; (No. 77); Naval Prize Acts Repeal* (No. 78); Scottish Episcopal Clergy Disabilities Removal* (No. 79).

Second Reading—Common Law Procedure (Ireland) Act (1853) Amendment* (No. 51).

Committee — Promissory Notes and Bills of Exchange (Ireland)* (No. 68); Customs and Inland Revenue* (No. 69).

Report—Promissory Notes and Bills of Exchange (Ireland)* (No. 68); Customs and Inland Revenue* (No. 69).

Third Reading—Naval and Victualling Stores* (No. 64), and *passed.*

Withdrawn—Sentences of Death (No. 58), on *Second Reading.*

SENTENCES OF DEATH BILL (No. 58.)

SECOND READING.

THE EARL OF ELLENBOROUGH, in moving the second reading of this Bill, said: My Lords, since this Bill was read the first time, the House of Commons have, I understand, agreed to an Address to Her Majesty for the appointment of a Royal Commission to inquire into the provisions and operations of the law under which sentences of death are passed, and into the manner in which those sentences have been executed of late years; and likewise to report whether it is desirable to make any alterations therein. I think, perhaps, that the House of Commons might have expressed themselves somewhat more clearly; but I apprehend there is no doubt they deem it desirable that an inquiry should be made by a Royal Commission into these three points:—1. Whether it is expedient to continue the punishment of death; 2. Whether, if continued, it is expedient that that punishment should be applied to the same crimes as those to which it is now applied; and 3. To what authority should be committed the power of deciding ultimately, after sentence of death has been passed, whether it should be carried into execution or should be commuted? Now, that proceeding, on the part of the House of Commons, necessarily raises this question —Is it expedient that Parliament should wait until the Commission has presented its Report and made its recommendations? If Parliament should do that, I think it might have to wait a very considerable time. This is one of those matters which will, in all likelihood, be discussed and examined at the greatest length; and I cannot suppose that in less than a year or two any Parliamentary proceedings could take place in consequence of the recommendations of the Commission. Another question is, Shall we proceed with this Bill, or shall some other and better measure be presented to your Lordships for your consideration? There can be no doubt that the subject of the Bill is one of the very greatest importance, and one which will not bear any great delay. There is beyond question a growing want of confidence in the decisions arrived at by the Secretary of State with respect to the carrying into effect or commuting sentences of death. This arises, I apprehend, not from any disrespect for the Gentleman who performs the duty of Secretary of State, but because his decisions are taken on his sole responsibility. I must say it is too great a weight to throw upon any man to subject him to the necessity of deciding on his sole responsibility whether another man shall live or die. I think it most expedient to surround the Secretary of State with every security we can which is calculated to inspire confidence in his decisions, and to arm those decisions with such authority as shall make them generally acceptable to the public. That is the object I had in view in presenting this Bill to your Lordships. It is no new invention of mine. I have endeavoured to reproduce and extend an ancient practice which prevailed within my memory in respect to the sentences of death passed in the City of London by the Recorder. My Lords, the thing I dread the most is, that from untoward circumstances there should arise in this country such a want of confidence in the decisions taken and the proceedings adopted in regard to sentences of death as would impair the law as it now stands, inflicting this punishment for certain offences. I believe the maintenance of that law to be of the most essential importance to the best interests of the community; and the only danger I see is from a want of confidence, such as I have described, in its administration. I believe that at the present moment the strongest feeling excited in this country in regard to this matter arises, not on account of an execution of a criminal taking place when it is justly merited, but when through an accident or some miscarriage of justice a great criminal escapes the punishment due to his offences. It is impossible to doubt that in the case of Townley a universal feeling existed that the ends of justice were defeated. My Lords, I think the result of this Commission will be that there will be a decided expression of opinion on its part that the punishment of death must be retained; and I believe it will also offer suggestions with the view of giving some support and assistance to the Secretary of State in these cases. The first thing suggested probably will be that the Secretary of State should have the constant advantage of the advice of the noble and learned Lord who may sit on the Woolsack. It may, however, happen that the Lord Chancellor may not be conversant with criminal law, but may have passed his professional career in the Courts of Equity. It would be desirable, therefore, that the Lord Chief Justice of the Court of Queen's Bench should be added to the advisers of the Secretary of State. But the act to be done being the act, not of an individual, but of the Government, I cannot see how it would be possible not to make the First Minister of the Crown, the First Lord of the Treasury, one of the persons who should be present at these consultations. The consultative body would become, in fact, a Committee of the Privy Council; and how, again, would it be possible to exclude from the discussion in such a Committee the person who is President of the Council? These four persons, in addition to the Secretary of State, should be summoned for the consideration of these cases. But, besides these five, the remainder of Her Majesty's Cabinet would also be present, according to the plan I am proposing to your Lordships. I think it is better, if we can, to go back to past times and adopt that which has been sanctioned by experience, and which once existed, not only without any objection on the part of the public, but with their concurrence and confidence. I must likewise observe that I think it a very great advantage of the practice suggested by the Bill now before your Lordships, that the Sovereign would, under occasional circumstances, sit and act in these cases. I believe that the presence of the Sovereign gives that gravity and solemnity which befits the consultation of those who have to decide on the life of a man. It was so formerly, and I am satisfied it would be so again, and that we should guard the law as it exists, and maintain it most successfully by affording the Sovereign an opportunity of being present when these decisions are taken. I hope your Lordships will consider the expediency of proceeding with immediate legislation on this matter, dealing with this Bill as you deem best, agreeing to commit it if you think fit, or —what I should undoubtedly prefer—proposing some other and better measure, such as may occur to any other noble Lord, for the purpose of meeting that which is a great danger, the want of confidence in the administration of justice.

Moved, "That the Bill be now read 2ª."

EARL GRANVILLE: My Lords, the noble Earl has, I think, stated correctly what has been done by the House of Commons in reference to this matter. The point, however, as he says, which we have to consider is whether, when a Commission appointed at the request of the other House is sitting on this subject, the question ought not to be postponed; or whether we should adopt the present Bill or send it to a Committee; or lastly, whether some other measure more fully answering the same object should be introduced. I must say that my own impression is strongly in favour of the first alternative suggested by the noble Earl. While I admit that the question ought not to be very long delayed, on the other hand I think it is not at all desirable that we should proceed hastily in a matter of this kind. It appears to me, I confess, that there would be something anomalous as well as inconvenient in our attempting to legislate at the very outset of the labours of the Commission, and I hardly think that noble and learned Members of this House themselves would like to run the risk incident to such a course. I think your Lordships and the public are indebted to the noble Earl for the attention he has paid to this subject, and for the pains he has taken in drawing up the Bill; but, at the same time, it appears to me that his Bill is open to grave objections. The first clause is objectionable for a plain and simple reason. I have always understood that the infliction of the punishment of death is the act of the law, and it is placing the Secretary of State in a false and obnoxious position to say that the execution of the sentence of death is his act and not the act of the law. An equally strong objection may be urged against the next clause, as to receiving the report of the Judge, and summoning certain Members of the Privy Council, indicated by the noble Earl, to assist the Secretary of State in coming to a decision whether the sentence shall be carried out or not. It occurs to me (though I do not think it ought to be an objection in a matter of this importance) that there would be a great practical difficulty in assembling at all times of the year, particularly during the long vacation, five Members of the Privy Council, to consider whether a sentence of death should be carried out or not. But I would ask the noble Earl whether the decision of those five Members of the Privy Council, supposing it to confirm the sentence of death, is to be regarded as final? The pressure always comes at the last moment, and if the decision of the Privy Councillors is to be final, what answer must be given to those parties who, interested in a person under sentence of death, may come forward after the final decision has been taken with plausible allegations that new and important evidence had been discovered? It is quite impossible, if the present Bill should pass, that the Secretary of State should take upon himself the responsibility of reversing a decision come to just before by a Committee of the Privy Council; and yet circumstances may be laid before him warranting further inquiry. It would then be necessary for him to re-assemble the Committee; but that would be a matter of difficulty, and would occupy some time. Again, one of the strongest objections to the existing state of things is that the Secretary of State has no power of ordering a new trial or any judicial inquiry into the facts of a case; and I apprehend it is the absence of that power which makes his decision to a certain degree unpopular and unsatisfactory. Your Lordships will observe that the present Bill gives no power whatever to the Committee of Privy Council to institute such an inquiry, or to order a new trial, or to do anything more than can now be done by the Secretary of State with the view of arriving at a satisfactory result. As for the presence of Her Majesty, no doubt it would give a certain amount of solemnity to the proceedings of the Committee of Privy Council, and it may be said to be in conformity with precedent; but I rather think it would be contrary to constitutional practice that the Sovereign should preside at any Council where deliberation or discussion takes place. With respect to the Recorder of London, I believe he does not sit as judge

in any case of murder at all, and I can see no reason why he should be summoned. No doubt some of the objections I have just stated might be met in Committee on the Bill; but the first reason I gave—that a Commission is about to be appointed at the request of the other House to consider the whole subject of capital punishments, and that such Commission will doubtless feel it to be its duty to examine the proposition of the noble Earl, will, I trust, satisfy your Lordships that this measure should not be proceeded with further. It is much desired by the Government that they should be allowed to recommend the noble Earl himself as one of the Commissioners; but whether or not the noble Earl may consent to act, I am persuaded that his proposal will receive all the attention it so well deserves. The fact that they entirely approve the suggestion of the House of Commons for the appointment of a Commission will prevent the Government undertaking the responsibility of introducing a Bill until they have the great advantage of being guided by the inquiries and recommendations of the Commissioners, and I trust the noble Earl, satisfied with an expression of his opinion, will not press the present measure further.

EARL GREY: My Lords, I am very glad that the President of the Council, on behalf of the Government, has asked the noble Earl not to proceed further with this Bill, which appears to me, after mature consideration, to be open to objections far stronger than those which can be urged against the existing law which it is designed to alter. The noble Earl (the Earl of Ellenborough) has recommended this Bill on the ground that it is in accordance with the precedent afforded by the former practice of submitting to the King in Council the Recorder's Report of capital convictions in London. It is my lively recollection of the proceedings of the Privy Council in those cases which induces me most sincerely to deprecate the passing of this measure. Before Her Majesty came to the throne it was the practice that all capital convictions which took place at the Central Criminal Court were reported to the King in Council by the Recorder of London, and then it was decided in the Council whether the sentences should be carried into effect or not. It was my duty, during the last two years of that practice, as a Member of the Government of Lord Melbourne, to attend the Council when such cases were brought before it, and I have a most lively recollection of the utterly unsatisfactory character of the proceedings on those occasions. What I then saw convinced me that it would be totally impossible for five Members of the Privy Council, with the Chief Justice and the Recorder of London, sitting in council together, hearing evidence read before them, and then letters and memorials bearing on a remission of punishment, with documents sent from the Home Office, to form a sound judgment as to whether a certain sentence should be carried out or not. If there is to be an appeal in criminal cases at all, it ought to be to a tribunal very differently constituted; but I own I think it extremely doubtful whether any such appeal is necessary. In my opinion the fault lies, not in the law as it stands, but in the manner in which it has been administered for a considerable number of years. A practice has grown up at the Home Office—not under the right hon. Gentleman who at present presides over that Department—he found it in existence—by which the Secretary of State is called upon to listen to those persons who question the propriety of verdicts given by juries in capital cases. I utterly deny the propriety of the Secretary of State so sitting in judgment upon the verdicts of juries. How can he, or any Council, upon hearing evidence read—without seeing the witnesses, without having an opportunity of observing their demeanour, without having the immense advantage which those who were personally present at the trial possess over those who merely hear the result of it—form a competent judgment as to the correctness of a verdict? I have, therefore, always held that the practice of the Secretary of State, considering the propriety of verdicts, was altogether a wrong one. If the Judge and jury are satisfied, my opinion is that the Secretary of State is bound to accept the verdict; and consequently, if I had ever had the honour of holding the high office of Home Secretary, I should positively have declined going into the evidence with a view of forming an opinion whether the verdict was right or not. There is only one case in which that rule ought to be departed from—namely, when circumstances have come to light after the trial and in consequence of the trial, which were not before the Judge and jury, which may throw suspicion on some of the evidence on which the person had been convicted, or which may explain away things that had led the jury to believe in his guilt. When such circumstances come to light afterwards it is fitting they should be investigated: but in applying that rule the utmost caution is necessary, for it never would do if persons accused of crime were at liberty to hold back material evidence at the time of trial, when their witnesses would be liable to be cross-examined and to have all their statements thoroughly sifted, in order to bring it forward later, when it could not be tested in the same manner. It therefore seems to me that only circumstances which have arisen since the trial, or which it was shown to have been impossible to bring forward while the trial was proceeding, should be allowed to be considered by the Secretary of State. Except in those special and exceptional cases, the duty of the Secretary of State is not to sit in judgment upon the verdict of the jury, but to consider whether, that verdict being right, there are circumstances to justify the extension of the mercy of the Crown to the criminal. That, and that only, is his duty. Of late years we have had cases, such as those of poisoning, where medical men came forward one after another to question the evidence taken at the trial, and to press their several views, in order to induce the Secretary of State to believe that the Judge and jury were entirely in the wrong. I protest against that practice as being in the highest degree improper. It is the duty of the Secretary of State only to consider whether or not there are circumstances which justify the mercy of the Crown being extended to the criminal, and it is not one from which he ought to shrink, especially while the law remains in what my noble Friend the President of the Council rightly called its proper state—namely, that unless the Crown interferes justice takes its course, without any direction from the Secretary of State or the Government. Formerly when there was a great variety of capital crimes, the Secretary of State had a very difficult and painful duty to perform in deciding when the penalty should be remitted. Now, however, murder is almost the only crime for which capital punishment is actually inflicted, although there are two or three other crimes to which the penalty of death attaches; and I believe that when Parliament thus restricted the application of that punishment, it was with the intention that in all cases of deliberate murder the law should take its course, unless there were some very strong and special grounds why it should be arrested. If it is admitted that in cases of convictions for murder the Secretary of State should not re-consider the verdict of the jury, but should inquire only whether there are special and exceptional reasons for extending the clemency of the Crown, then I say there is nothing in that duty which one man cannot perfectly execute. Nay, I go further. I am fully persuaded that the responsibility will be more effectual and complete if, as now, it rests on the Secretary of State than if it were borne by the whole Committee of Council. I altogether object to the principle of frittering away responsibility by distributing it over too large a body. I think the law is quite right as it stands, and that the only alteration required is in the manner in which it is carried out.

THE DUKE OF ARGYLL said, he differed from the noble Earl (Earl Grey) that the main difficulty of the present system did not arise from the state of the law, but from the manner in which it was exercised; and especially he differed from him in the error he had pointed out that the Secretary of State constituted himself a sort of court of appeal to try cases over again. His opinion was that the present amount of dissatisfaction which existed in the public mind was attributable, in a great degree, to the present state of the law, and that it would not be remedied until the state of the law was altered. He shared the conclusion of his noble and learned Friend on the Woolsack, that the present state of the law, which established no distinction between the different shades and degrees of murder—which recognized no distinction whatever, except the broad distinction between homicide and murder —was contrary to the common sense and conscience of the people, and that the dissatisfaction had mainly arisen from the Secretary of State being constituted a court of appeal. His opinion was, that of the cases which had occurred lately in which public feeling and the conscience of the people had been more or less violated in respect to the escape of criminals, there were only a few in which the decision of the Secretary of State had any relation to the question of evidence. The only case which he could recollect in which it could be supposed that that decision had reference to the evidence was in the celebrated case of Jessie Maclachlan.

Earl Grey

EARL GREY: And Smethurst.

THE DUKE OF ARGYLL: Yes, Smethurst was a recent case. Now, the case of Jessie Maclachlan had not reference so much to her guilt, but as to whether another person who had not been tried was not more guilty than she was — whether he was not the primary agent in the crime and she the secondary one. His noble Friend had mentioned the Smethurst case. Now, in that instance, the decision of the Secretary of State was, no doubt, in part influenced by the idea that the evidence was deficient. But in nine cases out of ten the pressure that was brought upon the Secretary of State was not brought upon him to review the evidence with regard to the guilt or innocence of the criminal, but as to the degree of heinousness of the crime, and that was so in the last case—that of Hall. In that case there was clearly premeditation; but there were also circumstances of provocation which, to some extent, palliated the crime. Then there were other questions, as for instance insanity; and the noble Earl who had introduced the Bill had referred to Townley's case with undoubtedly a great deal of justice. There the criminal escaped justice owing to the defective nature of the clause in the Act, which was not noticed when the Act was passed, and which was not known to exist till it was discovered by the ingenuity of the attorney for the prisoner. So far that defect had been remedied by the passing of an Act which removed the difficulty which arose in that particular case. He had not risen to discuss the principle of the Bill then before the House, but to express an opinion which he strongly entertained, that the main fault had not been in the administration of the law, but in the state of the law, and that unless Parliament proceeded to an alteration of the law, somewhat in the manner that was suggested on a former occasion by the noble and learned Lord on the Woolsack, capital punishment would not survive many years in this country.

LORD REDESDALE said, he could not allow what the noble Duke had said to pass without some observation. He believed it was very far from being the general opinion that it would be desirable to attempt to distinguish between different degrees of criminality, such as would lead to the adoption of the system which prevailed in France. It was hardly possible to read the verdicts found by French juries " with extenuating circumstances" without seeing that the introduction of that system into England, leaving that discretion to the juries, would lead to the greatest dissatisfaction.

The Earl of ELLENBOROUGH said that, in deference to the feeling which their Lordships had expressed, he should ask leave to withdraw the Bill.

Bill (by leave of the House) *withdrawn.*

DIVORCE AND MATRIMONIAL CAUSES (AMENDMENT) BILL [H.L.]

A Bill to amend the Act relating to Divorce and Matrimonial Causes in England, 20 & 21 *Vict.* c. 85 — Was *presented* by The Lord St. Leonards, and read 1ª. (No. 75.)

CHIMNEY SWEEPERS AND CHIMNEYS REGULATION BILL [H.L.]

A Bill to amend and extend the Act for the Regulation of Chimney Sweepers and Chimneys —Was *presented* by The Earl of Shaftesbury, and read 1ª. (No. 76.)

SCOTTISH EPISCOPAL CLERGY DISABILITIES REMOVAL BILL [H.L.]

A Bill to remove the Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland—Was *presented* by The Earl of Doncaster, and read 1ª. (No. 79.)

House adjourned at Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 10, 1864.

MINUTES.] — New Member Sworn — Edward William Watkin, esquire, *for* Stockport.
Public Bills—*Ordered*—Inns of Court.

THE WAR IN ASHANTEE.

QUESTION.

Sir JOHN HAY said, he would beg to ask the Secretary of State for the Colonies, Whether it is true that war has been commenced with Ashantee; whether precautions have been taken to meet the drain of life which must ensue in so deadly a campaign; and whether a largely increasing expenditure may be looked for in consequence in the Gold Coast Colony?

Mr. CARDWELL, in reply, said, it would probably be in the knowledge of the House that in the course of last year a war commenced between the King of Ashantee and a friendly tribe adjoining our settlements on the Gold Coast, arising out of an unprovoked incursion of the Ashantees into that country, attended with great ravages and loss of life and property. The operations which were now going on arose out of a continuance of the hostilities of last year, or rather out of a probability of the renewal of those hostilities, unless vigorous measures were taken to repress them. Reinforcements had been sent out to the Governor, and every precaution had been taken to supply him with all necessaries calculated to ensure the health and safety of troops in that country. The last Report from the Governor announced that the troops were in good health and spirits. No doubt these operations were attended with some danger and expense, but the object of them was to prevent the recurrence of these outbreaks in future years.

ARMY—OFFICERS' ALLOWANCES AT BERMUDA.—QUESTION.

Mr. CLAY said, he wished to ask the Under Secretary of State for War, Whether any information has been received respecting the excessive demand for, and consequent high price of, provisions and accommodation at Bermuda; and, if so, whether Her Majesty's Government intend to make a Colonial allowance for Officers on duty in that island?

The Marquess of HARTINGTON said, in reply, that the Colonial allowances were not made by the Government, but in almost all cases by the Colonies themselves out of the Colonial funds. In this case the Government had received an application from officers in command of troops at Bermuda for increased allowances in consequence of the high rates of provisions. From a comparison of the contract rate of provisions at this station and elsewhere in the West Indies and at home, it did not appear that the rate by any means was excessive. The indulgence had, however, been granted to the officers to draw rations, or rather provisions, for their wives and families at contract prices. But it was not considered that a case had been made out for any extra allowances owing to the high rate of accommodation. He believed that accommodation had become very dear, but nearly all the officers were provided with quarters.

INDIA — CLAIMS OF INDIAN OFFICERS.

QUESTION.

Lord STANLEY said, he wished to ask the Secretary of State for India, Whether he will lay upon the table his proposed despatch relative to the claims of Indian officers, reported upon by the late Commission, previous to the issuing of any warrant by the Crown bearing on that question, so that the House may have an opportunity of considering the plan therein proposed before a final decision shall have been come to?

Sir CHARLES WOOD said, he fully admitted that the question presented some peculiar features, but he was not sure that it was sufficiently important to induce him to depart from the course which the constitution imposed upon him, as a Minister of the Crown, not to submit to the decision of the House of Commons a question of purely Executive administration.

Captain JERVIS said, he wished to know whether the despatch which was the cause of all the mischief had been submitted to the Crown?

Sir CHARLES WOOD said, that the warrant had been submitted to Her Majesty.

EDUCATION—SUPPLEMENTARY RULES.—QUESTION.

Lord ROBERT CECIL said, he rose to ask the Vice President of the Committee of Council on Education, When the "Supplementary Rules," recently issued by the Committee of Council, will be laid upon the table; and whether he will consent to defer the operation of those Rules until they had been laid upon the table?

Mr. H. A. BRUCE said, in reply, that these Rules had been published, and there was no reason why they should not be laid on the table immediately. They had been already in operation some time, and consequently their operation could not be deferred. They had been drawn up in consequence of recommendations which had reached the Board from the managers and masters of a great many of the schools.

Lord ROBERT CECIL said, he wished to know whether the right hon. Gentleman denied that the Rules had the operation of withdrawing the grant in certain cases, and diminishing it in others?

Mr. H. A. BRUCE said, he was not aware that they had that effect.

UNITED STATES.
AMERICAN SECURITIES.—QUESTION.

Mr. BAILLIE COCHRANE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he is in a position to contradict the statement which has appeared in the public press, to the effect that a Resolution has been carried in the State of New York, declaring that for the future the interest of foreign bondholders is to be paid in paper, instead of in bullion?

Mr. LAYARD said, that the Government had no official information on the subject.

THE NATIONAL GALLERY.—QUESTION.

Mr. CAVENDISH BENTINCK said, he would beg to ask the First Commissioner of Works, Whether he intends, upon Thursday next, to move the Estimate for the erection of a New National Gallery at Burlington House, and whether he will state the terms upon which the National Gallery in Trafalgar Square is proposed to be given up to the Royal Academy?

Mr. COWPER said, he did not propose to move on Thursday next the Estimate to which the hon. Gentleman had alluded, inasmuch as it would not have remained long enough on the table to enable hon. Members to consider it. With respect to the other Question, he thought it would be premature to come to any decision as to the terms upon which the National Gallery was proposed to be given up to the Royal Academy, until the House should have had an opportunity of expressing its opinion as to the proposal of erecting the National Gallery upon the site of Burlington House. When that Question had been determined it would be time to decide what ought to be done with the building in Trafalgar Square. As two or three years must elapse between the voting of the Estimate and the completion of the building, it would be unnecessary to settle these terms at the present moment.

Mr. THOMSON HANKEY said, he wished to know whether there will be any objection to lay on the table a plan of Burlington House and grounds?

Mr. COWPER said, that he had a plan which he believed he should be able to place in the Library to-morrow. The plan would fully explain to hon. Members what it was proposed to do with regard to the site.

Mr. HIBBERT said, he thought that the House ought to be put in possession of more than the ground-plan.

Mr. COWPER said, he believed that the plan he had referred to would furnish the hon. Gentleman with all the information he required.

TAXATION.—SELECT COMMITTEE MOVED FOR.

Mr. WHITE* rose to move for "a Select Committee to inquire into the operation and incidence of our present fiscal system, and to consider and report if any and what measures could be devised to secure a more equitable adjustment of the burden of Imperial taxation." The hon. Gentleman said, he knew the House would acquit him of obtrusiveness or presumption in rising to address them on this question. Ever since he had had the honour of a seat in that House he had been especially solicitous that this Motion should be brought before them. He thought that the appointment of a Committee to inquire into the operation and incidence of our present financial system, for the purpose of suggesting measures of fiscal amelioration and social advancement, would be a source of great satisfaction to the people of this country. This was not a party or a class topic; it affected alike the interests of every subject of the realm. He should be exhausting the patience of the House if he were to attempt to go into a full examination of this question, and he must content himself with a statement which was far from commensurate with its extent and importance. But if he were asked why he attempted it, he would point to the chronic dissatisfaction of the country with reference to taxation, and would ask whether there might not be some valid reason why men possessed of ample means were disposed to shirk and evade the discharge of their necessary burdens. He did not believe that there was anything inherent in British subjects which led them to evade the duties they owed to their Sovereign; such a proceeding could only spring from a feeling in their minds that they had not justice done to them, and which thus induced them to avoid the claims of the tax-gatherer. Since the House had now apparently acquiesced in an annual expenditure of £67,000,000, he thought the time had arrived when they should investigate how this vast sum might be raised in a manner least burdensome and detrimental to the progress of the nation. If the result of the labours of the Committee which he wished to be appointed should be a substantial approval of their present fiscal system, then it would remove the erroneous impressions which existed in the public mind; but if otherwise, then the basis would be laid of future beneficial legislation. He thought it would not be too much to say, even in a British House of Commons, that they had reached the ultimate bounds of scientific research or economic inquiry. The House would remember that until 1628 the old constitutional method of raising supplies for the service of the Crown was by direct, and not by indirect taxation. He held in his hand a treatise entitled a *Declaration and Protestation against the illegal, detestable, and oft-condemned tax or extortion of Excise in general*, by the celebrated William Prynne. He proved that it was not the Parliament but the King, Charles I., who originally attempted to levy excise duties. In the year 1628 two celebrated lawyers, Members of that House, Coke and Glanvil, protested against the system as a new prodigy, a *monstrum horrendum.* The House of Commons demanded a conference with the Lords with reference to this excise duty. They unanimously agreed that the attempt was against the law and the Petition of Right, and after this conference with the Lords they fully and unanimously resolved that it ought to be "eternally"—he would not repeat the word, which modern refinement forbad him to pronounce. At intervals since that period the prevalence of a base sordid feeling had been too commonly observed, inducing every person—he might say every class of the community—to take care of itself, and let the Chancellor of the Exchequer take the hindmost. He was disposed to think, if this Committee were appointed, a kindlier and better feeling would spring up between those who paid and those who expended the taxes of the country. If he wanted an argument in favour of the Committee being appointed, he might urge that he could not make out that there ever had been a Committee appointed on the general incidence of taxation. To some lovers of precedent that might be an objection, but he was not of that opinion. Although they had had Committees of Inquiry in reference to special taxes or exceptional burdens, and taxes affecting particular classes, yet, as far as he could discover, they had never yet had—and he thought they were now fully entitled to have—a Committee appointed that would take a comprehensive survey of our whole system of national taxation. Some weeks ago, on the Motion of the hon. and gallant Member opposite (Colonel Dunne), a Committee was appointed to inquire into the taxation of Ireland. The hon. Member for West Norfolk (Mr. Bentinck) also declared that the agriculturists were exposed to burdens from which other classes were exempt. He did not bring forward this Motion in any spirit of party or for the interest of any particular class. His object was that the Committee should dispassionately address itself to this great question, and he believed that the country would derive much advantage from its labours. He should be glad if the noble Lord (Lord Stanley) would preside over it, and if the hon. Baronet opposite (Sir Stafford Northcote) would give it the benefit of his assistance. Quite recently they had a debate on the incidence of the malt tax, and the hon. and gallant Member for West Sussex (Colonel Barttelot) would have ample opportunity to bring all his facts and figures in reference to that duty before the Committee, so that the House might arrive at a proper decision upon a subject which promised to excite a large amount of public attention. With regard to the malt tax, it was connected with a much larger and greater question, and that was the revenue derived from the spirit duties. The abolition of the malt tax itself involved a sacrifice of five and a half millions, but the whole question must be deliberately looked at in the face, and it must be asked whether the abolition as now contemplated would not peril or compromise the fourteen millions from ardent spirits, which was now brought into the national exchequer. The right hon. Member for Bucks (Mr. Disraeli) in his financial statement of 1852 proposed a remission of one half of the malt duty, but he very properly accompanied that reduction with an augmentation of the house tax. This was one of the subjects to which the attention of the Committee might well be directed. If the Committee were appointed, one important consideration for them would be to determine how far the working classes were benefited by recent fiscal legislation. He very much doubted whether they had derived so much advantage therefrom as was generally supposed. It must not be forgotten that in 1857 the House in hot haste struck off the war tax upon incomes, but left the war duty on tea up to last year, and that on sugar up to within a few days ago. Whilst the war duties were kept on these two articles of universal consumption the income tax was reduced by the large amount of £5,750,000. If he wanted another reason for the appointment of such a Committee it would be afforded to him in the slow process of economic science as applied to our financial system. For instance, the commercial treaty with France proposed by Mr. Pitt in 1787 was even more liberal than that which did such credit to his hon. Friend the Member for Rochdale. Again, in 1784, a Member of that House, referring to Adam Smith, said the principles of that great political economist would convince that century and govern the next, and as yet Pulteney's prediction remained unfulfilled. He would like the Committee to inquire whether our financial policy was based on the principles of Adam Smith. Those principles were, that every one should contribute to the support of the State in proportion to the revenue which he enjoyed under its protection, and that every tax ought to be so contrived as to take out of the pockets of the people as little as possible over and above the amount which it brought into the national treasury. As Mr. Stuart Mill said, those were the orthodox canons of an honest and a just taxation. Then he should like the Committee to test the merits or demerits of direct and indirect taxation respectively. This was a most important matter, and one on which he was glad to know the Chancellor of the Exchequer was perfectly impartial, for in the right hon. Gentleman's Budget speech of 1861 was this very amusing apologue, which he was sure the House would gladly hear again—

> "I never can think," said the right hon. Gentleman, "of direct and indirect taxation, except as I should think of two attractive sisters who have been introduced into the gay world of London, each with an ample fortune, both having the same parentage (necessity and invention), differing only as sisters may differ, as where one is of lighter and another of darker complexion, or where there is some agreeable variety of manner, the one being more free and open and the other more shy, retiring, and insinuating. I cannot conceive any reason why there should be unfriendly rivalry between the admirers of these two damsels; and I frankly own, whether it be due to a lax sense of moral obligation or not, that as Chancellor of the Exchequer, if not as a Member of this House, I have always thought it not only allowable, but even an act of duty, to pay my addresses to them both. I am, therefore, as between direct and indirect taxation perfectly impartial."

He hoped the Committee would allow those damsels, like the goddesses of old, to display all their charms, and that the right hon. Gentleman, like Paris, could award the golden apple to the Venus Victrix of

Finance. The Committee would do great good if they only determined the exact burden which the consumers of taxed articles paid. That was a very important point. If the original cost of an article was £100, and it was subject to a duty of £50, it was quite obvious that ultimately the consumer must pay profit, not only on the original £100, but also on the £50 charged for duty. The Commissioners of Inland Revenue stated in their last Report that the duty on beer was a farthing a pint. Now, he was told that the remission of this duty would lead to a reduction in the price of the article to the consumer of, not a halfpenny, but a penny per quart. But political economists differed very much as to the amount by which the price of an article, over and above the sum paid to the State, was raised on the consumer by an excise or customs duty, some estimating it as much as 70 per cent, and others only at 25 per cent. He, therefore, thought the question one of very great importance, and one which would very legitimately come within the scope of such an inquiry as he wished to have undertaken by a Committee. He believed his estimate was not an extravagant one when he said that by the Excise and Customs duties of last year, amounting to £41,439,000, a sum of at least £54,500,000—that was £13,000,000 more than what found its way into the Exchequer—was taken out of the pockets of the people. Another valid reason for the appointment of the Committee was to be found in the uncertain and conflicting estimates we had of the value of the real and personal property of the United Kingdom. His hon. Friend the Member for Birmingham, in the year 1859, estimated the total value of the real and personal property of the country, excluding those persons who had under £100, at £6,700,000,000 sterling. An eminent statistical writer in the *Edinburgh Review* held that the estimate of his hon. Friend was £1,000,000,000 in excess; but at about the same time Professor Leoni Levi computed the real and personal property of the country at £6,000,000,000 and an American statistician of eminence had quite recently estimated it at £6,900,000,000 sterling. He confessed he thought the original estimate of his hon. Friend the Member for Birmingham correct. Mr. Coode, in his elaborate Report on Fire Insurance, had estimated the insured, the insurable, and the uninsurable property of England and Wales at £6,000,000,000 sterling, say £340 per head for every man, woman, and child in England and Wales, and added his estimate was an extremely low one. He should like to know, too, what was the annual increase of the national wealth. The Chancellor of the Exchequer in his financial statement of 1861 asked, in speaking of the annual savings of the country—

> "What are the annual savings of the country? May we take them at £50,000,000? Enormous as that sum is, I believe it may be taken as the amount which the skill and the capital, and the industry and the thrift of England, may be computed to lay by every year."

The opinion of the *Economist*, an authority which the right hon. Gentleman would not deny, was that in the five years between 1854 and 1859 the annual savings of the country were on the average £114,000,000, and that the savings of last year were £130,000,000. In another statistical paper they were estimated at £150,000,000, and some statisticians had put them at £200,000,000 during the past year. It would be interesting, too, to ascertain what was the amount of the annual income of the country, for that was a point on which the authorities varied widely—between £500,000,000 and £750,000,000. The Liverpool Financial Reform Association estimated it at £650,000,000, and the Chancellor of the Exchequer, he thought, put it at £560,000,000—at least, he assumed so from a speech made at Chester, in which he said that each person paid about one-eighth of his income to the State, and he was then obtaining some £70,000,000 a year from the resources of the people. If the Committee were appointed, no doubt all these points would be set at rest. The right hon. Gentleman, in his last financial statement, deliberately and authoritatively told the House that the time was come when the country ought to consider, and Parliament ought to decide, what course it ought to take with regard to the income tax. Now, as far as he (Mr. White) could judge, the country had already decided that the income tax, on account of its obvious inequalities, was an elaborate injustice, and Parliament would have long since abolished this odious impost did not our financial extravagance make it necessary that some other tax should be substituted in its place. No one had more vigorously denounced this tax than the right hon. Gentleman himself. The right hon. Gentleman said in 1858 that the income tax tended more than any other tax to demoralize and corrupt the people. In a recent article in the *Economist* there were some excellent remarks on this subject. The writer urges in favour of a direct tax on the propertied classes—

> "The Customs yield a revenue of £24,000,000; but there is hardly an article of luxury charged at the Custom House. Speaking roughly, the Customs duties are taxes on physical necessities (or what have become such) or physical enjoyments. We have been abandoning Customs duties paid by the rich, and have been taxing for a vast revenue articles consumed by the lower and middle order of mankind. We need not observe that in a country like England our taxation ought not only to be fair in reality, but fair in seeming—conspicuously fair. The rich alone impose the taxes which poor as well as rich pay; and unless, therefore, there is some large unmistakable tax, which no one can overlook, that taxes very rich people much the most, there will always be, perhaps there ought always to be, bitterness and dissatisfaction."

He did not agree with the hon. Member for Buckingham, that the inequalities and injustice inherent in the income tax could be removed. But if the Committee could devise some fair direct tax as a substitute for that on incomes they would confer a great benefit on the country. Of the £70,000,000 of revenue, but £15,000,000 were now raised by taxes which affected only the owners of the visible property of the country. It might also inquire into the best mode of remitting or reducing the taxes which confessedly pressed heaviest on the comforts and the means of the working classes. According to a Return moved for by the hon. Member for the Tower Hamlets, there were in existence on the 31st of December, 1862, 332 Co-operative societies with a capital of £429,315, and a sale of goods amounting in the year to £2,341,640. He had seen a calculation, based on the actual sales of some of those societies, in an excellent pamphlet by Mr. Francis, of Manchester, which proved that a working man with a wife and three children, earning from £50 to £60 a year, paid in indirect taxes £11 18*s*. 7*d*., or about 20 per cent of his entire income; and the Liverpool Association calculate that a family of the same number, earning 25*s*. a week, would ordinarily pay in taxes and consequent charges on sugar, tea, coffee, tobacco, and beer, to the amount of 5*s*. 9*d*. a week, or nearly 3*d*. in every shilling of their earnings. It should be borne in mind that the duty levied was out of all proportion to that which it ought to be on articles which had now become, if not absolute, at all events conventional necessaries of life. Even at the present reduced rate he found that tea now paid on an average 83 per cent; that consumed by the poor 100 per cent; while sugar now paid quite 33 per cent, and coffee about the same amount. For himself he believed that the present fiscal system pressed unduly on the working classes. The working classes might be said to pay a property tax of 20 per cent, their wages being their only property, and those wages were mulcted 4*s*. in the pound by the present system of indirect taxation. Mr. M'Culloch, recently writing on this subject, pointed out that, while nearly all the duties levied on commodities which contributed to the luxurious enjoyments of the rich were abolished, the duty on spirits, which were in some respects the luxury of the poor, had undergone successive augmentations. There were, however, other considerations connected with ardent spirits beyond increasing the area of consumption, and the policy pursued by the Government with respect to them—namely, obtaining the largest amount of duty from the smallest possible area, was in his opinion correct. With reference to the spirit duties he might further observe that he found we raised from the Excise and Customs duties on home, foreign, and colonial spirits, £13,250,000, or about one-fifth of our entire revenue. He would also say, with regard to the tea and sugar duties, that he thought the House ought to be prepared to entirely abolish them before reducing the spirit duties, inasmuch as the best interests of the working classes were bound up with the ability of procuring tea and sugar at the lowest possible price. Reverting to the pressure of taxation on the working classes, he learnt from a good authority (Mr. S. C. Kell, of Bradford), that an artisan was practically taxed by our system of indirect taxation at the rate of 4*s*. per week, assuming that he earned only 20*s*. Now he need hardly remind the House that any tax levied injuriously on the rich, because they happened to be rich, would operate almost as prejudicially on the poor as if levied on themselves, and it might be equally true that any tax levied injuriously on the poor might re-act to the disadvantage of the rich. Let the £7,000,000 they paid annually for poor's rates, and the incessant demands upon the rich, be accepted as the penalty which the rich must pay for disobeying the laws of a sound and just system of taxation. Justice in this case was the truest expediency. As the Emperor of the French once said, "Providence never designed that one class should be made happy at the expense of another." The Chancellor of the Exchequer told the House last year that of the £41,000,000 levied by the customs and excise quite three-fourths, or some four millions more than the whole amount of the interest on the National Debt, were raised from consumers so poor that the great majority of them were compelled to expend all their earnings in obtaining the barest necessaries of life. In this country the annual consumption of tea was only 2¾ lb. per head, whereas in Australia it was 14 lb. per head. In the Northern States of America the consumption of tea was only one-half what it was in England, but then their consumption of coffee was six times greater than ours. The truth was English statesmen had never taken sufficient account of the magic influence of a full belly. He would not trouble the House with a reference in detail to the continental systems of taxation. A Return on the subject was laid on the table of the House in 1842, setting forth the population and respective amounts of direct and indirect taxation in various countries. That Return, owing to the efflux of time, was not now quotable, but according to the *Almanach de Gotha* and the *Statesman's Year Book* it would, however, appear that the weight of taxation on the Continent fell on those by whom it could be best borne, and it was those who possessed most that paid most. It appeared from a Return laid upon the table of the House, that the present average annual taxation of Great Britain per head was 53*s.*, an instance of fiscal exaction, in a time of peace, unexampled in the history of the world. The ten years before the Russian war the average taxation per head of Great Britain and Ireland was 38*s.*; seven years after the war the average annual taxation was 48*s.* per head. So that while the population had increased but 5 per cent the total Imperial taxation had increased more than 25 per cent. Supposing the Committee for which he asked were appointed, it would be interesting to take some evidence of the system of taxation in America, particularly as to how direct taxation was levied in some of the best ordered of the Northern States. For local or State purposes he believed it was usual to levy a direct property tax varying from ¾ to 1 per cent, the poor man paying according to his little and the rich man according to his much, each knowing how much he paid and what he paid it for. The population of the State of Massachusetts last year was 1,300,000, and the direct taxation of the State was £1,300,000, or £1 per head. Supposing the estimate he had quoted of the real and personal property of the United Kingdom to be correct—namely £8,000,000,000, a tax of 5*s.* per cent would give £20,000,000 per annum, which would enable the Government not only to abolish the income tax but the customs duties on tea, sugar, pepper, and other articles of domestic consumption. The late Sir Robert Peel, when he introduced the income tax, said that the persons who paid it would be more than compensated by the reduction on articles of consumption; and he (Mr. White) was encouraged to believe that a perseverance in the same policy would be attended with like results. The hon. Member for Rochdale, in a remarkable letter read at the Social Science Association last year, said—

> "No one can deny that Customs and Excise duties, and other indirect taxes, are more costly than direct taxation; and no one can doubt that they have injured commerce, and checked the production of wealth."

Seeing that the poor and other rates, amounting to £19,000,000, are now annually raised by direct taxation, is it not well worthy of legislative inquiry whether the £60,000,000 or £65,000,000 needed for Imperial purposes might not be mainly levied after the same fashion, in lieu of the present *octroi* or wretched "Tally" system of indirect taxation. Next to the poorer classes who would be benefited by a revision of taxation, I entertain a confident belief that the class who would most benefit would be the landed proprietors. Land is a certain quantity, and cannot be increased, while capital is a variable quantity, and has a great tendency to increase. Landed proprietors, therefore, would be benefited more than any other class, except the poorer classes of the country. Considering what advancement had been already made by the remission of duties, it would be impossible to over-estimate the stupendous results which would follow if the whole country became one free port to all the world, and everything were allowed to come in and go out without let or hindrance. It would vastly increase employment to the people of the country; it would augment the consumption of tea, coffee, and other articles of food, not only to double, but to treble the present extent. If the condition of our people were raised to that pitch at which they would be enabled to procure all that was necessary to sustain them in a healthy and vigorous existence, the prosperity of this country must be immensely promoted. The poor's rate would dwindle away, and in the interest of the poor themselves it might be found advisable to abandon compulsory relief. Seeing the marvellous prosperity which had resulted from the commercial legislation of the last twenty-five years, through which our Foreign trade had so rapidly increased from £100,000,000 to a grand total of £444,000,000, or about one-and-a-half million for each working day of last year, they had every encouragement to go forward without faltering in the same direction. It was worth the while of the Legislature to inquire why, with this great prosperity, such a vast amount of poverty existed even now in the country. At the present moment one in every twenty-three of the population was a pauper, and there were in the United Kingdom not less than 1,347,495 paupers, to say nothing of the millions that were on the brink of pauperism. Besides this, there was the vast amount of poverty relieved by private means, and the indigence reluctant to receive relief, as evidenced by the occasional deaths by starvation, to which was to be added the increase of the crime of infanticide. He hoped the day would soon arrive when the poorer classes of the people would be relieved from paying an undue quota of the taxation of the country. It might scarcely be believed that in the eighteen months prior to the 30th June, 1862, there were found dead in ditches and other places 921 children under two years of age, and the total number of children of the same age who had met with untimely deaths in the same period was 5,547. He must be permitted to anticipate an objection which would probably be made to his Motion. No doubt he would be told that, supposing there was an abolition of the duties upon the various articles to which he had referred, it would not benefit the working classes, but that in the course of time wages would accommodate themselves to the altered state of things. That was a great argument in the time of the anti-Corn Law agitation. They were persistently told that wages would certainly fall just in proportion as the price of corn was lowered, but what was the fact? He found that so far from wages falling with the price of corn, they had risen, especially in the manufacturing districts. He thought he could interpret the feelings of the working classes when he said that they did not wish for exemption from Imperial taxation; but what they complained of was the disproportionate amount of taxation which now pressed upon them. He would ask the House whether it was not degrading them to mix up the cost of food, drink, and of Government together in their system of taxation, and to make them pay the excessive cost of that bad mixture? He believed the Committee which he moved for would be of great public advantage, and that the time was eminently favourable for the calm, deliberate, and dispassionate discussion of this great question, owing to the total absence of any party rancour or feeling. He had not brought forward this Motion in any spirit of self-seeking, for he would be content to occupy the humblest place in that Committee; but he submitted his Motion with the earnest desire to direct the attention of the House to a subject which sooner or later must attract universal interest. He hoped the present Parliament would not be amenable to the same reproach as was recorded against the one of 1796. He found it written in the latest and best summary of their constitutional history by the accomplished Gentleman who sat at the table (Mr. Erskine May), that the Commons of that age were ever ready to mulct the people at the bidding of the Minister, and were yet unwilling to bear their own proper burden, and refused to grant to Mr. Pitt such a tax on their landed property as he proposed, and which, in 1853, a reformed Parliament, intent upon sparing industry, imposed in the form of a succession duty, at the instance of the right hon. Gentleman the Chancellor of the Exchequer. He cherished the profound conviction that the House, whatever might be the result of his Motion, would act on the sound State policy contained in a paper written by the ever-to-be-lamented Prince Consort, which declared that the interests of all classes, too often contrasted, were identical, and that it was only ignorance which prevented them from uniting for each other's advantage. The hon. Gentleman, in conclusion, moved for a Select Committee to inquire into the operation and incidence of our present fiscal system, and to consider and report if any and what measures could be devised to secure a more equitable adjustment of the burden of Imperial taxation.

Mr. POLLARD-URQUHART rose to second the Motion, in the firm belief that the proposed inquiry would be for the benefit of all classes, not excepting the owners of land. About two years since the right hon. Gentleman the Member for Bucks compared the landed interest to a milch cow; and that figure might be accepted when it was borne in mind that a milch cow upon a dairy farm was much better fed than a cow upon an ordinary farm, where all the turnips were sent to market. And so it would be better for the landed interest to submit to some well-devised plan of direct taxation, which would enable the country to get rid of those taxes which now pressed heavily upon the working classes, and to a certain extent were injurious to the owners of land. If they looked back to what took place after the close of the last great war, they found that in 1821 landowners were described as being in great difficulties, although at that time the landed interest did not contribute directly to the Imperial taxation. Now, however, land was rising in value, and there were numerous competitors for any vacant farm, although the landed interest now did contribute a moderate sum to the taxation of the country. One of the great objects of his hon. Friend the Member for Brighton (Mr. White) was to get rid of any taxes still existing which crippled the industry and pressed on the resources of the working classes of the population, and which indirectly kept down the value of land. The results of the fiscal changes which had taken place since 1842 might be gathered from the value of the fixed property of the country; and, notwithstanding the imposition of the income tax and the great changes in the Customs duties, it appeared from Schedule A that this had risen upwards of 40 per cent in value. It might be said that the increase was owing mainly to the number of additional houses; but landed proprietors, he thought, would gladly receive building instead of agricultural rents; and in land alone there had been a rise in value of upwards of 10 per cent between 1844 and 1861, while in that time the increased taxation cast upon land by the income tax had not been more than 7 per cent even during the height of the Crimean war. Before the House of Lords' Committee it had been stated that railways generally raised the value of adjoining properties from 6 to 16 per cent. There was, however, a much shorter way by which his brother landowners could procure the benefits of these lines than by imposing mortgages upon their properties, and that was by removing all restrictions upon the industry and enterprise of the people, and by taking upon their own shoulders a moderate portion of the taxation necessary for that purpose. If measures of this kind were not adopted there was only too much reason to fear that the attractions offered by the colonies, and the facilities for reaching them, would prove too great for the classes whom it should be their object to keep at home. The industrial history of Europe afforded many examples of nations which had been ruined by unwise taxation. England was quite as much exposed to competition in the neutral markets of the world as they had been; and if capital and industry died away, as in Spain, or remained stationary, as in Holland, British landowners might whistle for their rents. No one was a more competent witness on this subject than the right hon. Gentleman the Member for Buckinghamshire, who in his interesting tale *Sybil* depicted most truly the heavy sufferings entailed on the working classes by the iniquitous system of taxation which, to use his own words, "began in the time of the Venetian oligarchy." Since the time when that work was written a great deal had been done to alleviate the pressure of such taxation. But he asked those conversant with the circumstances whether it was altogether a thing of the past, or whether there was not ground for such a Motion as that before the House, and reason to hope that beneficial results might follow from it? The more these subjects were studied and understood, the more it would appear that rich and poor had no divergent interests, but that what was for the universal good was also for the good of the individual. The hon. Baronet the late Secretary to the Treasury (Sir Stafford Northcote) in his able compendium of financial policy for the last twenty years had shown how much more closely classes had been brought together during that period, and how much more harmony there was between them. He appealed to the right hon. Gentleman the Chancellor of the Exchequer, whose influence with a large section of the House was so great, to continue the beneficial policy begun in 1842, of which he had been so firm a supporter; to the representatives of the landed interests, from which he himself derived almost everything he possessed; and to the Members of the House of Commons generally, to support a Motion having for its object to promote the welfare of so important a section of the community.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation and incidence of our present Fiscal System, and to consider and report if any and what measures could be devised to secure a more equitable adjustment of the burden of Imperial Taxation."—(*Mr. James White.*)

THE CHANCELLOR OF THE EXCHEQUER: Sir, I was in hopes that a subject of such great importance, and treated at such length, and with such force and clearness by my hon. Friends, might have led other Members to lay their views before the House; for I feel that the question of inquiry into our present system of taxation is one which the Government ought not to take exclusively into its own hands. But as no one has risen to address the House, I will venture to make this observation, which I think must have occurred to my hon. Friends who moved and seconded the Motion, that the very circumstance I have mentioned proves that, at present, there hardly exists in the House that degree of interest in so vast a question which would be absolutely necessary to enable the House to grapple with the enormous labour of the proposed inquiry. We must not conceal it from ourselves—I am sure my hon. Friend does not conceal it from himself—that his Motion bears no relation or resemblance whatever to an ordinary proposal for a Committee. When I observed the terms of his Motion upon the notice-paper that fact was at once obvious to me; but after the speech of my hon. Friend, I must say the terms of his Motion fell very short indeed—I will say immeasurably short—of the wonderful dilation and distension of probable labour which he has sketched out for us. In point of fact, it would be much more difficult to say what topics relating to taxation my hon. Friend has shut out from his inquiry than to enumerate those which he has included. Had my hon. Friend limited his proposal to any one of the subjects on which he has touched, the responsibility of undertaking the inquiry would still have been serious. But whether it be owing to the sanguine disposition of my hon. Friend, or to some other cause, it does appear to me that in the construction which he assigns to the terms "incidence and operation of taxation" he has acted so much in accordance with his own liberal disposition that he has laid on the prospective Committee, and on the prospective Chairman — of whom, by the way, in the person of the noble Lord the Member for King's Lynn (Lord Stanley), I must say my hon. Friend has made an exceedingly judicious choice—a burden which will infallibly break their backs. My hon. Friend proposes to inquire into every branch of revenue, and every tax included in every branch. He proposes to consider it from every point of view from which it is capable of being regarded. For example, he would investigate the operation of each tax as it bears on each of the three kingdoms, and then on each class of society in each country. He would also investigate the matter with reference to the distinction between direct and indirect taxation. He aims not only at a fiscal, but a statistical result. My hon. Friend will not be satisfied with the noble Lord and the Committee unless they bring out by the inquiry an elaborate account of the capital value of the whole property of the country, its annual income, and the annual increment of that income. And as my hon. Friend cannot form a judgment of the bearing of our system of taxation without investigating those of other countries, he would, doubtless, extend his regards to the system of taxation abroad. The taxation of the United States is to be brought within the purview of the Committee; and, indeed, such is my hon. Friend's zeal in seeking for information wherever it can be found, that every country that has an organized scheme of taxation will supply useful hints and suggestions. This is not an exaggerated, but a very slight and hasty sketch of the view he takes of the duties of the Committee. Now, I submit, that a plan of this nature, if it were ever reduced to practice, would require that those who propounded it should begin with a process very disagreeable to a man of philosophic mind—he must break up his scheme into pieces, and be content to deal with one member of it, or, at least, with some one or more restricted and manageable number of the very numerous and profoundly important topics that he has started. He appears to think that there exists in this country a chronic discontent, an ineradicable disposition to escape from the payment of taxes; and he seems to think that this is a phenomenon peculiar to ourselves, and due not to any ordinary or prevalent vice or infirmity of mankind, but due rather to the faults of our fiscal system, which might, by judicious care, be corrected. There, again, I differ from him. Now, Sir, whether it be that approaching age which chills a man's views of life and human nature I cannot tell, but I confess I do entertain a lower estimate of human nature in this respect. I am afraid that, labour as we will, and patch and cobble and make and mend as we may, we shall never get rid of that disposition, which a large portion of mankind cherish—perhaps unknown to themselves—to reduce to a minimum the sum they contribute as individuals towards the necessities of the State. My hon. Friend appears to think that this disease is local, temporary, and peculiar. In my opinion it is cosmopolitan, everlasting, and universal; in no country in the world where taxes are paid are they regarded as otherwise than a pestilent grievance. But has there been no improvement in our taxation? Happily, our system of taxation has undergone, within the last twenty or thirty years, a radical change. I am by no means of opinion that nothing remains to be done; but neither do I believe that any such changes, either in principle or amount, remain to be effected as those of the last twenty or thirty years. My hon. Friend seemed to argue, from the great reduction which had taken place in indirect taxation, that we might go on progressively to its extinction. I do not deny that from certain points of view direct taxation has undoubtedly immense advantages. It has this immense benefit—you take from the pockets of the taxpayer nothing but what you put into the public treasury—except of course the cost of collection. In indirect taxation, on the contrary, you take from the pockets of the taxpayer a great deal that does not come into the Exchequer. I do not deny that the direct tax is the perfect tax. But what is the use of knowing that, when you have not to devise a theory or elaborate a system as philosophers, but to pay the daily charges of the Treasury, and when you have to deal with the flesh and blood of mankind? When you attempt to realize this theory of direct taxation you are met by this obstacle—impossibility. In addition to £18,000,000 of taxation required for local objects, you have to raise from £65,000,000 to £70,000,000 for Imperial purposes. How to raise this sum by direct taxation is a matter which debating societies and clubs may dispute as long as they please, but towards which we can make no sensible approximation by any measures for which a British Minister would be responsible, or which a British House of Commons would pass. Let it not be supposed, meanwhile, that our direct taxation is increasing in amount. It is difficult to determine with precision what is indirect taxation. We see plainly that the Customs and Excise are indirect taxes. The taxes raised for local purposes—the income tax, the succession duty, the land tax, and one or two others are direct taxes. There is between the two a margin of disputable ground; but it cannot be said that at the present moment our fiscal system shows any preference of one class over another. There never was anyone more anxious to reduce the class of indirect imposts than the late Sir Robert Peel; but towards the end of his life he was of opinion that the direct taxes of this country for a time of peace had very nearly reached their furthest limit. My experience is that flesh and blood form the great obstacle to the extinction of indirect taxation, and that obstacle will remain. During the time that I have held the office of Finance Minister—and I presume that my predecessors would say the same—there has not been a single day in which I have not received representations illustrative of the difficulty of levying direct taxes; and I speak within the mark when I say that though our direct taxes, as far as the Exchequer is concerned, form but a small proportion of the public income, at least 49-50ths of all the trouble, personal vexation, annoyance, and discontent incident to the payment of money for the purposes of the State, arise out of direct taxation. I grant that if we go back twenty-five years ago, when our commercial and fiscal laws were of the most complicated character, the case was very different. They were then full of every sort of inconvenience. At every stage the whole operations of commerce bristled with points at which trade and industry were interfered with, thwarted, baffled, perplexed, and annoyed by the provisions of the law. But the long and constant labours of this House have essentially altered this state of things, and I believe that it is now rare to meet with anything that can be properly called vexation and annoyance connected with the payment of the indirect taxes—I mean, of course, by those who pay them in the first instance. My hon. Friend has placed some difficulty in the way of a Motion of this kind, by indicating with ingenious candour the nature of the changes that are likely to result from the labours of this Committee. If this were the time, and the circumstances were favourable, it would be necessary for those who acceded to the appointment of the Committee, to indicate to what extent these changes were to be taken into their contemplation. My hon. Friend speaks of the abolition of the income tax, and likewise of a large amount of the indirect taxes of the country. I perfectly agree with my hon. Friend as to the benefits that have resulted to the landed interest from our recent commercial policy; but still we must remember that that policy has not consisted in the extirpation of indirect taxation. It has, indeed, often been so described, sometimes by its friends, but more frequently by its opponents. Let the fact stand on record, that our indirect taxation, after all its pruning, is more vigorous and more productive now than it has ever been. Therefore, the inferences which might be drawn, within the limits in which Parliament has been acting, are not fair, and must be founded upon measures of a more sweeping and, if I may say so, of a more revolutionary kind. My hon. Friend has indicated the means by which indirect taxation would be extinguished. He would impose a property tax of ¼ per cent, and when he says ¼ per cent, he thinks the dose so mild that no man can possibly feel any difficulty in acceding to a Committee which is to end in a proposal of so moderate a description. And my hon. Friend thinks, also, that he would derive advantage, not only with the rest of the community, but even a peculiar benefit from the adoption of this plan. He would have to pay this ¼ per cent, it is true, but then he would be free, on the other hand, from the income tax, which is 2½ per cent, from the tea duty, from the sugar duty, from the duty on coffee, from the duty on pepper, from the wine duty, and from the duty on beer. [Mr. WHITE: Not at a ¼ per cent.] Well, then, with the ¼ raised to a ½ per cent, the thing would be easy. But this ½ per cent which sounds so innocent and so modest, is a war income tax of 10 per cent on the landed proprietors. No doubt the landed proprietors would be willing to pay this tax in case of need or in war; but if this plan of my hon. Friend were to be applied as a fiscal reform, the landed proprietor would naturally ask whether everybody else were going to pay in the same proportion? My hon. Friend says there are a thousand millions' worth of property in the country. But in that he includes every chair and every table in every cottage of the country. I think my hon. Friend would have enormous difficulty in carrying his plan into effect. I am told he would never get over the first preliminary difficulties of valuation. I do not think he has ever weighed the amount of practical obstacles with which his plan would be impeded in the very matter of valuation. My hon. Friend refers us to the Northern States of America. I find in the *New York Almanac* that every man who has a house in New York is set down and in a parallel column the amount of his property. But then there is a process called "sweating down," which must have been awfully applied to the fortunes of the citizens of New York. It is notorious that there are in New York a considerable number of gentlemen who may be called Merchant Princes, and there are several in that city who are worth many hundred thousand pounds a piece. I have looked through this book, and it appears from it that there is not a single man in New York who is worth £100,000. Well, if it be true that these New York gentlemen are in the habit of writing down eighty, sixty, or fifty, where they ought to write one hundred, and if the same plan be pursued in this country, then our thousand millions' worth of property will shrink, and the ½ per cent property tax will have to raise its proportion inversely; the 10 per cent income tax which I have described, will grow to an income tax of 15 or 20 per cent; and what the end of this process which begins under such promising auspices may be I will not say. I, for one, think it my first duty to avoid holding out any expectations to Parliament or the country with regard to which I do not feel a reasonable hope that our legislative labours of one kind or another would be likely to realize them. And if that be so, I must say, I think it is for the House of Commons to avoid acceding to any proposal, be it what it may, which aims at fundamental changes in our system of taxation—first, because I believe those changes are not required in justice, and secondly, because I am convinced they will be found impracticable, in consequence of the obstacles which would encounter any attempt to give them effect. I do not mean, however, to apply the doctrine of finality to legislative finance. It would be perfectly easy to point out—and in this all sides of the House would concur—that we have abundance of taxes which still call for the reforming hand; but I hope they would also concur in this, that it is better not to talk too much about their removal until we have made the best of the relation between income and expenditure. What I would say is this—that any Committee which contemplated occupying even a small portion of the field which my hon. Friend has traced out would require to be appointed not merely with the general concurrence, but with the general desire of the House of Commons, and to be proposed under the auspices of the executive Government of the day, whatever that Government might be, and unquestionably not at a period when we may hope that a full moiety of the Session is already past. My hon. Friend is aware that if he were to obtain a Committee of this kind his first steps would be necessarily some of the most formidable of his labours, and he would hardly have overcome the first of these preliminary difficulties before he would find that the members of his Committee were gradually disappearing into the country, and his labours for this year were at an end. I am far from discouraging him from attempting anything which may be brought within the scope of an ordinary Committee, but I think his own views would require to be reduced within much narrower limits. For the present, I trust he will be satisfied with having had an opportunity of making known to the House and to the country a great deal which he deems of importance in this matter, and that he will not ask the House to pronounce an opinion upon his Resolution.

MR. O'REILLY said, that the Resolution of the hon. Member for Brighton (Mr. White) deserved the serious consideration of the House, though the hon Gentleman, in the speech in which he had introduced it, had rather damaged his case by enlarging too much the scope of his inquiry, and to a certain extent prejudging the issue by pointing out so strongly the conclusions which he thought would be arrived at. It would be clearly impossible that any Committee could enter into all the details of the taxation not only of this, but of other countries, and decide upon all the disputed points. But, as our finance had now got beyond a state of empiricism, and we had been endeavouring to place our taxation upon a sound basis, he thought that the time had come when we might inquire into the principles of taxation and endeavour to discover in what direction our further steps should tend. He was, therefore, of opinion that the Resolution indicated a line of investigation which was sound in itself, and adapted to the powers of a Committee of that House. There had been a time when the only principle of taxation recognized in this and other countries was to get at the money of the people in any way it could be done, and the grand object was to conceal from the taxpayer the fact that the Chancellor of the Exchequer was drawing any money from him. That principle we had abandoned. The early period of our history had been one of direct taxation; and it was not until a time much more advanced that we commenced that system of indirect taxation which now weighed so heavily and unjustly upon so large a portion of the community. We had slowly and gradually been retracing our steps; but still three quarters of the amount produced by our taxes was raised indirectly. Abroad, however, the case was different. In Belgium nearly one-third of the taxes was raised by direct taxation, in France between one-third and one-fourth, in Denmark nearly half, and in Italy the greatest portion. It should not be considered for a moment that the attention of the Committee should be directed to the details of taxation. They should rather endeavour to define the principles by which taxation should be governed, and to determine the relative amounts produced by the two methods. They might also devote some attention to many collateral subjects such as the effects of taxation upon the inhabitants of Ireland. He believed that it would be found that the Irish sustained a greater pressure than did their neighbours in England, because the taxation upon the necessaries of life must always press the hardest upon a poorer population. The examination of the Committee would, he believed, have the effect of, at all events, disproving one fallacy—namely, the belief that the taxes always weighed most severely where the amount contributed per head was the largest. It would also strengthen the position of future financial Ministers, by laying down principles by which they would be guided, and to which they would refer as a justification of their conduct. He thought, however, for the reason given by the right hon. Gentleman the Chancellor of the Exchequer, the hon. Gentleman could not press his Motion for a Committee this year: and he thought that when he brought it forward next Session he would act wisely if he made the terms of reference less extensive.

Mr. W. EWART thought it a deplorable fact in our fiscal history that, whereas in foreign countries at least two-thirds of the national income were derived from direct taxation, with this country it was just the reverse. He believed that in time the labouring classes, as they increased in intelligence, would press for a more extended application of the system of direct taxation. Time would be the best friend of the hon. Member for Brighton.

Motion, by leave, *withdrawn.*

INNS OF COURT.—LEAVE.

Sir GEORGE BOWYER, in moving for leave to introduce a Bill to enable the Benchers of the Inns of Court to appoint Judicial Committees in certain cases, and to give the necessary powers to such Committees, said, that hon. Members were probably aware that the Benchers of the Inns of Court exercised judicial or *quasi*-judicial functions. Any charge or complaint made against a barrister with a view to his being disbarred would be brought before them for decision, as would also any objection to a student about to be called to the bar, or to a student to whom permission was about to be given to enter one of the Inns. Those charges or complaints were investigated before the general body of the Benchers, who however, as a tribunal, were placed at great disadvantage. It was necessarily a changeable tribunal, and it was very often the case that the commencement of a complaint was heard by A, B, or C, continued by D, E, and F, progressing through the alphabet until it was finally decided by X, Y, and Z, who had not heard anything of the beginning of the case. Another defect in the tribunal was that it had not the power which was absolutely necessary for the exercise of any jurisdiction—the power of administering an oath, of compelling the attendance of witnesses and the production of documents, and of punishing for contempt. At present, when an accusation was made, the prosecutor was ready with his witnesses; but the person accused might have a difficulty in getting the evidence necessary for his defence, and so there might be a miscarriage of justice. This result had actually occurred in the case of Mr. Daniel Whittle Harvey, against whom the Benchers decided; but, the case being afterwards submitted to a Committee of this House, they came to an opposite conclusion, and stated that the reason was the attendance before them of a certain witness whom the Benchers could not compel to attend. This showed the paramount importance of such a power. He, therefore, proposed that in any case in which the Benchers exercised judicial authority they should be empowered to elect from among their number a Judicial Committee of five to hear and determine the case, and this Committee should be intrusted with the powers which he had specified. This would be a great improvement in the administration of justice in the cases to which the Bill applied; and it would be very analogous to the change introduced by the Grenville Act into the practice of this House respecting election petitions. Before that time, all election petitions were heard at the Bar of the House, and, though the House had the power of compelling the attendance of witnesses, they could not administer an oath; but the Grenville Act referred these petitions to be disposed of by a Select Committee, giving them power to administer an oath. The Bill provided an appeal to the Judges of the Superior Courts. The Committees were to have all the powers of Courts of Record, including the power of administering an oath. He had spoken to several hon. and learned Friends in this House, who all approved the principle of the Bill, and he hoped that, with the improvements which would be effected in Committee, it would receive the assent of the House.

Motion *agreed to.*

Bill to enable the Benchers of the Inns of Court to appoint Judicial Committees in certain cases, and to give the necessary powers to such Committees, *ordered* to be brought in by Sir George Bowyer, Mr. William Ewart, and Mr. Hennessy.

TREASURE TROVE.—ADDRESS MOVED.

Sir **JERVOISE JERVOISE** rose to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause full information to be given to this House on the subject of Treasure Trove; and, further, that She will cause such measures to be taken as may tend to make the enforcement of the rights of the Crown more uniform and more consistent with the legitimate claims of the owners of property where objects of interest and value are discovered, for which no owner can be found."

The hon. Baronet was addressing the House in support of his Motion, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after Seven o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, May 11, 1864.

MINUTES.]—Select Committee—On Sewage (Metropolis, &c.), Mr. North and Mr. Ferrand *added.*

Supply—*Resolution* [May 9] *reported**.

Public Bills—*Ordered*—Army Prize (Shares of Deceased)*.

First Reading—Inns of Court* [Bill 104]; Army Prize (Shares of Deceased* [Bill 105]; Rivers Pollution (Scotland)* [Bill 106].

Second Reading—Borough Franchise [Bill 47], *negatived;* County Bridges [Bill 77], *withdrawn.*

Select Committee—Copyright (No. 2)* [Bill 59], Mr. Cave *discharged,* and Mr. Milner Gibson *added.*

Committee—Chain Cables and Anchors* [Bill 103], *re-committed ;* Admiralty Lands and Works* [Bill 88], *re-committed.*

Report—Chain Cables and Anchors* [Bill 103]; Admiralty Lands and Works* [Bill 88].

Considered as amended—Naval Prize* [Bill 65].

Third Reading—Court of Justiciary (Scotland)* [Bill 31]; Naval Agency and Distribution* [Bill 63]; Joint Stock Companies (Foreign Countries) [*Lords*]* [Bill 87], and *passed.*

Withdrawn—County Bridges* [Bill 77].

BOROUGH FRANCHISE BILL—[Bill 47.]

SECOND READING.

Order for Second Reading read.

Mr. **BAINES***: Mr. Speaker, I am sure I shall receive an indulgent hearing from the House on this occasion, because I have to plead the cause of those who neither in person nor by their representatives are present among us. Moreover, I have to plead before an aristocratic jury for plebeian clients. For, strange as it may sound, this House of Commons, which I have the honour to address, is in the main an aristocratic assembly, with an admixture of the middle classes, and to a large extent nominated and influenced by those classes. I believe the House will at all times, so long as the structure of society remains as at present, continue to be an aristocratic assembly in a very considerable degree, because of the great advantages which rank, wealth, and the highest education give men for serving their country in a legislative capacity. But the grievance which is felt by those for whom I plead is, that the great bulk of the Commons of England have no voice whatever in returning the Commons House of Parliament. Of course, I do not mean to say that there are no boroughs and no counties in which there are working class electors; but the broad fact remains, that the working classes of England, with trivial exceptions, are not represented in this House. I feel this to be both my weakness and my strength;—my weakness, from the entire absence of the classes whose rights and interests are to be considered; but my strength, from the generosity and sense of justice which this House, in common with every assembly of Englishmen, habitually displays towards those who most need it. The House will perceive that the Bill which I now offer, and by which the franchise in boroughs would be extended from £10 to £6 occupiers, differs essentially from that offered by my hon. Friend the Member for Surrey (Mr. Locke King), inasmuch as, whilst he sought only to give a fuller representation to classes already represented, it is my object to extend the range of representation by bringing it down lower, so as to take in some considerable and yet not excessive number of the working classes. It is well known that the working classes comprise about three-fourths of the population; and yet I may say, speaking generally, that they are excluded almost wholly from any participation in those privileges and franchises which are not only the machinery, but the very life and soul, of popular liberty. The hon. Member for Shoreham (Mr. Cave) has given notice that he shall move "the Previous Question," and I suppose I must infer from this that he does not intend to dispute the principle of the Bill, but rather the expediency of discussing the subject at this time. In the first place, with regard to time, allow me to say that it seems to me no time could possibly be better than the present for discussing a question of this nature. There was one practical difficulty which was not much mentioned when the subject was last before the House, but which every Member felt as a serious objection to the introduction of the subject at that time—namely, that a new Parliament had lately been elected, and it would have been inconvenient to Members and to the country at large that there should be another General Election so soon after the Election of 1859. But now the Parliament has entered on the sixth year of its existence, and the present Session must either be the last or the penultimate Session of its legal duration; and I apprehend that the question of extensively altering the franchise could never with so much advantage be brought before Parliament as when a Parliament is approaching its termination. On that ground, therefore, I conceive this is a much more favourable time for discussing the subject than when I first had the honour of introducing it. But it is said to be inexpedient, on account of there being no call for reform in the country—that even the working classes themselves are not demanding it, and consequently that it would be unwise to stir the question. If I were to admit this allegation to the fullest extent, as to some extent I do admit it, I cannot see how it would relieve us from the obligation which most of us distinctly incurred at the last General Election. I appeal to this side of the House at least, and I believe I may also appeal to some on the other side of the House, whether we did not at the last General Election promise to support a Bill more extensive in its provisions than the Bill which had been introduced by Lord Derby's Government. The £6 franchise proposed by Lord Russell was then before the country, and it was upon that the constituents declared their judgment and their wish. Again, I appeal to the House whether a period of political calm and industrial prosperity is not the very time in which it is most desirable to bring forward a question which is generally considered to have an agitating tendency. At the present time, I apprehend, there is no political measure which can legitimately interfere with the bringing forward of this question; and I do feel, therefore, that there is no substantial objection; for surely no Member would take ground so derogatory to the House as to argue that it should never act except under the coercion of popular agitation. The people have spoken out on the subject distinctly; we stand here as the expression of their opinion; and it is right that we should take the first convenient and favourable opportunity to carry out the pledges we have given. There have undoubtedly been causes which did tend in a certain degree, I will not say to create indifference, but rather to divert public attention and public interest from this great question of Parliamentary Reform. Those causes are perfectly familiar to all of us. We recollect the Session of vast excitement which almost immediately followed the last General Election. There was first the state of Europe; then there broke out the civil war in America; then there was the most alarming prostration of a great industry which has ever taken place within my recollection—the prostration of the great cotton industry; there was also a most happy event, which nevertheless led to immense discussion and excitement—the Commercial Treaty with France, and the budget connected with that treaty; and lastly, there has been what I must call the singular—I wish it may not prove the inflated—prosperity which for some time has attended the various manufactures and trades of this country, and which has absorbed men's minds, both employers and employed, and materially interfered with the expression of political opinion on any subject whatever. But I do not admit in the least any change in public opinion on this subject. I may appeal to many grounds as evidence for that opinion. One is, some of those petitions which I have had the honour of presenting this morning—one from the National Reform Conference held at Manchester, at which one hundred and fifty delegates from the principal towns of the kingdom were present, and another presented by my hon. Friend the Member for the West Riding (Sir Francis Crossley) from a similar Conference at Leeds. One petition I presented from the Working Men's Parliamentary Reform Association of Leeds, together with many others from my own town and county; and I know the feeling exists in favour of this measure to a very great extent. I am persuaded it would be found that it is not so much a change of opinion, as a diversion of attention for awhile; and so soon as circumstances arise to call for an expression of that opinion, you will find identically the same opinion that has been held and expressed before, rising up again; and if you choose to wait until a period of agitation, the people may present to you demands very different indeed from that which I now make on you in their behalf.

But if it be admitted to the fullest extent that the working classes have lately been indifferent to the franchise, there are various circumstances passing around us which show that it is morally impossible they should long continue thus indifferent. And I infer that moral impossibility from what is taking place perpetually in the exhibition of their tendencies and sympathies on the subject of popular freedom. Have not the people of England manifested sympathy on behalf of the liberties of the whole world? Have they not shown it on behalf of Italy, and have they not within these few days given an unparalleled reception to the great and heroic deliverer of Italy? Have they not manifested this sympathy on behalf of Hungary, and of Poland? And there is one fact which struck very much a distinguished foreigner from the other side of the Atlantic who visited this country, and that was, that when he went into the cotton districts of Lancashire he found a strong attachment to the cause of the Northern States and a strong detestation of slavery, and that the operatives were not to be induced, even by regard for their own temporary and immediate interests, to move in favour of an acknowledgment of the Confederate States, although told that such a step would lead to their getting a supply of the raw material for their labour. I consider that to be one of the most striking proofs I have ever heard of the deep attachment of the working classes of this country to right, to justice, and to liberty. I conceive it is totally impossible that those who value liberty so highly for others should be insensible to its value for themselves; and you may depend upon it the time will soon arrive, if it has not already arrived, when the people will demand as a right the possession of those franchises which have been so long withheld.

Once more, I would ask, do you think you are wise in deferring the concession of the claims of the working classes? I ask you to consider the spirit of the age, and to consider the changes which have occurred since the Reform Act of 1832 was passed. What have you seen in Europe since that period? You have seen representative institutions spread gradually over nearly the whole of Europe. You see them established in Austria, in Prussia, in Spain, in Portugal, in Italy, in Hanover, in Saxony, in Bavaria, in Denmark, and even in the Danubian Provinces; and in Australia and all our other colonies representative institutions have been formed. In many of those countries, too, a much more extensive franchise exists than exists in this country. Then I say this is an exhibition of the spirit of the age which a wise Legislature would do well not to neglect. But I do not need to go so far to find arguments in favour of the rights of the working classes. I have not to confine myself to the Friends whom I see around me, but I have to look to my Friends opposite, and to the Conservative aristocracy of England, for an amount of sympathy with the rights and interests of the working classes which I say will compel them, agreeably compel them, to concede the franchise which I now ask of them. We have had some very remarkable expressions of that opinion here. On the occasion of my hon. Friend's (Mr. Locke King's) Motion for the County Franchise Bill, the hon. Member for Northamptonshire (Mr. Knightley) opposed the Bill on two main grounds, one of which was, that it did not recognize the rights of the labouring classes to some share of political power. His words were so remarkable that I must quote them. He said—

> "The principles upon which, according to all the authorities, a measure of reform ought to be based, were, first, a more equal distribution of the representation in respect to property and population, and next, the recognition of the rights of the labouring classes to some share of political power."

He added—

> "Hon. Gentlemen opposite, and many also on his side of the House, said, at the last General Election, that by their improved intelligence and increased respectability, the working classes were fairly entitled to some share of that political power from which they were excluded by the operation of the first Reform Bill. That might be perfectly true in regard to the boroughs."

Again, the hon. Gentleman maintained that the borough franchise was so high as quite to exclude the labouring classes from its enjoyment, and he said that even in the large borough of Birmingham, my hon. Friend who represents that borough "did not represent one" of that class. I hope, therefore, I may confidently rely on the vote of the hon. Member for Northamptonshire to-day, as he has proved the two main points of my case—namely—1. That the labouring classes in the boroughs are excluded from the franchise; and 2. That this is one of the defects of our institutions most loudly calling for remedy. I find that I am trespassing upon the rules of the House in alluding to a former debate in the present Session, and, therefore, I will only ask hon. Members to bear in mind that there have been opinions expressed by a Gentleman so much respected and so candid as the hon. Member for North Warwickshire (Mr. Newdegate),—an opinion which goes, I will say, in favour of the consideration of the rights of the working classes, and of the question of Parliamentary reform. But there have been opinions expressed by many hon. Gentlemen opposite in which I so heartily agree that I hope I shall be justified in calling attention to them. They have been expressed, not this year, or last year, but several years ago, and they stand on record in a volume which we have often occasion to look to as a very authentic record of the views of hon. Members of this House — namely, Dodd's *Parliamentary Companion.* If I quote the opinions of two or three hon. Gentlemen opposite, it is in no invidious spirit; I do it with a most hearty concurrence in every word I quote, and only because I find in those speeches what I conceive to be liberal, and noble, and just sentiments, in which they have expressed my views better than I can find words to do. I find that the hon. Member for North Essex (Mr. Du Cane) declares himself to be "in favour of extending the franchise to the industrious and intelligent portion of the working classes." The hon. Member for Berkshire (Mr. Benyon) says, he is—

> "Not opposed to the extension of the franchise to those who are well qualified by education and the increase of intelligence to exercise such a trust."

The hon. and learned Member for Belfast, who was Solicitor General under Lord Derby's Government (Sir Hugh Cairns), says, "he would not reduce the franchise in boroughs so low as £5." I hope, therefore, I may infer that he would reduce it to £6. The Member for Stoke-upon-Trent (Mr. Copeland) is "in favour of a moderate extension of the suffrage coincident with education." So am I, and on the same principle. The right hon. Member for North Wilts, who was a Secretary of State under the Conservative Government (Mr. Sotheron Estcourt), is "in favour of a moderate extension of the franchise." The hon. Baronet the Member for Hertford (Sir Minto Farquhar) is said to be "in favour of admitting the working classes to a large share of the franchise." The hon. Baronet who represents Ayrshire (Sir James Fergusson) would "place the franchise within the reach of educated industry." The Member for Carnarvon (Mr. Finch) is "in favour of a larger extension of the suffrage than Lord Derby's Bill effected." The right hon. Member for Oxfordshire (Mr. Henley), and the right hon. Member for the University of Cambridge (Mr. Walpole), actually quitted the Government of Lord Derby because of his unsatisfactory reduction of the borough franchise; and the latter Gentleman was understood to favour a £6 rating franchise. The Member for Tynemouth (Mr. Hodgson) is "in favour of a £6 franchise, with some restrictions." The noble Viscount who represents West Kent (Lord Holmesdale) is "in favour of a sound practical measure of reform commensurate with the growing intelligence of the country." I could desire nothing better. The hon. Member for Buckingham (Mr. Hubbard) is "in favour of the elective franchise being extended on principles which recognize education and intelligence." The hon. and learned Member for Chester (Mr. Humberston) is "in favour of the franchise being granted to a £5 rental in boroughs." The Member for Chippenham (Mr. R. Long) "will support any measure which would admit to the privileges of the franchise the steady, sober, and intelligent portion of the working classes." The hon. Baronet the Member for Stamford (Sir Stafford Northcote), also a distinguished Member of Lord Derby's Government, is "in favour of removing the anomalies from and moderately extending the franchise." The hon. and learned Member for Truro (Mr. Montague Smith) is—

> "In favour of the franchise being extended to all those among the working classes who, by education and intelligence, and the moral training produced by habits of industry and thrift, are qualified to make choice of a representative."

The Member for Dumbartonshire (Mr.

Smollett) is "in favour of the extension of the suffrage, both in counties and boroughs." The hon. Member for Hull (Mr. Somes) is "in favour of the franchise being lowered in boroughs." The right hon. Baronet who represents Lincolnshire (Sir John Trollope), who was President of the Poor Law Board under Lord Derby, is "in favour of lowering the franchise, especially in towns." And the gallant Member for West Sussex (Mr. Wyndham) is "in favour of extending the franchise to the intelligent portion of the working classes."

These are but a few out of no less than upwards of sixty Conservative Members of the House, who are recorded as having reform sympathies, and disposed to go a considerable way in that direction. The House will perceive that two points are distinctly admitted in the opinions which I have just read — namely, in the first place, that there has been an educational advance on the part of the people to qualify them for the franchise; and secondly, that such an educational advance entitles those classes to a participation in political privileges. I am relieved by the admissions I have quoted from the necessity of demonstrating the popular improvement by such a mass of evidence as I adduced on last bringing forward this Bill in the House. Some hon. Members may perhaps remember that I then laid before the House numerous facts drawn from official documents or trustworthy sources, to show the extraordinary advance which the people had made between the passing of the Reform Act and 1861, in education, in habits of reading, in political knowledge, in habits of association for mutual improvement and insurance, in temperance, in providence, and in attendance upon public worship. The results of the statistics on these points were in the highest degree gratifying. They showed that whilst the population had increased only 43 per cent within the thirty years, in many of those elements of intellectual and moral improvement which go to qualify for the franchise, there had been an advance of from 200 to 400 per cent. I believe a general impression prevails that those facts are indisputable; by the authorities I have just read they are substantially admitted on the other side of the House, and I will not, therefore, trouble you by reproducing those statistics. You will allow me, however, to bring before you two branches of evidence which are to my mind absolutely conclusive and irresistible on the subject. The first has reference to education, the second to our periodical and popular literature. I can well understand that a man who appreciates education as Earl Russell does would shrink in 1831 from proposing any great extension of the franchise to the working classes from the facts and statistics which were then before him on the subject of education. At that time there were no statistics of education later than those obtained by Lord Brougham's Commission in 1818; and indeed it was the children of 1818 who were the men of 1831, and had to exercise the franchise. What was the proportion, according to these statistics, of the educated among the population? The whole number of day scholars in England and Wales was only 674,883, and the proportion to population was one in seventeen. It is true that after the Reform Bill passed there was another Royal Commission, which showed that the proportion at that time had very much increased, and in the year 1833 it was ascertained that the number of scholars had increased to 1,276,947, being in the proportion of 1 to 11 of the population. In the year 1858 it was found by the last Royal Commission on Education that the scholars amounted to 2,535,462, bearing the proportion of one in 7·7 to the population. And we learn from the Census of 1861 that the number of scholars (including, however, those receiving private tuition) was then 3,150,048, being in the proportion of 1 in 6·4. This shows England to have become one of the best educated countries of the world. Between 1833 and 1861 the population of England and Wales increased only 40 per cent, but the increase of day scholars was 147 per cent. I most confidently present that fact as a ground which, whatever your (the Conservative) previous fears may have been on this subject, will justify you in granting the very moderate extension of the franchise for which I now ask.

But there is another branch of evidence which is still more important, and that is the amount of popular literature which is now distributed. There has been a marvellous spread of cheap literature, and the facts I shall lay before you will, I hope, induce those who were inclined to find a good deal of fault with the Chancellor of the Exchequer and the President of the Board of Trade, for advocating the repeal of the paper duty, to forgive those right hon. Gentlemen for the part they took in that question. For the facts I am about to state I am indebted mainly to Mr. John Francis, the publisher of the *Athenæum*, who has obtained the assistance of Messrs. Mitchell, publishers of the *Newspaper Press Directory*, and of the principal publishers of periodical and serial literature in London. The newspaper circulation is given for the United Kingdom—

NEWSPAPER CIRCULATION IN 1831 AND 1864.

1831.

STAMPS ISSUED TO NEWSPAPERS IN 1831.

In England	32,000,000
„ Ireland	4,360,564
„ Scotland	2,287,750
Total for the United Kingdom ...	38,648,314

1864.		Copies issued in the whole year.
LONDON PAPERS.		
Daily (Daily Circulation)	248,000...	87,776,000
Weekly (Weekly Circulation)	2,263,200...	117,686,400
Total Circulation of London Papers		205,462,400
PROVINCIAL PAPERS.		
DAILY (Daily Circulation).		
In England (27 Papers)	263,000	
In Wales (1 Paper)	2,000	
In Ireland (14 Papers)	96,000	
In Scotland (9 Papers)	77,000	
In Jersey (1 Paper)	1,000	
(52 Papers)...	439,000...	137,407,000
[In 1854 there were only 5 Provincial Daily Papers, with an aggregate circulation of 10,000 copies per day.]		
WEEKLY (961 Papers)— (Weekly Circulation)	3,907,500...	203,190,000
Total Circulation of Provincial Papers		340,597,000
Grand Total in the United Kingdom		546,059,400

Or 1,313 per cent more than in 1831 !

This is only as to political information, but there has happily sprung up a vast amount of most useful and interesting literature in the shape of magazines, periodicals, and serials, the increase of which has been even more marvellous than the increase of the newspapers. I have got here the monthly Returns of the magazines and journals of a literary, scientific, and religious kind in London, and some of the principal cities. I will not trouble the House with all the details that have been furnished to me, but will select the leading points. I find that in London there are published monthly—

LITERARY PERIODICALS & SERIALS IN 1864.

MONTHLY.

Description.	Number of Publications.	Price.	Monthly Issue.
Religious	84	½d. to 5d.	1,469,500
Do. Magazines	22	6d. and upwards.	400,000
Temperance	20	½d. to 3d.	793,250
Useful, Educational, and Entertaining	19	1d. to 6d.	338,500
Magazines and Serials of a higher class ...	54	1s. to 2s. 6d.	244,850
Serials issued by great Publishing Firms, highly embellished and illustrated (*per number*)	...	1s. to 3s. 6d.	363,250
Total of Monthly Publications			3,609,350

WEEKLY.			Weekly Issue.
Religious	15	1d. and 1½d.	489,600
Useful, Educational, and Entertaining, including serial republications of standard works	32	1d. to 3d.	734,000
Journals, containing Novels, Tales, Biographical Sketches, &c.	13	½d. and 1d.	1,053,000
Romances, exciting wonder and horror	8	1d.	195,000
Immoral Publications	...	1d.	9,000
(Three years ago, 52,500)			
Free - thinking, under	...	...	5,000
Total of Weekly Publications			2,485,600
Grand Total of Monthly & Weekly Publications			6,094,950

Can you compare this state of things with that which existed in 1831? The aggregate circulation of monthly magazines at that date, as estimated by those best qualified to judge, did not exceed 125,000, whereas now it is three millions. I believe the sale of weekly magazines would not then be more than 125,000. There were serials published, which I believe may be taken at something like 120,000; and I should be far beyond the mark if I say that at that time there were 400,000 monthly and weekly copies of literary periodicals issued. The number now is 6,094,950, or fifteen fold the number in 1830! I am sure this result will be regarded as most gratifying, and I believe there are few who could have anticipated the possibility of such a change from sweeping away the taxes on knowledge, and throwing open, I may say, the floodgates of knowledge to the people.

As I thought it desirable that my case should not rest on facts drawn from London alone, I have asked the opinion of two gentlemen of the highest authority in two of the largest towns in England — Mr. Alderman Heywood, late Mayor of Manchester, and Mr. Guest, of Birmingham, both of them extensive publishers. I will first read the letter of Mr. Guest, which bears out, and more than bears out, the general evidence I have already offered. He says—

> "I consider that every grade of the working classes is in a state of progression. Our Free Library has been opened with great and increasing success. The number of volumes issued during the past year was 357,436—daily average 436—and about 10,000 persons have visited the reading room every week. Building societies have increased in number and amount of business, proving that careful and provident habits are understood and practised. Sunday and other schools have progressed in the amount of usefulness. I have every reason to think that, in the last three years, the class in whose hands you wish to place the franchise—namely, the £6 householders—have materially increased in intelligence, and that they are fully entitled by their qualifications to the right to vote. The newspapers have made rapid strides. We have two dailies and four weeklies, circulating about 250,000 copies per week. Periodicals and other newspapers have by no means diminished in sale, but I am not in a condition to give you even an approximate number. There are about 300 families wholly or partially supported by the sale of the various publications, and they employ 1,000 persons at the least. This state of things, contrasted with the state of things up to Midsummer, 1830, when we had two local papers only, whose total circulation was not more than 6,000, and only three periodicals, at 2*d.* and 3*d.*, for the whole country, is such, that a parallel can only be found in the extension of trade and travelling from railways, and letter-writing from cheap postage."

The next letter is from Mr. Alderman Heywood, the Mayor of Manchester, during last year—a year of the severest trial that any large community ever passed through, in consequence of the total prostration of the Cotton industry. He says—

> "It is frequently asserted by Members of Parliament and by those who copy them, that the people care nothing for the right to vote, that they are apathetic, and want not the franchise."

He then accounts for their present quietness by their being wearied of political agitation, and of asking in vain for the franchise; and he says they have turned their attention to the co-operative societies as a means of improving their circumstances. He adds—

> "But all these men are advocates for the right to vote, without any other qualification than that of enrolment. But it is amazing to see the progress they have made during the last twenty or twenty-five years. Whatever may be said to the contrary, there is a sturdy self-reliance being implanted in the people, which will exhibit itself whenever the right man in the right place is displayed before them. Great measures have been carried during years gone by, of immense value to the workman, such as the abolition of the bread tax, the uniform system of postage, and the entire abolition of the duty upon newspapers—measures which, had they been accompanied with a progressive admission upon the electoral lists, would have silenced political agitation for ever, Are the people fit for the exercise of political power? I thought they were in 1832, I am the more firmly convinced of it now. Since 1849, no political *emeute* or disturbance has taken place here or in the neighbourhood, nor would the bitterest foe to popular right find occasion to justify his resistance in the conduct and behaviour of the people. I need not refer to the example they have shown, the sufferings they have borne, during the last two years, as instances to prove how greatly the principles of law and order have become associated with their daily life. The newspaper is the idol of the working man. Every day unfolds to him new action, stirring events mixed up with the grave and the gay, imparting to him more extended sources of knowledge and pleasure, which, before the removal of the tax, he was incapable of attaining. I am pleased to find that you are intending to make another appeal to the wisdom and justice of that House, which all lovers of their country would desire to call the people's. You may depend upon one thing with certainty, that should the present Ministry be displaced and a Conservative one called to the helm of affairs, the apathy of the people will be no longer a reproach to them; on the contrary, a storm will be created of such intensity as will require a Reform Bill to subdue it."

These facts, I think, will justify the House in coming to the conclusion that there has been so vast, so satisfactory an extension of education and intelligence in the country as to warrant it in extending the franchise to those who are now excluded from political privileges. I may also remark, in passing, that the very class on which we seek to confer the franchise, is exactly that upon which almost all those influences to which I have referred are concentrated—namely, the better part of the working classes. It is not the idle, it is not the spendthrift, it is not the vagrant, it is not the people gratifying themselves with sensual indulgences; it is the steady, the sober, the industrious, and the provident portion of the working classes, who would gain the franchise. Can we doubt that men so improved in education and intelligence must be fit, not to sit in this House —I do not ask that, though I know many who would be—but to choose men who are fit? Can you doubt that they are that? Every grievance, every abuse swept away has been followed by an increase in the tranquillity and prosperity of the country. Reform has proved to be of all things the most Conservative. I believe the more you trust the people, the more you will find they deserve to be trusted. But, notwithstanding the confidence I feel in the people, I do not believe it is morally possible you should have an educated people, with a free press such as I have described, and the right of meeting, combined with a very restricted franchise. Some have said, if you reduce the franchise so as to include a portion of the working classes, you introduce a more dependent, and, therefore, a more corruptible set of men. From what I know of the upper part of the working classes, I believe it is utterly untrue. I believe they are a thinking, self-reliant, and independent body of men. Their social position is such that they really are not dependent to the extent some may imagine. The master is as much dependent on a good and skilful workman as the workman is dependent upon the master. If the workman should be turned off for giving a vote contrary to his conscience, the master becomes the scoff of the community. The workman takes his tools and goes to another master; so that there is really no ground whatever for maintaining that the working class—those who are educated, intelligent, and industrious—are a dependent class. I believe most firmly that amongst those who would be excluded if this Bill should pass, there are very many who are also well qualified to vote, but I propose a moderate measure; I go to that extent to which the Government of this country has gone, which the people of this country has sanctioned, and which you approved in this House in the year 1860, when you read the Bill containing this very franchise a second time, thereby affirming the principle of that Bill, and when no man durst rise and say, "No," when the question was put. It remains for me now to state the effect which I believe the extension of the franchise to £6 occupiers would have in increasing the number of borough voters. It may be remembered that when the same proposition was made by Lord Russell in 1860, he produced a Return, obtained by the Poor Law Board, which showed that the number of electors on the register for boroughs was then 443,208; and that the addition likely to be made by extending the franchise to £6 occupiers was 210,022, or 48 per cent. That would make a total of 653,230 electors. Four years having elapsed since that Return was obtained, and a new valuation of property having been made, I moved for a Return of the same purport last Session. I find, however, that the Returns asked for by the Poor Law Board have been only partially made, that is, by 77 boroughs, out of 200. But an estimate has been made, founded on the Returns actually received, and it has been made by a gentleman of large experience at the Poor Law Board, who prepared the Return of 1860. The general result is nearly the same. The number of borough voters on the register for 1863 has increased to 487,604, and the number estimated as likely to be added by extending the franchise to £6 occupiers is 240,705, being 49 per cent on the existing number. That I think a very moderate increase. The whole number of male occupiers between £6 and £10 rental is, indeed, considerably larger, namely, 383,901. But it is well known that a large proportion even of the occupiers of £10 and upwards fail, from a variety of causes, to get upon the register. The proportion which thus fail is 27·3 per cent; and it is reasonably supposed, by the experienced official gentleman who has made the calculation, that 10 per cent more of the lower class of voters, namely, 37·3 per cent, would fail to be registered as voters. Making this deduction, the net addition to the voters would be, as I have said, 240,705. Adding the new and old voters together, the whole number of borough voters would be 728,309. I find that the number of males above twenty years of age in the represented boroughs is 2,268,169. At present, therefore, only one in five of the male adult population of the boroughs has a vote; and the measure which I submit would increase the voters to about one in three of the male adults. Two-thirds of the population, however, or 1,539,860, out of 2,268,169, would still remain without the franchise;—an extent of exclusion which surely may satisfy the most timid Conservative. But I must be allowed to say that, unless Parliament should make some additional enactment to carry out its own clear intention, manifested in the two Acts of the 14 & 15 *Vict.* c. 14 & 39, to prevent tenants from losing their votes in consequence of their landlords compounding for the rates, the number of voters added by the present Bill would be nearly 100,000 less than I have stated. I rely, however, on the determination of the House not to suffer its intentions on behalf of the humbler class to be frustrated.

I now come to the last point, and that is, the proportion of the working classes who will be admitted to the franchise by this measure. The proportion which the working class voters would bear to the middle and upper classes in boroughs, if the measure I ask you to grant be adopted, would, I believe, be between one in four and one in three. It is known that the upper and middle classes are only one-fourth of the population, while the working classes are three-fourths. The upper and middle classes, with only one-fourth of the population, would still constitute two-thirds of the number of voters in boroughs. But it must be remembered that in the counties the working classes have no appreciable weight whatever. I know my hon. Friend the Member for North Warwickshire says he has a number of working class constituents. That is true, and there are also some in the West Riding and other counties; but they are so few that I may say the working class have no appreciable representation, and that the whole of the county constituencies are in the hands of the landed interest—I might say the landed aristocracy. You have therefore to add the county voters to the borough voters of the upper and middle classes; and then it would leave the working classes, even with the extension I have asked you to grant, with a proportion of only about one-fifth or one-sixth of the whole number of electors in England and Wales.

I think, then, Sir, I may appeal to the House that this is a moderate and safe measure. I believe most confidently that it will conduce to the concord of the people of this land and to the stability of our institutions. I believe it would redeem the honour of Government and Parliament, which is in great danger of being sacrificed by the non-carrying out of the pledges entered into at the last General Election. If you should introduce a considerable number of the sons of industry to the political franchise, I am confident that you would find them to be the truest defenders of the Throne and of the Constitution—a great accession to your strength in war and your prosperity in peace. We might then, in the language of a prophet of old, foretelling to an ancient people a period of enlargement and prosperity, bid constitutional England "lengthen her cords and strengthen her stakes."

Mr. BAZLEY seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. CAVE*: Sir, in moving the Previous Question, I shall not attempt to follow the hon. Member for Leeds through a mass of statistics and figures, which cannot be checked in debate, and which he has adduced apparently for the purpose of proving that the change he proposes is really no change at all. It is enough to say that it has been made quite clear on former occasions, that in almost every borough in England the addition he would make would be quite enough to turn the scale. I shall now endeavour to show that if, as the House decided by a large majority in 1861, the time the hon. Member then chose for his Motion was not a convenient one, the present cannot be considered more happy. I shall try to prove this from the arguments brought forward then, and reiterated now by the hon. Gentleman, as well as by suggesting that the reasons which I then adduced have, if anything, gathered strength in the interval. It was objected before, and probably may be again, that my Motion ought to be for the rejection of the Bill altogether; but, though the effect would undoubtedly be the same, I have chosen this form as evincing no hostility to the hon. Member's doctrine, that the working classes ought to have a share in the representation.

A very able professor, whose talents I admire, and whose misfortune I deplore, Mr. Fawcett, said the other day in a lecture on Reform, in Manchester, that "he hated the phrase that the working men ought not to have the franchise because they had no stake in the country." Now, I should not like to endorse all the learned Gentleman's views, but I entirely concur in this; and therefore I feel disposed to ask the House to agree with me in postponing the consideration of the amount of that share which the working man has, and that which he should have, to a more convenient season, rather than to move the direct negative, since my motives in doing this would certainly be misrepresented by those whose interest it is to give themselves out as friends of the working man. I say the share which he has, for has not a great change taken place since 1832? In these thirty years has there not been a vast alteration in the material condition of the working classes? The £6 and £10 houses of that day bear a very different value now. We know that house rent has doubled and trebled in large towns, and the wages of skilled labour risen in proportion, so that if, as the hon. Member avers, education and intelligence have reached a lower social stratum, then, I answer, that these changes to which I have referred have already raised the best of that stratum to a higher political position. The Committees under the new Assessment Act have told us that the question of valuation is now entirely unsettled, and the general impression appears to be that the majority of houses of this description are even now valued far too low. Therefore the changing value of property is effecting a reform in the direction aimed at by the hon. Member, silently, and gradually, and safely to the nation, though I can well imagine that this may not be satisfactory to those who prefer a violent change with a flourish of trumpets, and would sacrifice anything for a little fleeting popularity. I hope the hon. Member will understand that I make these remarks generally, and am far from supposing them to apply personally to himself, as I believe his character to be entirely above such imputations.

And now I will proceed to examine those arguments of the hon. Member in his former Motion on this subject, which were based upon his conjectures of what might happen in future. I need hardly say that prophecy is very dangerous, unless the prophet's predictions are so vague, that, like the oracles of old, they may be read in more ways than one. But the hon. Member was, if I might presume to say so, almost rashly precise. He said that the spring of the year 1861 was the proper time for deciding this question; and why? Because

> "We had had one bad harvest, and were threatened with a second. Recent events across the Atlantic had raised doubts as to the supply of our most important raw material. The nations of Europe were bristling with arms. It was possible that a time of trial awaited us from domestic distress and foreign danger. Should it be so, where would be our security but in a people satisfied with their institutions?"

I beg the attention of the House to that expression. We have been much worse off than the hon. Member even imagined we might be. Not only was his anticipation of a bad harvest in 1861 realized, but we had another in 1862. Not only were there doubts as to our supply of cotton, but it was almost wholly cut off, and the industry of the northern counties received a blow unparalleled in their history. For some weeks of the very year in which the hon. Member made that speech, we did not know whether we were not at war with the United States; and what was the conduct of the working classes of England? Did we hear of a repetition of the Reform riots of Nottingham and Bristol? ["Opposition cheers."] I understand those cheers, and will answer them immediately. Was there any evidence of bitterness against the wealthier classes, or any disposition to take advantage of the calamities and dangers of the country? Was there not, on the contrary, an universal outburst of loyalty on the mere rumour of war? and did not the nation work together, high and low, north and south, east and west, to tide the factory operatives over the cotton crisis, as if, instead of the hard strata of unsympathizing castes, as hon. Gentlemen opposite sometimes are pleased to represent us, we were members of one family, with a common object and common interests? I ask whether the conduct of the people of England during these twenty-four months of the severest trial we have ever known, was not that of a "people satisfied with their institutions?" The hon. Member is entitled, no doubt, to use this most admirable behaviour in support of his present Motion; but I appeal to the House, against the ironical cheers of hon. Gentlemen opposite, whether I have not at least an equal right to employ it in demolishing his former position? The hon. Member for Birmingham also took up his parable, and said a little earlier that if the Bill of 1860 did not pass there would be delegates from every Trades' Union in the country sitting in London. That shows by the way, the hon. Member's idea of the independent exercise of the franchise by the working man. Well, the Bill of 1860 did not pass, and in 1862 there were delegates, if not from all the Trades' Unions, certainly from all the trades in the country, assembled in London, and for what purpose? Not for a barren agitation in which the best working men take no real interest, though some of their leaders make a profitable trade of it, but for the real, tangible, sensible, and legitimate object of improving their taste and skill in workmanship, and so attaining that material prosperity which quickly enables the intelligent and industrious to cross the almost imaginary barrier of disfranchisement whenever they care to do so. But are there no signs of discontent now? Why, we have had mass meetings and indignation meetings within the last few days, and with what object? The mass meetings were to plant trees in memory of Shakspeare; the indignation meetings had no greater grievance to declaim against than the premature departure of an illustrious stranger.

In listening to the speeches of some hon. Members, one would suppose that we live in a political state resembling that of France before the first Revolution, when there was a barrier against which talent, industry, and ambition surged in vain on one side, while pride, indolence, and luxury looked carelessly on on the other; and yet even while they are speaking hundreds upon hundreds of the working classes rise with ease to competence and the franchise; while the commanding intellects among them, who formerly led the masses against the ranks above, now simply come forth from the crowd, obtain affluence and position, and not only votes but seats in this House, and may aspire, without either presumption or despair, to the highest offices. And as, in a well-ventilated room, when the heated air rises the cold falls in constant circulation, so in this free country there is a perpetual recruiting of the higher ranks from the lower, and sinking of the higher into the lower again, until, as was once observed, it is difficult to decide whether we have the most democratic aristocracy or the most aristocratic democracy in the world. Surely it is far better that men should rise to the franchise than that the franchise should be lowered to them. Surely those who have so risen ought to be the last to advocate the indiscriminate scattering of the privileges they have worked for; and I believe, as a matter of fact, the great body of £10 householders have no wish to be swamped by a vast influx of the ranks below them. Indeed, it stands to reason that a transfer of power to the masses, as masses, by mere lowering of the franchise must be dangerous, because those classes which work from morning till evening have, to use the words of the Member for Birmingham, "Limited means of informing themselves on these great subjects." They are, therefore, at the mercy of mere declaimers, who bow the hearts of great masses as one man by the force of rhetoric alone, as an eloquent counsel excites the sympathy of his audience without the least reference to the justice of his cause. There are times of great excitement when masses of people cannot be induced to hear reason, and therefore the transfer of power to those who naturally and habitually act in masses is dangerous, even without question of the intelligence and education of the component parts of the mass. I have seen, at least on one occasion, even this House act very like an infuriated mob. [Mr. Bright: Hear!] Yes—but perhaps the best illustration of what I mean is afforded by a scene in which the Member for Birmingham himself took a part in 1857, when not even his powerful voice, and readiness of speech, and former popularity could gain him a hearing from a body of people, scarcely one of whom perhaps knew the real objects of the war for which they were so enthusiastic, and, if he had known them, would probably not have given a day's wages or an hour's thought on their behalf.

A publication of Liberal views (*The Scotsman*) recently observed how little reality there is in the confidence so loudly expressed by certain people in the working classes, concluding with these words—

> "The same agitators who would control by law the working man in meats and drinks are mainly the same people who affect a desire to hand over to him the power of making laws for all other people. They cry out that the working man cannot be trusted to take care of himself, and also that he ought to be intrusted with the care of everybody else. They make him socially a slave and politically a despot. They govern him as a child in his own affairs, and would make him governor over men in the affairs of the nation. They must be wrong on one point or the other. Our view is that they are wrong on both, that the working men are neither unfit to be socially free, nor fit to be politically omnipotent."

The working men are, like other people, good, bad, and indifferent; but, like all others, who from circumstances live much in common, are apt to be led by the worst among their number. The true, honest, industrious workmen—the men who are respected by their employers—are rarely much of politicians, and seldom have the "gift of the gab;" yet in times of excitement, as we have already seen, they too often lack courage to assert their independence, and surrender their will to unscrupulous agitators, just as in American elections the majorities, or "self-styled" majorities, to use a classical expression, exercise a complete tyranny over the rest of the community, and drive them like sheep to the poll. Why, it was only the other day that a newly-made corporation elected as their chief magistrate a man who had been twice convicted of using false weights before the very bench on which he is now to sit; and we know that the £6 element pretty nearly controls municipal elections. Those amongst us who remember our own school days, and how often we followed the multitude against our better judgment, will know what I mean, and will make every allowance for these men, but will not be disposed to hand over a preponderance of power to them. I am not now talking of working men pressing their own interests against those of other classes, but of their sending here as their representatives strike-leaders, and such like, when there are Members on both sides of this House whom individually they would consult on any emergency fifty times rather than their ostensible leaders, at whose chariot-wheels they are unresistingly dragged. But, supposing they do understand and work their own interests, then they must not be allowed to over-balance the rest. I would not trust any interest with overwhelming power; and it is the excellence of our Constitution that one interest checks another, and all are kept within proper bounds. Exciting questions may arise, in which the value of such checks may be appreciated. There has been some vague talk, some very vague talk, about land. I imagine the clients of certain hon. Members do not confine their views to a Land Transfer Bill, which will probably increase the purchase price; but this is certain, that land becomes more and more of a luxury every year, and less within the reach of the working classes, and when such questions are started, it will not do to have all the property on one side and all the power on the other.

I remember many years ago having the advantage of an acquaintance in Boston, in the United States, with the late Mr. Abbott Lawrence, who was afterwards American Minister at this Court. At a party in his house the repudiation of the State debts was being discussed, and compared, as Americans were fond of doing, to the suspension of cash payments by the Bank of England. When the company had gone, their host remarked to me—

> "After all that has been said, it was a very disgraceful thing; but, if your cabmen in London were told that if the National Debt was wiped out they would get beer at half-price, don't you think they would vote for it? Because that is our case; those are the people who govern us here."

I believe our cabmen have much improved since those days, and, perhaps, the American statesman might have done them an injustice even then; but I was much struck with his words, and still more when he went on to say—

> "England seems hurrying towards universal suffrage. Ah! if she had only our experience; but she seems judicially blinded."

The hon. Member for Norwich (Mr. Warner), in an able pamphlet, has explained this danger, and proposed a certain number of mouth-pieces for working men, in the shape of delegates from their own body, representing extra seats in large towns. Whether the Sussex labourer would think the Manchester artizan a better representative of his interests than his own landlord or neighbour I question.

In Sweden, the peasantry have a House of Parliament to themselves, as have the nobles, the clergy, and the burghers. These four Chambers must concur on all legislative measures, but the system works badly, and naturally, therefore, throws more power into the hands of the Executive, the result being that the Parliament meets only once in three years, the Government doing pretty much as they like in the interval. I must say I have no great faith in symmetrical Constitutions. I prefer that which works fairly to that which ought to work perfectly. England should remember the epitaph on a tombstone, "I was well; I wanted to be better; and here I am." A Prussian once said to me—

> "I cannot understand your English Constitution—it is full of the most absurd anomalies, but everything seems to turn out right; while in Prussia we have a perfect Constitution, but we are always in trouble, everything seems to go wrong."

But these anomalies are not all in one direction; a double first-class man or Senior Wrangler, who objects to pay for commons he does not eat, and sermons he does not sleep under, and has, therefore, taken his name off the books, is called to the bar, or has the cure of two or three thousand souls, and if he lives in furnished lodgings — a very common case — has no more vote than a pauper. The same is the case with officers in the army and navy, and many others; so that the £6 franchise by no means produces the symmetry so much desired. Do these people consider themselves unrepresented? I did not when I was one of them, and I believe the working classes are fully represented in this House as far as their material welfare is concerned. Has not the tendency been to relieve them of taxation? To give merely one instance of a trifling character, but of very recent occurrence. The Chancellor of the Exchequer proposed in his budget to remit a portion of the duty on the licences to sell tea in places outside Parliamentary boroughs. I took the liberty of stating to the right hon. Gentleman grounds, which he considered sufficient, for extending the boon to people within those limits. And to whom has this concession been made? To those who, by means of their votes, could exercise pressure upon the Government or their representatives? No; it is confined to occupants of £8 houses. The Chancellor, by-the-by, may be said to have made his concession in anticipation of his Motion, but I, at least, cannot be accused of any *arrière pensée* of that kind. Whenever there is a genuine feeling in the great body of the English people that they want something, they generally get it, and in such cases they have almost always a good reason for the demand. What is the general feeling now—a feeling which is not very likely to be weakened by the state of surrounding nations? Why, that peace, and equal laws, and security of life and property, are things worth having; not an artificial symmetrical Constitution which is always coming to a dead-lock, as in Prussia —not extended suffrage, ending in despotism, as in France—not extended suffrage, tending to anarchy, as in America. The people do not consider a vote a good thing in itself, and they do not want it as an engine to bring about great changes, as was the case in 1832. Four times within a very brief period (without reckoning minor measures) have Reform Bills been introduced by the Government of the day, and four times abandoned, without exciting more feeling in the country than so many Railway or Canal Bills.

In 1861, the hon. Member for Leeds introduced his present measure, which was defeated, without much remark out of doors. Very strong speeches were undoubtedly made in its favour within these walls by two hon. Members opposite. They seem, however, to have modified their views; for one of them, the hon. Member for Huddersfield, on a late occasion called the present proposal a single-barrelled Reform Bill, meaning, I presume, by this disparaging description, that it is an antiquated weapon, not adapted to the wants or habits of the present day; and the other, the hon. Member for Halifax, who denounced the Government for their coolness on the subject of Reform, became afterwards a member of that Government, judging — and I think wisely judging— that more good was to be done by applying his time and talents in limiting the expenses of Government establishments than in ventilating speculative questions. The few petitions presented in favour of Reform, when not mere copies of one model, vary most materially in the very principle of the measures they demand. In 1861, I ventured to suggest that certain objects seemed to belong to certain periods, and that our whole attention was then concentrated on foreign affairs. I instanced the unsettled state of Austria and Italy, and I said that

> "Seeds of discord were being sown in Hungary and Poland, that Prussia was threatening Denmark and France threatening Europe."

Will the House say that this argument has not gained force by the lapse of these three years? And will any one assert that, when the Conference is sitting within a few yards of this House, with peace and war depending on its breath, and has been more than once, as we understand, on the point of breaking off at the very threshold of its deliberations — when the Channel Fleet is riding in the Downs, with fires banked up, anchors short stay apeak, and—as the noble Lord the Secretary to the Admiralty told us the other night in the most significant manner— ready to sail anywhere in twenty-four hours—will any one assert that this is the time to plunge the country into the troubled waters of domestic revolution? The true policy is not to meddle with our institutions except in an emergency which renders it absolutely necessary, and then to do our work in such a manner as to settle the question, at least for our day. If, therefore, the country does not feel that the present is the time for even a comprehensive, well-considered measure, brought in by the Government with the solemnity befitting the occasion, still less favourably does it feel towards this bit-by-bit reform, this pecking at our institutions, this instalment, as we have heard it called; but it is the kind of instalment which one of the ingredients of a physician's prescription would be without the rest. The whole may be a salutary remedy, part alone may be fatal. If there is to be a more numerous constituency, care must be taken so to balance the new proportions as to gratify a desire for enfranchisement without destroying the present Constitution, which works so well. That man must have attended the House of Commons to very little purpose who is not convinced that every interest—I care not whether landed, mercantile, shipping, railway, or any other—would be disposed to use preponderating influence for its own advantage. I cannot suppose that the working classes would be more abstinent; therefore I fear that what the hon. Member calls moderate Reform may turn out to be a dangerous revolution. If my fears are groundless, and if the hon. Member's own estimate be more accurate, then it is merely throwing a tub to a whale, and will be simply the prelude to more sweeping changes. In either case, Sir, I venture to repeat that a far more comprehensive, more deeply considered measure is requisite for the attainment of the hon. Member's object, without grave peril to the common weal; and as I believe that the House and the country are indisposed just now, for the reasons which I have endeavoured to state, to enter upon so intricate and difficult a task, I venture humbly to move that the present is not the time for putting this Question. The hon. Member concluded by moving, as an Amendment, the Previous Question.

Mr. MARSH had much pleasure in seconding the Amendment. Nobody seemed to want reform. There were no public meetings in favour of this measure, and it seemed to him that nobody outside wanted it. It was a measure more sought for in the House of Commons than anywhere else; and he confessed he did not know why that should be, because he, for one, thought he had constituents enough. It had been said that the time when the people did not ask for reform was the best time to carry it; but he did not agree in that doctrine. If they looked to the history of the world, they would find that all great political and social reforms had proceeded from the people; and the monarchs and aristocracies who had attempted to lead the people in those directions had not been the luckiest. A great deal had been said about the working man not being represented in the House of Commons. He had analyzed his own constituency, and he found that a very large number of the people who occupied £10 houses either had been mechanics or were at the present moment living by the work of their hands. The people who lived in the great squares of London were virtually unrepresented, while the publican at the corner who had his rooms engaged as committee-rooms at an extravagant charge very likely had scores or hundreds of votes at his command. The same was the case in the Tower Hamlets—all those who owned the great docks and warehouses there were virtually unrepresented. No one could complain that the interests of the working classes were not well looked after. There was always a cheer when anything was said in their favour in the House, and sometimes Bills were passed in utter defiance of all principles of political economy for their supposed benefit. If any one wanted to encourage bribery and corruption, he had but to support the lowering of the franchise. In all the boroughs which had obtained notoriety on this score, it was the freemen, and not the £10 householders, who formed the bribed classes. For these reasons he seconded the Amendment of the hon. Gentleman opposite.

THE CHANCELLOR OF THE EXCHEQUER*: I must begin, Sir, by observing, that the speech of the hon. Gentleman opposite (Mr. Cave), in my opinion, went far beyond the scope of the Motion which he has submitted to the House. For it was really a speech against all extension of the franchise in the direction of the working classes, and it did not refer merely to the subject of that particular franchise, which we have to adopt or reject in connection with the present Bill. However, it may be said with truth, that it is not the speech in question, but the Motion of my hon. Friend on the one side, and the Amendment of the hon. Member opposite on the other, with which we have principally to deal. Let us, then, consider what is the practical issue raised for our present decision.

There are two points bearing upon this question, the one a matter of fact, and the other a matter of judgment, upon which it may be reasonably supposed there will be a general concurrence of opinion. With regard to the matter of fact, there is no doubt that those who sit on the other side may be said to be unanimous in deprecating at the present time—and certainly, as far as the argument of the hon. Gentleman, and the reception of that argument, afforded an indication, at any time—the extension of the franchise. I do not attempt to conceal or deny, on the other hand, that the other great party in the country is not unanimous on the subject. No small number of those, who profess liberal opinions, are indifferent, some may be even averse, to any change such as is proposed by the Bill, from a £10 to a £6 franchise in towns. The second point, upon which I think all parties are agreed, is this—that at the present period, and in a state of opinion such as now subsists, it would not be advisable, I might even say it would not be justifiable, for the Government of the Queen, however it might be composed, to submit a measure on this subject to Parliament. Under these circumstances, and with these admissions freely made, the question we have before us for to-day is this — What course ought we to take on the Motion of my hon. Friend, having regard to the Amendment which has been moved in favour of postponement? My hon. Friend, without communication with the Government, and acting, as far as I am aware, entirely in the exercise of his own discretion, has brought his proposal before us as a subject for discussion. I treat this, without praise or censure, merely as a fact. And now, I admit, it may be said that the Motion of the hon. Gentleman opposite, which is a Motion for time, does, in fact, no more than embody the admissions I have myself made—namely, that this is not a period for a Government to deal with this question, and that even the party which represents the liberal opinions of the country is not unanimous on the subject. Why, then, do I vote against the hon. Gentleman's Motion? It is because, even when taken apart from his speech, although much more if taken in connection with the speech, it appears to me to support, to justify, and to confirm a state of facts and opinions, which I deeply deprecate and deplore. Admitting the existence of those opinions within the limits I have described —and it is useless to shut our eyes to their existence—I must say that I deeply deplore them. I will not go the whole length of my hon. Friend in respect to the precise terms he used as to the broken pledges of Governments and parties, but I will not scruple to admit that, at least as it appears to me, so much of our Parliamentary history during the last thirteen years—I mean during the years since the vote on Mr. Locke King's Bill in 1851—as touches Parliamentary Reform, is a most unsatisfactory chapter in that history; and has added nothing to the honour of Parliament, or to the safety and well-being of the country. Now I cannot expect any sudden change for the better as likely to arise from any debate or decision on the present Bill. Yet I am convinced that the discussion of the question in the House of Commons must, through the gentle process by which Parliamentary debates act on the public mind, gradually help to bring home the conviction that we have not been so keenly alive to our duties in this matter as we ought to have been; that it is for the interests of the country that this matter should be entertained; and that it ought, if we are wise, to be brought to an early settlement. The conditions requisite for dealing with it can only be supplied by a favourable state of the public mind; but the public mind is itself guided, and opinion modified, in no small degree, by the debates of Parliament.

One especial advantage attends to-day the discussion of this question, that, at present, at all events, it is not to be held strictly a party question. I am afraid, indeed, if I take as a criterion the cheers with which the speech of the hon. Gentleman opposite was received, and the quarter from which they proceeded, that the time may come when this may, and will, once more become a party question. For the present, however, we may discuss it without exclusive reference to party associations; and I may take the opportunity of saying that for this reason I am glad—though for others I am not so — that my hon. Friend the Member for Salisbury has stepped into the arena on this occasion; because the circumstance enables us the more easily to find our way into the discussion of the question without the apprehension that we are irritating and exciting those passions and party sentiments, which necessarily enter into our debates when party interests are concerned, and which might help to obscure the true merits of the case. I will address myself, then, to the question actually before us, admitting again that if I deeply deplore the state of opinion opposite, I am far from being satisfied with the state of opinion on this side of the House. My hon. Friend the Member for Salisbury appears to think that he has made out his case when he has advanced three propositions: one of them, that nobody desires, nobody petitions for, the Bill; the next, that to propose the extension of the franchise downwards is to propose also the encouragement of bribery; and the third, that the working classes have their interests well attended to by the House of Commons as it is at present constituted. Now, Sir, I decline altogether to follow my hon. Friend into an argument upon the question whether or not the extension of the franchise downwards would really lead to the encouragement of bribery. I would simply record my emphatic dissent from that statement. Again, with respect to the allegation that the working classes have their interests well cared for by this House, far be it from me to deny that this House has a strong feeling of sympathy with the working classes; but permit me to say that that sympathy is not the least strongly felt, and that its practical exhibition has certainly not been least remarkable, among those also who are the immediate promoters and supporters of this Bill. And next I come to the assertion that nobody desires a measure of this sort. But before otherwise dealing with this assertion, I want to know where, in a discussion such as is now before us, lies the burden of proof? Is the *onus probandi* upon those who maintained that the present state of the representation ought not to be touched, or upon those who say it ought to be amended? The hon. Member for Shoreham says the case of the British Constitution, after a Bill of this sort, will be like the case of the man over whom was written the epitaph, "I was well; I would be better; here I am;" and he told us again that to venture on a change such as is presented in this Bill was to enter on a "domestic revolution." Sir, I entirely deprecate the application of language of such a kind to the present Bill. I will not now enter into the question whether the precise form of franchise, and the precise figure, which my hon. Friend has indicated, may or may not be that which, upon full deliberation, we ought to choose; I will not now inquire whether the franchise should be founded on rate-paying or on occupation; neither will I consider whether or not there should be a lodger's franchise; I put aside every question except the very simple one which I take to be at issue, and on this I will endeavour not to be misunderstood. I apprehend my hon. Friend's Bill to mean (and if such be the meaning I give my cordial concurrence to the proposition), that there ought to be, not a wholesale, nor an excessive, but a sensible and considerable addition to that portion of the working classes—at present almost infinitesimal—which is in possession of the franchise. Now, Sir, if I am asked what I mean by a "sensible and considerable addition," I reply that I mean such an addition as I think, and as we at the time contended in argument [see 3 *Hansard*, clviii. 461] would have been made by the Bill which the present Government submitted to the House in 1860. Does then the *onus* of proof that there is a necessity for such a measure lie with us? Has the hon. Member wholly forgotten, or does he set wholly at naught, all the formal and solemn declarations of the years from 1851 to 1860? What, again, is the present state of the constituency, any departure from which the hon. Gentleman deprecates and stigmatises as a "domestic revolution?" At present we have, speaking generally, a constituency of which between one-tenth and one-twentieth — certainly less than one-tenth—consists of working men. And what proportion does that fraction of the working classes, who are in possession of the franchise, bear to the whole body of the working classes? I apprehend I am correct in saying that those who possess the franchise are less than one-fiftieth of the whole number of the working classes. Is that a state of things which we cannot venture to touch or modify? Is there no choice between excluding forty-nine out of every fifty working men on the one hand, and on the other a "domestic revolution?" I contend, then, that it is on the hon. Gentleman that the burden of proof must be held principally to lie; that it is on those who say it is necessary to exclude forty-nine-fiftieths that the burden of proof rests; that it is for them to show the unworthiness, the incapacity, and the misconduct of the working classes, in order to make good their argument that no larger portion of them than this should be admitted to the suffrage. ["Oh, oh!"] I am sorry to find that it is anywhere thought necessary to treat this question by what, perhaps, to use a mild phrase, I may call "inarticulate reasoning;" and I will endeavour not to provoke more of it from a certain quarter of the House than I can help. But it is an opinion which I entertain, that if forty-nine-fiftieths of the working classes are to be excluded from the franchise, it is certainly with those who maintain that exclusion that it rests to show its necessity. On the other hand, my hon. Friend indicates that kind of extension of the suffrage which would make the working classes a sensible fraction of the borough constituency; an important fraction, but still a decided minority as compared with the other portion of it. That is the proposition which we have before us for our present consideration.

We are told that the working classes do not agitate for an extension of the franchise; but is it desirable that we should wait until they do agitate? In my opinion, agitation by the working classes, upon any political subject whatever, is a thing not to be waited for, not to be made a condition previous to any Parliamentary movement; but, on the contrary, it is a thing to be deprecated, and, if possible, anticipated and prevented by wise and provident measures. An agitation by the working classes is not like an agitation by the classes above them, the classes possessed of leisure. The agitation of the classes having leisure is easily conducted. It is not with them that every hour of time has a money value; their wives and children are not dependent on the strictly reckoned results of those hours of labour. When a working man finds himself in such a condition that he must abandon that daily labour on which he is strictly dependent for his daily bread, when he gives up the profitable application of his time, it is then that, in railway language, "the danger signal is turned on;" for he does it only because he feels a strong necessity for action, and a distrust in the rulers who, as he thinks, have driven him to that necessity. The present state of things, I rejoice to say, does not indicate that distrust; but if we admit this as matter of fact, we must not along with the admission allege the absence of agitation on the part of the working classes as a sufficient reason why the Parliament of England, and the public mind of England, should be indisposed to entertain the discussion of this question. I may presume, Sir, to mention that I happen to have had a recent opportunity of obtaining some information respecting the views of the working classes on this subject. It arose incidentally; but I thought it worth attention at the time, and I still think it may be worth the attention of the House. It was in connection with the discussions on the Government Annuities Bill, when a deputation, representing the most extensive among all the existing combinations of the working classes of Liverpool, came to me, and expressed their own sentiments and those of their fellows with respect to that Bill. [Mr. HORSFALL: It was not a deputation from Liverpool, but from London.] I am not aware of having said Liverpool. ["Yes, yes."] I beg pardon, then, I meant London; and I thank my hon. Friend for the correction he has supplied, as it enables me to report the views of a body of men perhaps some six or eight times larger than any corresponding body in Liverpool. After disavowing opposition to that measure, they proceeded to hold language such as this: "If there has been any suspicion or disinclination to this Bill on the part of the working classes, it is owing in a great measure to their dissatisfaction with the conduct of Parliament during recent years in reference to the extension of the suffrage." Part of my answer to them was, "If you complain of the conduct of Parliament, depend upon it the conduct of Parliament has been connected in no small degree with the apparent inaction, and alleged indifference, of the working classes themselves with respect to the suffrage." The reply which they then returned was one which made a deep impression on my mind. They used language to the following effect: "It is true that, since the abolition of the Corn Laws, we have given up political agitation; we have begun from that time to feel that we might place confidence in Parliament; that we might look to Parliament to pass beneficial measures without agitation. We were told then to abandon those habits of political action which had so much interfered with the ordinary occupations of our lives; and we have endeavoured to substitute for them the employment of our evenings in the improvement of our minds." I do not hesitate to confess that I was greatly struck by that answer. And, after hearing it, I, for one, am more than ever unable to turn round on the working classes and say, that it is plain they do not care for the extension of the franchise, because they do not agitate in order to obtain it. The objection made by the hon. Gentleman opposite and by many others is, that the working classes, if admitted even in limited numbers, or at all events so as to form any considerable proportion of a constituency, will go together as a class, and wholly separate themselves from other classes. I do not wish to use harsh language, and therefore I will not say that that is a libel; but I believe it to be a statement altogether unjustified by reference to facts. It is not a fact, as I believe, that the working men, who are now invested with the franchise, act together as a class; and there is not the slightest reason to suppose that they would so act together if there were a moderate and fair extension of the suffrage. If, indeed, we were to adopt a sudden and sweeping measure, a measure which might deserve the epithet of revolutionary; if we were to do anything which would give a monopoly of power to the working classes; if, for example, instead of adopting a measure which would raise the proportion of working men in the town constituencies to one-third, you gave the franchise to two-thirds, there would be some colour for the anticipation, and some justification for the language so lightly used; there might then be some temptation to set up class interests on the part of those who might thus have the means of obtaining, or, at least, a temptation to grasp at a monopoly of power, and it would, under these circumstances, be for us to show, if we could, that no danger would arise. But I appeal to the evidence of all, who know anything of the facts, to say whether we have not seen the working classes, in places where they possessed the franchise, instead of being disposed to go together as a class, rather inclined, as a general rule, and under all ordinary circumstances, to follow their superiors, to confide in them, to trust them, and to hold them in high esteem. Their landords in the country, their employers in the town, their neighbours, and those whose personal characters they respect—these are the men whom the working classes commonly elect to follow; and for my part, I believe, if there is anything which will induce them to alter their conduct, and to make it their rule to band together as a class, it will be resentment at exclusion, and a sense of injustice. Whatever tends to denote them as persons open to the influence of bribery—as persons whose admission within the pale of the constitution constitutes "a domestic revolution;" whatever tends to mark them as unworthy of confidence and respect, is calculated to drive them back to the use of their natural means of self-defence, and might, possibly, in times and circumstances which we can conceive, become the motive cause of an union among the working classes, which would be adverse to other classes of the community.

It would, Sir, be worse than idle, after the able and luminous speech of my hon. Friend (Mr. Baines), to detain the House with the statistics of the question. But I take my stand, in the first place, on a great legislative fact; on the Reform Bill of 1832. Before 1832—the epoch of the Reform Act—although the working classes were not supposed to be represented in this House, yet we had among the constituencies some of an important character which were in an entirely preponderating proportion working class constituencies. I myself was elected by a scot and lot borough, the borough of Newark. At the time that I was first returned for that borough, in December, 1832, the constituency was close upon 1,600. That same constituency is now a little more than 700; nor has it yet, I believe, reached its minimum; in fact, it is in progress of regular decay, until it reaches the limit fixed by the number of £10 houses. That borough was enfranchised in the time of Charles II., when the Crown did not fear to issue writs calling for the return, in certain cases, of Members by constituencies that consisted of all inhabitants who paid scot and lot. But since the Act of 1832, there has been a large deduction made from the number of working men in the possession of the franchise by the changes which have taken place in the condition of the boroughs called pot-walloping boroughs, scot and lot boroughs, and by other denominations. I greatly doubt whether, even after making fair allowance for the bettered circumstances of working men, as large a proportion of the entire body hold the suffrage now as held it in December, 1832. If that is so, is it fair and proper that, in the thirty-two years which have since elapsed, a reduction should have taken place in the proportion which they bear to the rest of the constituency? Have their condition and character retrograded in a manner to justify this retrogression of numbers? Have they no claims to an extension of the suffrage? I think the facts are clear, and I think my hon. Friend has shown that a great portion of the facts are reducible to figures, and are capable of being represented in a form and with a force almost mathematical, with reference to education and to the state of the press. Let me, then, refer to one or two points which are not reducible to figures. We are told, for instance, that the working classes are given to the practice of strikes. I believe it is the experience of the employers of labour that these strikes are more and more losing the character of violence and compulsory interference with the free will of their own comrades and fellow-workmen, and are assuming that legal and, under certain circumstances, legitimate character, which they possess as the only means by which, in the last resort, labour can fairly assert itself against capital in the peaceful strife of the labour market. Let us take, too, that which in former times I believe to have been the besetting sin of labour—the disposition of the majority not to recognize the right of the minority, and, indeed, of every single individual, to sell his labour for what he thinks fit. On behalf of the labouring classes, I must, in passing, say that this doctrine is much harder for them to practise than for us to preach. In our condition of life and feeling, we have nothing analogous to that which the working man cannot but feel when he sees his labour being, as he thinks, undersold. Yet still it is our duty to assert in the most rigid terms, and to carry high the doctrine of the right of every labouring man, whether with or against the approval of his class, to sell his labour as high or as low as he pleases. But with respect to this point, which has certainly been in other times, and which I fear still is in certain cases, a point of weakness, I appeal to those who have experience of the working classes, whether there is not reason to believe that the progress of knowledge, and the experience of good Government, and the designs of philanthropy and religion, have borne their fruit? Has not the time come when large portions, at the least, of working men admit the right of freedom of labour, as fully as it could possibly be asserted in this House?

Again, Sir, let us look for a few moments at the altered, the happily altered, relations of the working classes to the Government, the laws, the institutions, and, above all, to the throne of this country. Let us go back—it is no long period in the history of a nation—to an epoch not very many years before the passing of the Reform Bill, and consider what was the state of things at a time when many of us were unborn, and when most of us were children—I mean, to the years which immediately succeeded the peace of 1815. We all know the history of those times; most of us recollect the atmosphere and the ideas, under the influence of which we were brought up. They were not ideas which belonged to the old current of English history; nor were they in conformity with the liberal sentiments which pervaded, at its best periods, the politics of the country, and which harmonized with the spirit of the old British Constitution. They were, on the contrary, ideas referable to those lamentable excesses of the first French Revolution, which produced here a terrible re-action, and went far to establish the doctrine that the masses of every community were in permanent antagonism with the laws under which they lived, and were disposed to regard those laws, and the persons by whom the laws were made and administered, as their natural enemies. Unhappily, there are but too many indications to prove that this is no vague or imaginary description. The time to which I now refer, was a time when deficiencies in the harvests were followed by riots, and when rioters did not hold sacred even the person of Majesty itself. In 1817, when the Prince Regent came down to open Parliament, his carriage was assailed by the populace of London; and what was the remedy provided for this state of things? Why, the remedy was sought in the suspension of the *Habeas Corpus* Act; or in the limitation of the action of the press, already restricted; or in the employment of spies and the deliberate defence of their employment, who, for the supposed security of the Government, were sent throughout the country to dog the course of private life, and to arrest persons, or to check them, in the formation of conspiracies real or supposed. And what, let me ask, is the state of things now? With truth, Sir, it may be said that the epoch I have named, removed from us, in mere chronological reckoning, by less than half a century, is in the political sphere separated from us by a distance almost immeasurable. For now it may be fearlessly asserted that the fixed traditional sentiment of the working man has begun to be confidence in the law, in Parliament, and even in the executive Government. Of this gratifying state of things it fell to my lot to receive a single, indeed, but a significant proof no later than yesterday. [*Cries of* "No, no!" *and laughter.*] The quick-witted character of hon. Gentlemen opposite outstrips, I am afraid, the tardy movement of my observations. Let them only have a very little patience, and they will, I believe, see cause for listening to what I shall say. I was about to proceed to say, in illustration of my argument, that only yesterday I had the satisfaction of receiving a deputation of working men from the Society of Amalgamated Engineers. That society consists of very large numbers of highly-skilled workmen, and has two hundred and sixty branches; it is a society representing the very class in which we should most be inclined to look for a spirit of even jealous independence of all direct relations with the Government. But the deputation came to state to me that the society had large balances of money open for investment, and that many of its members could not feel satisfied unless they were allowed to place their funds in the hands of the Government, by means of a modification in the rules of the Post Office savings banks. Now that, I think, I may say, without being liable to any expression of adverse feeling on the part of hon. Gentlemen opposite, was a very small but yet significant indication, among thousands of others, of the altered temper to which I have referred. Instead, however, of uttering on the point my own opinions, I should like to use the words of the working classes themselves. In an address which, in company with my right hon. Friend the Member for Staffordshire, I heard read at a meeting which was held in the Potteries last autumn, they say, of their own spontaneous Motion, uninfluenced by the action of their employers, in relation to the legislation of late years—

> "The great measures that have been passed during the last twenty years by the British Legislature have conferred incalculable blessings on the whole community, and particularly on the working classes, by unfettering the trade and commerce of the country, cheapening the essentials of our daily sustenance, placing a large proportion of the comforts and luxuries of life within our reach, and rendering the obtainment of knowledge comparatively easy among the great mass of the sons of toil."

And this is the mode in which they then proceed to describe their view of the conduct of the upper classes towards them—

> "Pardon us for alluding to the kindly conduct now so commonly evinced by the wealthier portions of the community to assist in the physical and moral improvement of the working classes. The well-being of the toiling mass is now generally admitted to be an essential to the national weal. This forms a pleasing contrast to the opinions cherished half a century ago. The humbler classes also are duly mindful of the happy change, and, without any abatement of manly independence, fully appreciate the benefits resulting therefrom, contentedly fostering a hopeful expectation of the future. May heaven favour and promote this happy mutuality! as we feel confident that all such kindly interchange materially contributes to the general good."

Now, such language does, in my opinion, the greatest credit to the parties from whom it proceeds. This is a point on which no difference of opinion can prevail. I think I may go a step further, and consider these statements as indicating not only the sentiments of a particular body at the particular place from which they proceeded, but the general sentiments of the best-conducted and most enlightened working men of the country. It may, however, be said, that such statements prove the existing state of things to be satisfactory. But surely this is no sufficient answer. Is it right, I ask, that in the face of such dispositions, the present law of almost entire exclusion should continue to prevail? Again, I call upon the adversary to show cause. And I venture to say that every man who is not presumably incapacitated by some consideration of personal unfitness or of political danger is morally entitled to come within the pale of the Constitution. Of course, in giving utterance to such a proposition, I do not recede from the protest I have previously made against sudden, or violent, or excessive, or intoxicating change; but I apply it with confidence to this effect, that fitness for the franchise, when it is shown to exist—as I say it is shown to exist in the case of a select portion of the working class—is not repelled on sufficient grounds from the portals of the Constitution by the allegation that things are well as they are. I contend, moreover, that persons who have prompted the expression of such sentiments as those to which I have referred, and whom I know to have been Members of the working class, are to be presumed worthy and fit to discharge the duties of citizenship, and that to admission to the discharge of those duties they are well and justly entitled. The present franchise, I may add, on the whole—subject, of course, to some exceptions—draws the line between the lower middle class and the upper order of the working class. As a general rule, the lower stratum of the middle class is admitted to the exercise of the franchise, while the upper stratum of the working class is excluded. That I believe to be a fair general description of the present formation of the constituencies in boroughs and towns. Is it a state of things, I would ask, recommended by clear principles of reason? Is the upper portion of the working classes inferior to the lowest portion of the middle? That is a question I should wish to be considered on both sides of the House. For my own part, it appears to me that the negative of the proposition may be held with the greatest confidence. Whenever this Question comes to be discussed, with the view to an immediate issue, the conduct of the general body of the operatives of Lancashire cannot be forgotten. What are the qualities which fit a man for the exercise of a privilege such as the franchise? Self-command, self-control, respect for order, patience under suffering, confidence in the law, regard for superiors; and when, I should like to ask, were all these great qualities exhibited in a manner more signal, I would even say more illustrious, than under the profound affliction of the winter of 1862? I admit the danger of dealing with enormous masses of men; but I am now speaking only of a limited portion of the working class, and I, for one, cannot admit that there is that special virtue in the nature of the middle class which ought to lead to our drawing a marked distinction, a distinction almost purporting to be one of principle, between them and a select portion of the working classes, so far as relates to the exercise of the franchise.

But, Sir, this Question has received a very remarkable illustration from the experience of the last few years. So far as Lancashire is concerned, we have the most extraordinary evidence—evidence amounting almost to mathematical demonstration—of the competency of the working man to discharge those duties of retail trade and the distribution of commodities, which are commonly intrusted to the lower part of the middle class. I allude to the evidence afforded by the marvellous success in that particular county (and I hope the example of that county may not be too eagerly followed elsewhere) of the co-operative system. For my own part, I am not ashamed to say that, if twenty or ten years ago anybody had prophesied to me the success of that system, as it has recently been exhibited in Rochdale and other towns in the north—if I had been told that labouring men would so associate together with mutual advantage, to the exclusion of the retail dealer who comes between the producer and the consumer of commodities, I should have regarded the prediction as absurd. There is, in my opinion, no greater social marvel at the present day than the manner in which these societies flourish in Lancashire, combined with a consideration of the apparent soundness of the financial basis on which they are built; for the bodies of men who have had recourse to the co-operative system have been, as it would appear, those who have stood out with the most manly resolution against the storms of adversity, who have been the last to throw themselves on the charity of their neighbours, and who have proved themselves to be best qualified for the discharge of the duties of independent citizens. And when we have before us considerable numbers of men answering to this description, it is, I think, well worth our while to consider what is the title which they advance to the generous notice of Parliament in regard to their appeal to be admitted in such measure as may upon consideration seem fit, to the exercise of the franchise. I, for myself, confess that I think the investigation will be far better conducted if we approach the question at an early date, in a calm frame of mind, and without having our doors besieged by crowds, or our table loaded with petitions; rather than if we postpone entering upon it until a great agitation has arisen.

And now, Sir, one word in conclusion. I believe that it has been given to us of this generation to witness, advancing as it were under our very eyes from day to day, the most blessed of all social processes; I mean the process which unites together not the interests only but the feelings of all the several classes of the community, and which throws back into the shadows of oblivion those discords by which they were kept apart from one another. I know of nothing which can contribute, in any degree comparable to that union, to the welfare of the commonwealth. It is well, Sir, that we should be suitably provided with armies, and fleets, and fortifications; it is well too that all these should rest upon and be sustained, as they ought to be, by a sound system of finance, and out of a revenue not wasted by a careless Parliament, or by a profligate Administration. But that which is better and more weighty still is that hearts should be bound together by a reasonable extension, at fitting times, and among selected portions of the people, of every benefit and every privilege that can justly be conferred upon them; and, for one, I am prepared to give my support to the Motion now made by my hon. Friend (Mr. Baines), because I believe, and am persuaded, that it will powerfully tend to that binding and blending and knitting of hearts together, and thus to the infusion of new vigour into the old, but in the best sense still young, and flourishing, and undecaying British Constitution.

MR. WHITESIDE: Sir, I think it must be admitted that we have had reason to deplore the absence of the noble Viscount at the head of the Government more than once during our recent discussions. His presence would be of value to us in the discussion of matters, not only of foreign policy, but of domestic interest; but never would it have been more useful than in the reply we might expect from him—an unanswerable reply—to his refractory Chancellor of the Exchequer. In the midst of grave events of European interest the question of Parliamentary Reform suddenly re-appears, and I would beg the attention of the House to the way in which it turns up at such a crisis. It appears that individual Members, for whose character and consistency I have a great respect, are of opinion that the Constitution of the country should be changed. The hon. Member for East Surrey (Mr. Locke King) introduced a few days ago a Bill to extend the county franchise, and he must have been pleased with the result of his Motion, for he had the support of the noble Viscount in a most enthusiastic speech [*a laugh*] which the Chancellor of the Exchequer has thought it fit to follow up to-day in a speech directly leading to universal suffrage. The Motion of the hon. Member for Surrey was rejected—the sun has set and risen since — nothing unusual has occurred — and if this Motion also should be rejected, such is my opinion of the intelligence of the working classes, of which we have heard so much from the Chancellor of the Exchequer, that I believe the result will be received with the same national unconcern as was the consequence of the rejection of the Motion of the hon. Member for Surrey. But why, let me ask, should the House entertain a Motion of the magnitude of that under our notice, emanating, as it does, from a private Member? On this point I shall again refer to the authority of the noble Viscount. On one of those fortunate occasions when he was for a short time driven from office, the noble Viscount was asked by Mr. Duncombe to lay on the table the Bill for Parliamentary Reform which he had intended, had he remained in office, to have brought forward. The noble Viscount, though out of office one of the foremost men in the House, replied to Mr. Duncombe that a measure proposing a change in the representation of the people was a matter of such importance that, in his private station, he could not venture to lay it before the House. A measure of that kind, he said, must emanate from the Government, be introduced by the responsible Ministers of the Crown, and maintained by their authority before Parliament. Now, that answer supplies, I contend, a complete objection to the present Motion, even if there were no other; because if one private Member can carry a Motion to reduce the borough franchise to £6, there is no reason why another hon. Gentleman below the gangway may not propose to reduce it to £3, which has been mentioned in the present debate as a possible franchise. Therefore, the answer of the noble Viscount refusing, as a private Member, to introduce a Reform Bill, is a satisfactory reply to the Motion of the hon. Member for Leeds, and sustains the Amendment of my hon. Friend near me (Mr. Cave). I heard the observations of the Chancellor of the Exchequer upon this point with some surprise, because when he spoke of the shortcomings of Parliament, and when the hon. Member for Leeds spoke of the necessity for redeeming the lost honour of the Government (the word "lost" is my own), I daresay that the House had forgotten the language of the right hon. Gentleman on the memorable occasion when the Government that he served then, and serves now, were invited to withdraw their Reform Bill. I shall trouble the House with his observations—

> "The right hon. Baronet the Member for Herefordshire, whose good faith in giving us the advice no one can doubt, also recommended us to withdraw the Bill. The course which the right hon. Gentleman asks us to take, however, is one which it is impossible for the Government to adopt. I may, at all events, venture to say for myself, that in my opinion any Ministry which should have introduced a measure such as this with so little caution, and in a shape so unfitted to undergo discussion as to render it expedient that it should be withdrawn, without the decision of the House being taken upon it, would in so acting have covered itself with irretrievable disgrace. I may add that no such idea, or intention, or dream as the adoption of such a course presupposes has ever entered our heads."

To withdraw that Reform Bill would, according to the strong language of the Chancellor of the Exchequer, cover the Government that introduced it with irretrievable disgrace. In a few days afterwards they withdrew it. I leave every hon. ber to draw the necessary conclusion. When observations are made upon the conduct of Parliament and the honour of the Government, I am justified in appealing to the testimony of the Chancellor of the Exchequer; and while I admit that a Government which introduces a Bill of vast importance must be understood to have asked their character and credit upon it, I shall presently have occasion to show that the same men who resorted to the factious contrivance of an abstract Resolution to evict their opponents from power, when they themselves introduced a Bill not as good as the one they rejected, covered themselves, according to the words of the right hon. Gentleman, with "irretrievable disgrace," by withdrawing it without the decision of the House having been taken upon it. When we are told that we ought to adopt this Bill, I ask the House to consider another subject. A great measure of Reform was introduced by the Government I admit, and a very important measure by the Government of Earl Derby. What is the present method of managing Parliamentary Reform? One hon. Gentleman cuts a slice out of the first Bill, lays it on the table, and calls upon the House to adopt it. Another highly respectable Member of Parliament cuts out another slice, and says, "Adopt that," regardless of the general scope of either of those measures to which I have referred. Without any provisoes or safeguards, a particular clause is abstracted from a Bill, and the House of Commons is required to settle the question by selecting one part of an important measure and rejecting the rest. My confident belief is, that the Chancellor of the Exchequer in making the speech which we have heard, never imagined that the House of Commons would assent to the proposal, but that he thought it to be a safe opportunity and a good occasion on which to make a little political capital. He took care to tell us very unequivocally that the hon. Member for Leeds had no connection with the Government; that the Government had nothing to do with the hon. Member, nor the hon. Member with the Government. I understood him to hint in his usual peculiar manner—vague and undefined as his language sometimes is, still we can make out his meaning—that the time was not suitable for the Government to deal with the subject; that, personally, he had no objection to the details of the measure, but would not pledge himself to them; that he was not quite certain that, being the Chancellor of the Exchequer, he ought to touch the figures to which reference had been made, but that he thought that he might give a safe, indefinite, and worthless support to an impracticable scheme. I think I might almost content myself by giving to the Chancellor of the Exchequer the answer which the noble Viscount at the head of the Government gave to Mr. Duncombe. But the right hon. Gentleman has a peculiar mode—rather an abstract mode—of presenting a question to the House by telling us what the hon. Member for Leeds means by his Bill. That is no argument. The question is what the Bill means. Now the Bill speaks for itself, and we can all understand it. It proposes to introduce some 250,000 or 300,000 men whom we do not know much about, suddenly into the Constitution. ["Hear, hear!"] Hon. Members opposite cheer; but if I do not know much about a very difficult subject, I do not like to touch it. Hon. Members are quite satisfied to introduce half a million of persons into the constituencies, and to do it under the allegation, which has no foundation in fact, that the introduction of this vast body is to be scattered over the whole of the country. Now, we know that this Bill cannot apply at all to the great cities, and must apply with overwhelming effect to certain boroughs in the country. We know very well that in this city there are very few houses the rent of which is not £10 a year, and that a great number of the working classes vote for the Members representing our metropolitan boroughs. Are we not satisfied with what we have got? Are we ungrateful for what Reform has done for us? Are we such political cormorants as to demand that all England shall be metropolitanized? I confess that I am slow to believe it. Abstracting the large cities, and remembering that the change will apply only to a certain class of boroughs in the country, we must see that the sudden admission to the franchise of these 250,000 or 300,000 persons is a very perilous political experiment, which once made can never be altered or reversed—an experiment which, if made at all, ought to be propounded by the responsible Ministers of the Crown, acting as a body, through their Chief, who is unfortunately absent to-day, but who if present would, I have no doubt, have delivered as enthusiastic a speech in favour of this Bill, as he did in favour of the Bill of the hon. Member for Surrey. [*A laugh.*] It was a damper. The noble Viscount destroyed every clause of that Bill, showing very clearly what a difference may exist between theory and practice, and how a theoretical Reformer may be a practical Conservative. The first word which I heard from the hon. Member for Leeds, as I came into the House, was the word "distraction." He said that foreign events had caused a distraction in the public mind, or else it would have been turned strongly towards Parliamentary Reform. Where are the signs of it? Looking at the petitions which have been presented in favour of Parliamentary Reform during the last few years, the mind of the nation would appear to have been distracted in a very remarkable manner. In 1863 there were no petitions; in 1862 there were two, signed by 1,097 persons; in 1861 there were fourteen, signed by 2,225, and I am sorry to be obliged to admit that in 1860 the hon. Member stood alone in the country zealous upon the subject. That is what I call a strong sensation in favour of Reform, backed by the popular voice. But a return to the word "distraction." I have heard of an eminent Minister in a constitutional country, governed in a very constitutional manner—I mean Prussia—who, whenever it is necessary to bamboozle the Parliament, organizes a foreign invasion of another country that does not deserve and has not provoked the favours bestowed upon it. Whenever the Parliament asks questions about the number of soldiers who are to be paid and the taxes which are to pay them, forthwith this M. Bismark organizes a foreign war, which is carried on in a humane and chivalrous manner. I can reverse that illustration. I can look at home and I can conceive a Ministry who are apprehensive of a great act of retributive justice overtaking them suggesting the discussion of Parliamentary Reform in order to distract attention from their own misdeeds. The hon. Member for Leeds asked us to look round the world and consider the course of events. I will do so, and I ask what the Government have done? They have alienated France. They have bombarded Japan, bullied Brazil, distracted China, inflamed and then deserted Poland, and have nearly finished Denmark—and this is the moment when you are to reform the Parliament! During the Crimean war, in Lord Aberdeen's Government, they said that the moment that war or danger of war approached, Parliamentary Reform was not to be thought of. You accepted that excuse. You forgave them the non-introduction of a Bill then. The Gentlemen below the gangway who are sincere upon the subject of Reform have, for several years, endured a Government which has introduced no measure of Parliamentary Reform. They have been contented with the performance of the compact of Willis's Rooms as it has been performed. The Whigs embraced you, and they choked you in their embrace. If we are invited to an investigation of that transaction we will not shrink from it. I maintain that there is in the records of Parliament nothing so unjustifiable or so difficult to be reconciled to reason, justice, or common sense as the abstract Resolution moved by Earl Russell when in this House, and moved not to advance the question of Reform, but to oust the Government and seize power. The hon. Member for Leeds talked about education. On our table was laid the Bill of Lord Derby's Government that provided an educational franchise. You refused to entertain it. It contained clauses providing a lodger franchise, on the ground that the clerk in a bank who paid five times as much rent as that of the house which you make the basis of the franchise had a better claim to be an elector than the £6 man who is engaged in daily toil all his life. You refused to allow it to be considered. Vast bodies of educated gentlemen were to have been enfranchised. You refused to allow that Bill to be read a second time. You voted for an abstract Resolution to prevent deliberation — a course which, if generally acted upon, would make your proceedings ridiculous, your debates impossible, and would convert your assembly into a mere conclave of factious men looking out for a pretext to prevent the discussion of a measure which, according to their avowed opinions, it ought to be the dearest object of their hearts to promote. I except the Chancellor of the Exchequer from the blame of that transaction. I admit that he did not vote for that abstract Resolution. I admit, gladly, that it is a point—a redeeming point in the political and peculiar character of the right hon. Gentleman, that he stood up against Earl Russell insisting upon that device. The Attorney Genera also pronounced a memorable opinion, that in his judgment it was a Motion that emanated from a party—I forget whether he used the word "faction"—which emanated from a party, and was not intended to promote the discussion of the subject. How, therefore, does this question now stand before you? You would not listen to a Bill which had in it much that was good. Then a new Government comes into power. The first year of their ministry they are too busy to introduce a Reform Bill. Multifarious occupations engross their minds, and there is no Reform Bill; yet you Reformers are all content. The next year arrives and brings with it a Reform Bill; but, as far as I could understand, no body of gentlemen were more rejoiced to see it die out tranquilly than were its creators. I believe that the inventors of the measure submitted to its withdrawal with perfect composure. I cannot read the hearts of men; but, although the Chancellor of the Exchequer must have conceived it to be an act which would subject his Government to "irretrievable disgrace," he quickly recovered his spirits, shook off the disgrace, and has remained in office from that time to the present without any Reform Bill, or any proposal to introduce one. Now, when a Conference is sitting upon Denmark—and there is, I suppose, a prospect of an early dissolution—it is advisable to make a speech which is to lead to nothing, and to announce to the working classes of this country, who are not to be caught with chaff, that at some indefinite time, in some indefinite manner, by somebody, nobody can tell whom, a Bill will be introduced which will recognize their many virtues and acknowledge their growth in knowledge and industry. Thus the matter stands. Has the right hon. Gentleman said that the Bill is to be carried? Has he said that the Government as a Government will support it? I listened with all possible attention to ascertain whether there was anything serious in his support of the Bill; but, although he spoke from the Treasury Bench, I heard nothing to induce me to think that he spoke the sentiments of the noble Viscount. I heard nothing to show that he was authorized by the head of the Government to deliver that eloquent though sophistical speech; therefore, I come to the conclusion that in this assembly of busy and practical men the Motion is only intended to afford an opportunity for making speeches useful for electioneering purposes. Might I ask Her Majesty's Government whether the £6 men are to be introduced to restore the balance of power in Europe, or to restore the balance of party in favour of Her Majesty's Government? What way will it be? Was there ever before heard in an assembly of reflecting and educated men such an argument as the Chancellor of the Exchequer employed? "There you sit," he said to us; "I throw the *onus* upon you." I answer, "There you sit; I throw the *onus* upon you." A proposal is made to change the constitution and to introduce, it may be, 300,000 men into the constituencies of a few boroughs in the kingdom, and the person who propounds it says, "I have no need to prove the wisdom of the innovation. It does not lie upon me to consider the facts or to offer arguments. I throw upon you, who are the objectors, to find reasons, if you can, for I can find none, in favour of the measure." Would such an argument be endured in any tribunal or in any assembly of reasonable men? No! On the contrary, it lies, according to every rule of reason, on those who propound this scheme to show, not only that it is wise and safe, but that it is expedient. The hon. Member for Leeds repeated the word "right." I deny the abstract right of any class of persons in this country to possess votes. I deny that the Constitution ever asserted that principle. I also dispute the truth of what has been said as to unrepresented people. Are the working classes unrepresented? Does not the hon. Member for Birmingham feel for them? Does he not represent them? Every word that has been spoken to-day is an argument to prove that they are felt for, that their interests have been considered, and that legislation has been directed to their benefit. And when you come to the practical result of your argument, it is that the people are in perfect concord, harmony, and affection with the classes who are above them. If so, how does the argument apply? If the working classes are happy, if they are prosperous, if they have been advancing in knowledge and education under the system which exists, how does it follow that you should, therefore, radically change the system which has produced such results? The figures that have been referred to, the newspapers that have been cited, the eloquent passage just read by the Chancellor of the Exchequer, only prove how much good feeling and good sense there is in the people of this country; and it must be conceded that those who argue in favour of a Bill of this kind, at such a time and in such a manner, are more likely to disturb that good feeling than to secure it. I do not admit that it is the theory of our Constitution that there should be no unrepresented men. At what time, I ask the hon. Member for Leeds, was the franchise ever separated from this condition—that it was to be associated, not with multitudes or vast masses of men, but with those who had sufficient property and would exercise a free and independent will? The last argument of the Chancellor of the Exchequer was that the working classes are so contented with their superiors that they would always vote with them, and never differ from them. I do not think that proves that they would have an independent will. And what was 40*s.* a year in the reign of Henry IV., the time that it was made the test of the franchise in counties? Has the hon. Gentleman considered that the equivalent for that sum was, in the reign of Queen Anne, £12, then £20, and now £30 a year? These Gentlemen would exclaim against reverting to the ancient principles of the Constitution, but the wisdom of our forefathers is not to be forgotten. Their idea of a county constituency was that the voter should be able to gird his sword upon his thigh and follow the knight of the shire to fight against the enemies of the Crown and kingdom—and it was an excellent idea. The hon. Gentleman (Mr. Baines) says that he objects to all sharp lines. Is not £6 a sharp line? What will you say to the man who pays £5, or £4, or £3 a year, and who is hinted at in the second clause of this exceedingly curt production? That argument is well put by Mr. Austin, who says—

> "Every extension of the franchise in the direction of universal suffrage tends to introduce it, for the jealousy and ambition of the excluded classes are inflamed by the admission of those whose place in the social scale is not higher than their own."

The argument is a very philosophical and, in my judgment, a very wise one. It is this. If you admit 200,000 or 300,000 new men to the franchise, what will be the feelings of the persons below them? They will say, according to the argument of the Chancellor of the Exchequer to-day, Is not the superior workman equal to the lowest of the middle class? I clearly, would the working man exclaim, am equal to those who are included; I am excluded because I pay only £4 a year; I demand my right; and I should like to know how it could be refused. The origin of the speech of the Chancellor of the Exchequer can very easily be traced. Some time ago he received a deputation, to whom he made a statement which, when I read it in the newspapers, prepared me for a brilliant oration at the first convenient opportunity, and during the sittings of the Conference that opportunity has arisen. On that occasion the right hon. Gentleman said—

> "He thought the remark of Mr. Odgers respecting the franchise perfectly justifiable" (as I do not know what the remark of Mr. Odgers was I cannot state it); "there was no doubt the Liberal party in the House of Commons had failed in their duty in this respect towards the working classes, to whom he thought the franchise should be extended, and about which he should shortly have something to say in the House."

We have had that something to-day. Let me refer for a moment to those meetings which have been held on Primrose Hill, and their mode of dealing with the right hon. Gentleman. I beg those respectable men not to suppose that I think their original meeting ought to have been dispersed. I thought it a most reasonable thing that they should inquire what had become of General Garibaldi. He had been well received here, the diet was good, the company excellent—I believe equal to that of the selectest circles of Caprera; he was in the enjoyment of rude health, as every one who saw him could perceive; he was quite content with the country, and the country with him—he was about to visit the provinces—when suddenly he vanished. The working classes thought fit to meet upon the classic site of Primrose Hill to inquire into this matter, and immediately with a happy instinct, they selected the Chancellor of the Exchequer, Lord Shaftesbury, and one or two other eminent persons, as the chief offenders, and determined to deal with them accordingly. They said that it was absolutely necessary that Parliament should be reformed; and why? That as soon as they got admission to this House they might demolish the Chancellor of the Exchequer. So that if the right hon. Gentleman should attain the object of his new-born zeal, which must have grown up since he represented Newark in the good old times—so soon as these decided characters gain admission into the House, they will make an attack upon the Treasury benches which it would be impossible for the Ministry, feeble as they are, to withstand. The Chancellor of the Exchequer advocates the extension of the franchise on the ground that the working classes are industrious and respectable. I believe they are what he has said. So little inclination have I to speak disrespectfully of any class of people, that when a Bill was introduced conferring a lodger and educational franchise I thought it was wise. But what is the argument of the hon. Gentleman who introduces the Bill? He sums up all the newspapers, and contends that they are only read by the non-electors. How does he prove that they are not read by the electoral body? I, too, have some figures here, and I consider them quite as good as those of the hon. Gentleman. The total number of borough and county voters is 1,285,385, and multiplying the constituency by 300, which excludes the odd 65 days on which they do not read newspapers, it gives a total of 385,615,500. I only allow one newspaper to each elector, and yet there is a calculation surpassing all the statistics of the hon. Gentleman. Having disposed of the argument founded on the newspapers, I willingly admit with the hon. Gentleman that many of the penny newspapers are well conducted and very largely read. Either he or some one else referred to America, where newspapers are published at a halfpenny, and where they influence the Government of the States very largely. I am told that Congress is seriously considering the propriety of taking a halfpenny newspaper into its pay in order that its proceedings may be reported. At present nobody minds what Congress says or does, and unless a halfpenny journal condescends to report what Members say their orations will never be known to posterity. The hon. Gentleman has spoken of the middle classes and of their refusal to admit the just claims of those below them in the social scale; but among the middle classes must be included a large number of the better order of working men who, by their own industry and energy, have worked their way upwards. Those men are now in possession of votes —for in this great and thriving country a large estate is not needed to constitute an elector. Let me ask the hon. Gentleman, does he think that the right moment to make an experiment on a great scale in the direction of democracy is just at the time when the democratic principle itself is on its trial? And in putting this question to him, I must in candour add that there was a vast contrast between the moderation of the hon. Gentleman the Member for Leeds and the extravagance of the right hon. Gentleman the Chancellor of the Exchequer. I understood the right hon. Gentleman to say—and I thought the words so remarkable that I wrote them down—"Every man who is not subject to any personal incapacity ought to have the franchise." That points directly to universal suffrage; and although the right hon. Gentleman immediately afterwards went on to explain —his talent for copious explanation I take to be even more remarkable than his power of luminous exposition—those were the very words he used. When the idea so thoroughly carried into practical operation across the Atlantic is now put before us, as men of sense we ought to express an opinion upon it; and though the democratic principle invigorates such a Constitution as ours, the question whether it ought to be made the predominant element of the State, and whether this House should be thrown into utter want of harmony with the other branch of the Legislature by the concentration of the whole power of the country in the masses proposed to be enfranchised, assumes a magnitude and importance not to be overrated. Inquiry was made in a city of 20,000 electors, with which I am acquainted, as to what classes of householders were at present excluded from the franchise; and it was found that there were some living in wretched back lanes and in the most filthy parts of that large city who let out portions of their small and frail tenements at 1*s.* a week to one person and 6*d.* a week to another, retaining an interest perhaps equal in amount in their own possession, besides the key of the hall door. Persons in such a position are among those proposed to be admitted to the franchise, and they are precisely those who would be exposed to the influences so well described in the course of the debate, not having a free and independent will to exercise. The Chancellor of the Exchequer says, "Are we to wait till the working classes agitate?" Now, that looked to me very like an invitation to agitate. If I may express it in my own humble, unoratorical fashion, it seemed to me that the meaning of that observation was, Why don't you agitate — why don't you complain? Why, Sir, the working classes might naturally reply, we have no grievance. Oh, but you ought to imagine a grievance — can it be that you have nothing to complain of? Well, no complaint in particular, except the dispersing of the meeting on Primrose Hill and the sending away of Garibaldi. Practically, what grievance has been put forward, what petitions have been presented, what complaints have been made? It is said that the feeling of the English people in favour of liberty is so strong that they have expressed sympathy with every free State and every nation striving for liberty all over the world. I rejoice that they did so; but, according to my estimate of the event which has most recently taken place, they expressed their sympathy with an eminent Italian, not because they admired his political views, but because they thought him an unselfish, disinterested, heroic man, who risked his life in an undertaking from which he gained nothing, though achieving the liberties of others. Yet are you aware that this same eminent person proposed that the Chambers at Turin should be dissolved, and the King made Dictator, in order to carry out the objects on which he was bent? Surely, such a proposal would not be consistent with constitutional Government. It would be a very interesting question to solve, whether liberty has suffered most from democracy or despotism; whether the wits who write, and the men who think, have not found out that by appealing to the suffrage of the masses, always ready to be governed by master minds, the ambitious cannot obtain power as complete and uncontrolled as the absolute Imperial rulers of the world. The Chancellor of the Exchequer, who to-day addressed to the working classes such dangerous arguments in favour of agitation, introduced into his speech a very curious passage about the results of the French Revolution and the relations at that time subsisting between the people and the State. What is the use, on a practical subject of this kind, of introducing what occurred before most of the Members now in the House were born? I do not know how matters touching Reform stood in 1815. I only know that we had then just concluded a glorious war conducted by the great Wellington; and I know what was said by M. Thiers in the French Senate of the results then achieved by Castlereagh, and I believe that if he were now our Foreign Minister England would not be the laughing stock of Europe. Lord Castlereagh was a Minister who knew how to assert the dignity and power of England at the right moment; and, as M. Thiers said, he achieved more than the great leaders who conducted the armies and fleets of England to victory. Why does the right hon. Gentleman connect this question with the French Revolution? What has that to do with the question before the House? I venture to say that upon the records of no popular assembly which ever existed in the world can a greater number of remedial measures be found than have been passed by this House from the time of the French Revolution to the present in favour of the mass of the English people? Merciful laws, wise improvements in every branch of the State, ending in the enjoyment of all those blessings and comforts and advantages which Gentlemen opposite admit indeed, but which they use to furnish them with an argument against the value of the system under which they live, instead of being the most powerful and conclusive argument in its favour. The right hon. Gentleman read a passage from a paper which we all admired. But it seems to me a very illogical process to produce the compositions of particular persons, who think correctly and who write in terms and language that command our approval, and then to say, "Will you not admit these admirable critics and thousands like them to the right of voting?" If he will bring me those selected individuals who write so gracefully, I shall be proud to assist in passing a special Act, even to introduce on their behalf the educational franchise which Gentlemen opposite refused to listen to. The right hon. Gentleman the Chancellor of the Exchequer no doubt believes that the opinions which he advocated to-day would, if adopted, be for the benefit of the country; but I ask the hon. Member who introduced this measure, does he, or does anybody believe that the Government of Her Majesty are about to take up his cause, or that if the Bill be read a second time they will give him their support cordially and sincerely, after the fate which has overtaken the proposition of the hon. Member for Surrey (Mr. Locke King), who sits behind him? No, they will both share the same fate; and a Reform Bill will be reserved, in the words of the noble Viscount, till there is a Government "strong enough to take up a measure of the kind, and sincere enough to prosecute it to a satisfactory conclusion." The right hon. Gentleman called on this House in a marked manner to say in what consisted the security and strength of States. Those who assert and advocate the absolute necessity for a great increase of democratic power in the State will allow me to refer not merely to what is passing across the Atlantic at the present hour, but to the whole page of history. According as democratic influence has been increased until it became overwhelming, liberty in every State has perished. Look at the patrician Senate, when supplanted by democracy it fell beneath military power. Look at the brilliant Commonwealths of Italy. They had their day of freedom, and, with one striking exception, they fell, and quickly—

> " A thousand years scarce serve to form a State,
> An hour may lay it in the dust, and when
> Can man its shattered splendour renovate ?"

A step in the wrong direction may be fatal to the greatness of a State. I, therefore, ask the House to refuse its assent to an experiment the consequences of which cannot be foreseen, and to preserve to posterity the incalculable blessings which Gentlemen bringing forward this Motion admit that the people possess, and which may they long continue to enjoy.

Mr. W. E. FORSTER said, he could not but think that the right hon. and learned Gentleman who had just sat down had widely diverged, in the course of his eloquent address, from the essential merits of the question then under consideration. He did not, however, rise to follow the hon. and learned Gentleman into the history of the Primrose Hill meeting, or of those measures for the benefit of the working classes, nearly every one of which he and his Friends had opposed, but to congratulate the hon. Member for Leeds (Mr. Baines) on the great advantage to the cause which he advocated that had been gained, not only by his able and moderate speech, but by that of the Chancellor of the Exchequer. The cause of Reform would manifestly receive a great impetus from this discussion. The hon. Member for Shoreham (Mr. Cave) was surprised that there had been no Reform riots on the part of the working men. The fact was that the working men had long outgrown ideas of that kind—there would be no more Reform riots—but the secret of their inactivity lay in the fact that they were puzzled by the conduct of Parliament about the question of Reform. They could not bring themselves to believe that promises made on both sides of the House to give them a share in the representation would be violated, and therefore they had not spoken out as they would have done if they had had any substantial opposition to contend with. There was, nevertheless, a substantial opposition, and it was all the more dangerous because it was a covert one. Therefore, this discussion would help on the cause of Reform, because, in the speech of the hon. Member for Shoreham, the Opposition boldly disclosed its opinions, and declared it to be better that the working classes of England should not have any share in the representation.

Mr. CAVE denied that he had made any such statement.

Mr. W. E. FORSTER thought that when the hon. Gentleman read the report of his speech in the newspapers, he would find that that was the real purport of the language he had employed. The hon. Member said that a man who was engaged in daily labour could not bring an intelligent mind to the consideration of public questions. But if the hon. Gentleman would go down to Bradford, he (Mr. W. E. Forster) promised to afford him an opportunity of addressing an audience composed entirely of working men, who would listen to him patiently, and who would make to him an answer which would show that although they went daily to their labour they could bring an intelligent mind to bear upon questions of public policy. The hon. Member had certainly talked about a domestic revolution, and he was bound to explain his meaning.

Mr. CAVE said, he wished again to explain. The words he had used were taken from a speech of the hon. Member for Birmingham.

Mr. W. E. FORSTER said, the hon. Member for Birmingham was well able to explain his own meaning, and he, therefore, should not attempt to do so. Without entering further into the speech of the hon. Member for Shoreham he would say this—that it showed the objection entertained to the extension of the franchise to the working classes was no longer based on a question of time, but of principle. The Conservatives were evidently about to return to their old policy of preserving the Constitution from encroachments. Taking the borough of Bradford, there was no class there more deserving than the working men, whom he found to be intelligent and industrious. This Bill would bring into that constituency a number of working men to equal a third of its whole number. The proportion in Bradford, he believed, would be as large as in any other borough; and to designate a measure of that kind as a domestic revolution was most absurd. The conduct of the Government hitherto had been marked by hesitation and indifference on Reform questions; but after the speech of the right hon. Gentleman (the Chancellor of the Exchequer) it would be difficult for them to continue that policy; and the sooner the country knew where it was, and with whom it was dealing on home questions the better. If—which he very much doubted—the present constituencies were Conservative on all constitutional grounds let them have a Conservative Government carried on upon Conservative principles by acknowledged Conservatives, and not a Conservative Government carried on by Liberal leaders on professedly Liberal principles. He hoped that the discussion which had taken place would bring things to an issue. If so it was possible that Members like his hon. Friend the Member for Salisbury (Mr. Marsh) might go over to the other side of the House, and that others who thought they had constituents enough already might not like to increase them. It was better for them and every one else that they should know exactly how they stood. One result, however, was certain to follow from the speech of the Chancellor of the Exchequer. Hitherto they had been in the extraordinary position of having some of the strongest supporters of the Government sitting on the other side of the House—not men of moderate opinions, whose views were akin to those maintained by the leaders of the Liberal party, but strenuous, exclusive Conservatives, like the hon. Member for Warwickshire (Mr. Newdegate), and the hon. Member for West Norfolk (Mr. Bentinck). The effect of the right hon. Gentleman's speech that day, no doubt, would be to make these Conservative supporters forget the speech delivered on a similar occasion by the noble Viscount at the head of the Government, and withdraw their support in future. The Government, no doubt, would be losers to that extent; but the Liberal party would gain very greatly. The Chancellor of the Exchequer had been taunted with holding different views now from what he formerly entertained; but as his views became enlightened and enlarged he never retracted from those views. It might be that the country would first have to pass through a Conservative Government; but the time was certainly hastening on when it would no longer be open to the reproach of lagging behind all Christian civilized countries in the share of political power which it accorded to its working classes.

Mr. W. E. Forster

Mr. NEWDEGATE said, he felt bound to answer the appeal of the hon. Member for Bradford (Mr. W. E. Forster), and to acknowledge that he had been accurately described by the hon. Member. He was a decided Conservative, and, as such, he would support any Government that would serve Her Majesty truly to the extent that his principles would admit; and he declared also that, call themselves Conservatives or by whatever other name they chose, he would oppose any Government which departed from the great principles of the Constitution. That was the Conservatism which he professed, that was the Conservatism by which he intended to abide; and he believed that the great strength of the House and of the country consisted in the fact that there were men in that House independent of mere party ties, though he fully acknowledged the propriety of party connection when it was founded on principle. He wished to address himself for a moment to the Question before the House. The hon. Member for Bradford had said truly that this Question of Reform was assuming a practical shape. He (Mr. Newdegate) rejoiced in that as much as the hon. Member, for he held that it was no principle of Conservatism to assume that the temporary arrangements on which the representation of the people was ordered should be treated as permanent and immovable, and as though these arrangements formed the basis of the constitution. He admired that part of the eloquent speech delivered by the right hon. Member for Dublin University (Mr. Whiteside) in which he said, "The constitution of this country had never been based on anything like universal suffrage," and he also approved of the sentiment of the same speech, that "The franchise in England from the earliest times has always been treated as a privilege and as a trust;" while he was as far as the Chancellor of the Exchequer from desiring that the limits assigned to the franchise should exclude the working classes. Why did he resist the Bill of the hon. Member for Surrey (Mr. Locke King) a few weeks ago? Because by transferring to counties the £10 franchise they would have swamped the 40*s.* freeholders, the only representatives of the working classes in the counties. What were the facts? The actual definition of the present limits of the constituencies were designated in a Return referred to in a former debate, No. 410 of the Session of 1862;

and he begged to call the attention of all the working classes, and of the people generally, to the contents of that document. This Return showed that 8,000,000 of persons, or a minority, were directly represented by 338 Members in that House, while 11,000,000, or the great majority, were represented only by 159 Members. He objected to proceeding in a matter of Reform on the partial basis indicated in this Bill, because it would increase the power of the inhabitants of towns and boroughs, who constituted the dominant class, while it took no steps for removing the unfairness of the representation assigned to those who resided beyond the limits of boroughs and cities. In the interests of the majority of the people, in the interest of the working classes, he should vote for the Previous Question, because any measure which would enlarge the constituencies in cities and boroughs would increase the domination which existed, would strengthen the dominant class, and, instead of adjusting the representation of the people in that House, would increase the injustice. On such grounds he opposed the Motion—not because he desired to exclude the working classes from a larger share of the representation, but because he considered that the majority had a right to be considered, and that any benefit conferred by this Bill would be conferred upon the minority.

Mr. BASS said, it was impossible to conceal that the aspect of this question had very materially changed, both in the House and in the country. It would be very interesting to determine in what proportions the House, the Government, the constituencies, and the unenfranchised classes had contributed to place the Question of Parliamentary Reform in its present unpromising aspect. It was, however, of the last importance that the House should be able to show that they had not misled the people, and had not made promises which hon. Members repudiated as soon as they got back to the House. He took it that all the supporters of Lord Derby who voted for the Reform Bill brought in by his Government had clearly acknowledged the necessity of Parliamentary Reform, and those who supported the present Government were committed to it. [At this time the impatience of the House for a division became so great, and the cries of "Divide! Divide!" so continuous, that the address of the hon. Member could be heard only at intervals.] He was understood to refer to the opinions expressed by the leaders of the Opposition in addressing their constituents; and to say that, although the number of voters in the borough he represented (Derby) would be nearly doubled by a £6 franchise, he did not think that that would be so in many other places, or that if it was such an extension would not be attended with danger.

Lord FERMOY was understood to say that he should support the Bill because he believed an extension of the suffrage to be necessary. He did not know how hon. Gentlemen opposite could be considered sincere Reformers after the speech of the hon. and learned Member opposite (Mr. Whiteside). Here was a moderate measure of Reform offered to them and they refused it? Were they ready to go before their constituencies as anti-reformers? He believed that if they did they would find the feeling of the country was decidedly against them. He supported the Bill because its effect would be to introduce a large body of the working classes into the constituency.

Mr. SOMERSET BEAUMONT said, he had listened with great admiration, but not without great surprise, to the eloquent speech of the Chancellor of the Exchequer, coming as it did from the most prominent Member of a Government, which, more than any other, had damaged this question of Parliamentary reform, which upon this very question had struck their flag, abandoned their party, and handed over the measure to the statistical championship of the hon. Member for Leeds. He would not enter into the discussion of the Bill, for while, like the hon. Member for Shoreham (Mr. Cave), he did not disagree with its principle, but did not think it opportune, he (Mr. Beaumont) must say that in this matter the excellence of the Bill and its opportuneness so hung together that the best thing they could do who did not think the moment opportune was to vote against the second reading. He saw no special reasons for changing his opinion about the opportuneness of the measure, because, though he had heard a great deal upon that and other occasions of an "ugly rush," the only "ugly rush" that he knew of was the "ugly rush" of a certain party when in opposition to the pigeon-holes of Whitehall and Downing Street. It was because he did not think the present moment opportune that he would record his vote against the Motion.

Lord HENRY SCOTT said, he felt called upon to protest against the assumption laid down by the other side, that they (the Opposition) were opposed to reform.

It was a mere election manœuvre to say so. There were hon. Gentlemen on that side who had always said that they were not opposed to a measure of Parliamentary reform, but who could not support the details of this Bill, the general result of which he thought would go far beyond the expectations of its supporters.

Mr. WATKIN supported the second reading of the Bill on the ground that there were numbers of the working men throughout the country who were qualified to exercise the franchise, and yet were without the power to do so.

Mr. GREENALL, as one of those to whom the hon. Member for Derby (Mr. Bass) had referred, declared that any promise which he had ever made to his constituents he was ready honourably to perform. He had said that he would support any well considered measure of Reform, and that promise he would keep. He was as favourable as any hon. Gentleman in that House to a fair, a liberal, and a just extension of the suffrage, but he should vote most unhesitatingly against the Bill of the hon. Member for Leeds, because he regarded it as unfair, unequal, and calculated in its action to do more harm than good to the cause of reform.

Sir JAMES ELPHINSTONE begged to assure the hon. Member for Derby (Mr. Bass) that he, for one, was quite ready to go on the hustings, and when he got there he would most assuredly tell his constituents where Reform originated in that House, and how it was defeated; and in doing so he would not shrink from naming those who had reduced the question of Reform to an organized hypocrisy.

Previous Question put, "That that Question be now put."—(*Mr. Cave.*)

The House *divided* :—Ayes 216; Noes 272: Majority 56.

AYES.

Adair, H. E.
Adam, W. P.
Agar-Ellis, hon. L. G.F.
Agnew, Sir A.
Alcock, T.
Andover, Viscount
Angerstein, W.
Anstruther, Sir R.
Athlumney, Lord
Ayrton, A. S.
Bagwell, J.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. Col. F. W. F.
Berkeley, hon. C. P. F.
Blake, J.
Blencowe, J. G.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, Dr.
Brand, hon. H.
Bright, J.
Bruce, rt. hon. H. A.
Buchanan, W.
Buller, J. W.

Lord Henry Scott

Butler, C. S.
Butt, I.
Buxton, C.
Caird, J.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Cavendish, Lord G.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clifford, Colonel
Clifton, Sir R. J.
Clive, G.
Cobbett, J. M.
Cobden, R.
Cogan, W. H. F.
Coke, hon. Colonel
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowper, rt. hon. W. F.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
Dodson, J. G.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Dundas, rt. hon. Sir D.
Dunkellin, Lord
Ennis, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. Crum-
Fenwick, E. M.
Fenwick, H.
Fermoy, Lord
Fitzroy, Lord F. J.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Fortescue, hon. F. D.
Fortescue, rt. hon. C.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Goschen, G. J.
Gower, hon. F. L.
Gower, G. W. G. L.
Greene, J.
Greenwood, J.
Gregson, S.
Greville, Colonel F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hardcastle, J. A.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Hibbert, J. T.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Layard, A. H.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lefevre, G. J. S.
Lee, W.
Lewis, H.
Lindsay, W. S.
Locke, J.
Lysley, W. J.
MacEvoy, E.
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Merry, J.
Mildmay, H. F.
Mills, J. R.
Mitchell, T. A.
Moffatt, G.
Monsell, rt. hon. W.
Morris, D.
Morrison, W.
Neate, C.
Norris, J. T.
North, F.
O'Conor Don, The
O'Hagan, rt. hon. T.
O'Loghlen, Sir C. M.
Onslow, G.
Owen, Sir H. O.
Padmore, R.
Paget, C.
Paxton, Sir J.
Peel, rt. hon. F.
Peel, J.
Pender, J.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Potter, E.
Powell, J. J.
Price, R. G.
Pritchard, J.
Ricardo, O.
Robartes, T. J. A.
Robertson, H.
Roebuck, J. A.
Russell, A.
Russell, Sir W.
Salomons, Mr. Ald.
Scholefield, W.
Seely, C.

Seymour, A.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sidney, T.
Smith, J. A.
Smith, J. B.
Stacpoole, W.
Staniland, M.
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Stuart, Colonel
Sykes, Colonel W. H.
Talbot, C. R. M.
Taylor, P. A.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Tracy, hon. C. R. D. H.
Trelawney, Sir J. S.
Tynte, Colonel K.

Vane, Lord H.
Verney, Sir H.
Vernon, H. F.
Villiers, rt. hon. C. P.
Vivian, H. H.
Warner, E.
Watkin, E. W.
Watkins, Colonel L.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
White, J.
White, hon. L.
Wickham, H. W.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wyld, J.
Wyvill, M.

TELLERS.

Baines, E.
Bazley, T.

NOES.

Adderley, rt. hon. C. B.
Annesley, hon. Col. H.
Anson, hon. Major
Arbuthnott, hon. Gen.
Astell, J. H.
Bailey, C.
Baillie, H. J.
Baring, A. H.
Baring, H. B.
Baring, T.
Barrow, W. H.
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Bathurst, Colonel H.
Beach, W. W. B.
Beaumont, W. B.
Beaumont, S. A.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, hon. Colonel
Bernard, T. T.
Black, A.
Booth, Sir R. G.
Bovill, W.
Bramley-Moore, J.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bruce, Sir H. H.
Bruen, H.
Buckley, General
Burrell, Sir P.
Butler-Johnstone, H. A.
Cairns, Sir H. M'C.
Cargill, W. W.
Cartwright, Colonel
Cecil, Lord R.
Clive, Capt. hon. G. W.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.

Cole, hon. J. L.
Copeland, Mr. Ald.
Corry, rt. hon. H. L.
Cubitt, G.
Curzon, Viscount
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Dickson, Colonel
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Colonel
Du Pre, C. G.
Edwards, Colonel
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Elphinstone, Sir J. D.
Estcourt, rt. hon. T. H. S.
Fane, Colonel J. W.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Ferrand, W.
Filmer, Sir E.
Finlay, A. S.
FitzGerald, W. R. S.
Fleming, T. W.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Franklyn, G. W.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Viscount
Gard, R. S.
George, J.
Getty, S. G.
Gilpin, Colonel
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greenall, G.

Gregory, W. H.
Grey de Wilton, Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Major
Hamilton, Viscount
Hamilton, I. T.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Harvey, R. B.
Hassard, M.
Hay, Sir J. C. D.
Heathcote, Sir W.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Hesketh, Sir T. G.
Heygate, Sir F. W.
Heygate, W. U.
Holford, R. S.
Holmesdale, Viscount
Hood, Sir A. A.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Hubbard, J. G.
Humphery, W. H.
Hunt, G. W.
Ingestre, Viscount
Jermyn, Earl
Johnstone, J. J. H.
Jolliffe, rt. hon. Sir W. G.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Colonel
Knox, hon. Major S.
Lacon, Sir E.
Laird, J.
Langton, W. G.
Leader, N. P.
Leeke, Sir H.
Lefroy, A.
Leighton, Sir B.
Lennox, Lord G. G.
Lennox, Lord H. G.
Lennox, C. S. B. H. K.
Liddell, hon. H. G.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowe, rt. hon. R.
Lyall, G.
Lygon, hon. F.
Macaulay, K.
M'Cormick, W.
Macdonogh, F.
Mackie, J.
Mackinnon, W. A.

Mainwaring, T.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Manners, Lord G. J.
Maxwell, hon. Colonel
Miller, T. J.
Mills, A.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Moor, H.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Murray, W.
Naas, Lord
Newdegate, C. N.
Newport, Viscount
Nicol, W.
North, Colonel
Northcote, Sir S. H.
O'Neill, E.
Packe, C. W.
Packe, Colonel
Pakenham, Colonel
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Papillon, P. O.
Parker, Major W.
Patten, Colonel W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. General
Pennant, hon. Colonel
Pevensey, Viscount
Phillips, G. L.
Portman, hon. W. H. B.
Powell, F. S.
Powys-Lybbe, P. L.
Quinn, P.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Sclater-Booth, G.
Scott, Lord H.
Scourfield, J. H.
Selwyn, C. J.
Shirley, E. P.
Smith, A. (Herts)
Smith, A. (Truro)
Smith, M.
Smith, S. G.
Smollett, P. B.
Somerset, Colonel
Somes, J.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Stracey, Sir H.
Stewart, Sir M. R. S.
Stuart, Lieut.-Col. W.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Talbot, hon. W. C.
Taylor, Colonel
Tollemache, J.

Torrens, R.
Tottenham, Lt.-Col. C. G.
Trefusis, hon. C. H. R.
Treherne, M.
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vandeleur, Colonel
Vansittart, W.
Verner, Sir W.
Verner, E. W.
Vyse, Colonel H.
Walcott, Admiral
Walker, J. R.
Walsh, Sir J.
Walter, J.
Waterhouse, S.
Way, A. E.
Welby, W. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Colonel
Woodd, B. T.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Sir W. W.
Wynn, C. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.
Yorke, J. R.

TELLERS.

Cave, S.
Marsh, M. H.

COUNTY BRIDGES BILL.—[Bill 77.]

SECOND READING.

Order for Second Reading read.

Mr. HEYGATE, in moving the second reading of the Bill, said, that at present there was no provision for the construction of new bridges in England and Wales out of any public fund. The only means by which a bridge could be obtained was by an Act of Parliament, which cost nearly as much as the structure itself, by the munificence of some private individual, or by a public subscription. The growing traffic in different parts of the country, however, rendered it necessary that further facilities should be provided. He, therefore, proposed in his Bill to give a permissive power to the magistrates to erect bridges over watercourses. Before anything was done there was to be a memorial from the inhabitants, a report by the surveyor, and an inquiry by four justices, two representing the district and two the county at large. If the majority of the latter were in favour of the project, it was to go to the Quarter Sessions for their decision.

Motion made, and Question proposed, "That the Bill be now read a second time"—(*Mr. Heygate.*)

Mr. HENLEY said, that the Bill related to an important matter. The principle upon which bridges had hitherto been secured in this country was, that though when built the county was under the obligation of repairing them, the building of them was left to those who wanted them. Now, there was no greater security that bridges should be erected only where they were wanted than that those who asked for them should pay the cost out of their own pocket. He had a great respect for the magistrates, but he did not think they should be intrusted with a roving commission to build bridges. The landowners had burdens enough, and as some thought more than enough, to bear already; and this Bill would impose a new evil without any limit. There was no surer way of making a body of men unpopular than to give them powers of taxation; and that would be the result of this measure in regard to the magistrates. If the Bill passed, there would be an universal bridging over of all watercourses, down to dirty little brooks in every county, at the expense of the rates. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Henley.*)

Question proposed, "That the word 'now' stand part of the Question."

Sir BALDWIN LEIGHTON agreed with the right hon. Gentleman in thinking it most undesirable that such powers should be placed in the hands of magistrates. He hoped the Bill would be withdrawn.

Sir GEORGE GREY thought the powers proposed to be given by this Bill very objectionable; and, after the observations which had been made, he hoped the hon. Gentleman would not press the Bill. Without anticipating any question that might be raised as to the amended Highway Act, he believed it would be better to leave the erection of bridges to be dealt with by the Highway Boards.

Sir LAWRENCE PALK said, that an evil existed for which he thought it was the duty of the House to see a remedy supplied. He thought the whole local taxation had arrived at a pitch which was extremely dangerous to the public interests; but he considered that where a grievance was proved it was the duty of the Government to see that some alteration was made in the Highway Act, giving power to the Highway Boards to provide the necessary bridges.

Sir MATTHEW RIDLEY hoped the Bill would be withdrawn, believing it would place the justices in a most invidious position. The existing machinery for making bridges over small streams was not so defective as some appeared to suppose.

Mr. HEYGATE said, he would, in deference to the opinion of the House, withdraw the Bill.

Amendment, and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

ARMY PRIZE (SHARES OF DECEASED) BILL.

Bill to amend the Law relative to the payment of the shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces, *ordered* to be brought in by Mr. HUTT and Mr. PEEL.

Bill *presented,* and read 1°. [Bill 105.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 12, 1864.

MINUTES.]—PUBLIC BILLS—*First Reading*—Court of Justiciary (Scotland)* (No. 82); Naval Agency and Distribution * (No. 83).

Second Reading— Local Government Supplemental * (No. 71); Under Secretaries Indemnity * (No. 77).

Committee — Registration of County Voters (Ireland)* (No. 50); Common Law Procedure (Ireland) Act (1853) Amendment * (No. 51).

Report — Registration of County Voters (Ireland)* (No. 50).

Third Reading—Promissory Notes and Bills of Exchange (Ireland)* (No. 68); Customs and Inland Revenue * (No. 69), and *passed.*

UNITED STATES—KIDNAPPING FOREIGN SUBJECTS FOR MILITARY SERVICE.—OBSERVATION.

THE EARL OF ELLENBOROUGH: My Lords: I wish to draw the attention of the noble Earl the Secretary for Foreign Affairs to the statements contained in a letter of General Wistar, an officer of the United States army, with reference to the kidnapping of persons, principally foreigners, mostly seamen, and, therefore, very likely to be British subjects, with the view of forcing them to take service in the armies of the United States. I believe I shall do most justice to the case, and to the gallant officer who has written this letter, by reading the whole of it. The letter certainly does him very great credit. The letter is dated Yorktown, April 15, 1864, and is addressed to Major General John A. Dix, New York city. It is in these words—

"General,—An extended spirit of desertion prevailing among the recruits recently received from the North in some of the regiments of my command has led me to make some inquiries, resulting in apparently well-authenticated information, which I beg respectfully to communicate to you in this unofficial manner, deeming it required by humanity, no less than by our common desire to benefit the service. There seems to be little doubt that many—in fact, I think I am justified in saying that most of these unfortunate men were either deceived or kidnapped, or both, in the most scandalous and inhuman manner in New York city, where they were drugged and carried off to New Hampshire and Connecticut, mustered in and uniformed before their consciousness was fully restored. Even their bounty was obtained by the parties who were instrumental in these nefarious transactions, and the poor wretches find themselves, on returning to their senses, mustered soldiers, without any pecuniary benefit. Nearly all are foreigners, mostly sailors, both ignorant of, and indifferent to, the objects of the war in which they thus suddenly find themselves involved. Two men were shot here this morning for desertion, and over thirty more are now awaiting trial or execution. These examples are essential, as we all understand; but it occurred to me, General, that you would pardon me for thus calling your attention to the greater crime committed in New York, of kidnapping these men into positions where, to their ignorance, desertion must seem like a vindication of their own rights and liberty. Believe me to be, General, with the highest esteem, your obedient servant,

J. J. WISTAR."

"To Major General John A. Dix, New York city."

These, my Lords, are the very proper sentiments of this American officer. It is said that many of those who have been kidnapped are seamen and subjects of Her Majesty; it is scarcely possible that those transactions could take place without the knowledge of many of the officers of the American army; it is scarcely possible that the Government itself should not be cognizant of them. I understand that in one case where a Frenchman was detained the French Admiral interfered, the man was released, and the captain in whose regiment he was placed was dismissed the service. Many of your Lordships read a few days ago a statement, which I know to be true from other sources, of the case of a poor man named Edwards, a seaman of one of the Liverpool steamers, and who had only recently been married. He left his clothes on board his vessel, and the money which was due to him, and went on shore by direction of the surgeon to get a warm bath. He was taken to a drinking shop, was drugged, and when he recovered his senses found himself in the uniform of the United States, was told he had enlisted, and carried off to a depôt, having no means whatever either of joining his family or informing them of the circumstances of his case. He sent a letter in Welsh, which his wife received in Liverpool, and that led to inquiries being made. This is a very serious grievance. I am not aware if the noble Earl has been previously made acquainted with the case. If he has, I wish to know what steps he has taken; and if he has now heard of it for the first time what steps he proposes to take, for the purpose of protecting Her Majesty's subjects from these monstrous atrocities, not only for the future, but in order to obtain the release of those who may have been so seriously ill-treated, and to obtain compensation to them for what they have suffered?

Earl RUSSELL, who was very imperfectly heard, was understood to say that he knew nothing of the letter which the noble Earl had read, further than that a copy of it had been sent to him. Without, therefore, giving any answer to the individual cases stated by the noble Earl, he would say that very great hardships were incurred in such cases. It appeared that the bounty given on enlistment by the general Government of the United States and by the States' Government amounted altogether to 600 dols. or 700 dols.; and this large sum, it appeared, induced nefarious and unprincipled men to get hold of persons on landing in the United States, who drugged them, kept them without food, and tempted them to enlist, when they were marched off to some depot and deprived of all means of obtaining their liberty. Whenever such cases came to the knowledge of Lord Lyons, he had made immediate representations to the United States Government. He was not so much surprised at the unprincipled conduct of the parties referred to as that attempts should be made to throw protection around them; and he was sorry to say that Lord Lyons had made repeated complaints, but in most cases he had not obtained that satisfaction which he had a right to expect. The noble Earl then read the following passages from a memorandum of similar cases which had recently occurred, and the result of the representations made by Lord Lyons:—

> "Two other cases have been reported to us by the Board of Trade. The first is that of Hugh Bennett, who stated that having gone on shore from his ship, the *Edinburgh*, at New York, in order to make a purchase, he was induced to enter a public-house, where he, in company with eleven other steamboat men, had been drugged and carried off to the United States receiving ship *North Carolina*. This case having been referred to Lord Lyons, he has succeeded in obtaining the man's discharge. The other case is that of a seaman named Charles Thompson, who wrote from Beaufort, South Carolina, on the 25th of February last, to say he had been drugged, and while in that state was enlisted, not knowing anything until he came to himself, when he was informed that he was a soldier. He further stated that as soon as a sailor arrived in the United States he was nearly certain to be drugged and made a soldier of before he knew anything about it, and that in several cases the British Consul had obtained their release."

Several cases had been brought to the notice of the British agents in the American States, in which several British subjects were kidnapped, as was alleged, while in a state of intoxication. In reply to a representation from Lord Lyons, the United States War Department said they would investigate the case, and in a certain sense they did so, examining the recruiting agents and other persons, who stated that the men were sober when they enlisted. Lord Lyons answered, very properly, that that investigation was not satisfactory, it having been carried on entirely in the absence of the men themselves, four or five of whom had been sent forward to the army. The recruiting agents were tempted by the very large bounty to use every unfair means of inveigling men to enlist. He must say it would throw great discredit on the United States Government if such practices were allowed to go on. It was their bounden duty to see that these persons were not forced to enter the service against their will. He must say that these proceedings would render it necessary that Her Majesty's Government should make the strongest remonstrance to the United States Government. No doubt if the facts referred to by the noble Earl were authentic, they formed a very great hardship, and disclosed conduct on the part of agents of the United States Government which was highly reprehensible.

AGRARIAN OFFENCES (IRELAND)—CASE OF MICHAEL DUIGAN & OTHERS.

The Marquess of WESTMEATH rose to move an Address to Her Majesty praying for a copy of the Memorial respecting the release of Michael Duigan and others, convicted of agrarian offences at Westmeath in 1862. The noble Marquess said, that these men were convicted of a very serious offence, and sentenced by Chief Justice Monahan to two years' imprisonment. When only two-thirds of their punishment had been undergone they were released by order of the Lord Lieutenant. The grand jury of Westmeath addressed a remonstrance to his Excellency, protesting against the system of pardoning offenders against the public peace without previous consultation with the local magistrates, specially convened for the purpose. An uncourteous reply was returned, to the effect that the Lord Lieutenant conceived he had sufficient grounds for the course he had pursued. The men were released on the 19th of February last. On the 23rd of March a man named Thomas Welsh, living in the same neighbourhood, was attacked and wounded by a pistol shot in the open day by seven miscreants, and so severely beaten that he died two days afterwards. The fact was, that when the law was relaxed an Irish peasant thought he might with perfect impunity knock down or otherwise maltreat any person who had incurred his hatred. Other cases had also occurred in which violent outrages had been allowed to be committed with comparative impunity. The magistrates of the county of Westmeath felt greatly aggrieved and insulted by the course which the Irish Government had taken. He held that it was most desirable that such matters should no longer be left to the caprice of the authorities in Dublin, but should be referred to the Home Office. The Government were bound, he thought, to disclose the names of those who had deceived them in asking for the remission of punishment in the case he had referred to. He was satisfied that if the Memorial had been sent to the Home Secretary instead of to the Lord Lieutenant it would not have been attended to in the least. The noble Marquess concluded by moving—

> "That an humble Address be presented to Her Majesty for Copy of any Memorial received by the Lord Lieutenant of Ireland or the Irish Government praying for the release of Michael Duigan, Patrick Duigan, and Patrick Egan, Three Prisoners confined in the County Gaol of Westmeath, convicted at the Summer Assizes of 1862 of Agrarian Offences, or any of them; and of any written Communication forwarding the same, and recommending their Enlargement to the Irish Government."

EARL GRANVILLE said, that in the case referred to everything seemed to have been done in the most regular manner. The condemned persons were sentenced to the maximum punishment allowed by the law. A Memorial was then presented to the Lord Lieutenant of Ireland, who, as he was informed, took all the customary steps on the occasion, consulting with the usual advisers of the Crown and communicating with the Judge; and the result was that the sentence was remitted. There would be no objection to the production of the Memorial; but it would be inconvenient and injurious to the public service that a communication such as the other document moved for should be produced.

THE EARL OF DONOUGHMORE said, the facts of the case were very simple. The county of Westmeath was the head-quarters of Ribbonism, and it was difficult to procure evidence on which to convict the offenders. In this case, however, convictions were obtained against three persons for an agrarian offence, and the Judge sentenced them to the highest penalty. The Lord Lieutenant, however, without any communication with the magistrates or grand jury of the county, remitted a part of the punishment. The noble Earl opposite (Earl Granville) said that the Lord Lieutenant consulted with his usual advisers; but he forgot to say that these advisers were the Inspector General of Police and other gentlemen who sat on easy stools in the offices of Dublin Castle assisting in the government of disturbed districts. When the grand jury made a humble representation to the Lord Lieutenant, pointing out the grievous effect such a remission would have on public opinion in the county, all they got in answer was an official reply that his Excellency was perfectly satisfied with the grounds on which the remission had been granted. The Judges had found fault with the grand jury for the state of their county; and these gentlemen, who were obliged to submit to those rebukes, and who were made responsible for the proper administration of justice, were not consulted. It was very difficult for them to do their duty under such circumstances, and he thought the grand jury had a right to demand on what grounds the Lord Lieutenant remitted these penalties. There were rumours afloat of a very awkward description. It was said that the person who brought this case before the Lord Lieutenant of Ireland was one of the Members of Parliament for the county of Westmeath, and that improper political pressure had been resorted to to obtain the release of these men. He hoped the House would support the noble Marquess in calling for the production of the documents.

EARL GRANVILLE said, if their Lordships thought the Government had done wrong, a Resolution condemning them ought to be brought forward.

The Earl of DERBY said, he could not assent to the doctrine laid down by the noble Earl (Earl Granville), that if they thought the Government was to blame they had only to bring forward a Resolution. What their Lordships asked for was the means of knowing whether the Government were to blame or not. It appeared that, without any communication with the local magistrates and those who knew the state of the county, these men were released; and it was asserted, though not by his noble Friend, that political influences were brought to bear, and that communications had been received which should be considered, not of a private, but of a public nature. Consequently the noble Marquess asked that the grounds on which the memorial rested should be made known, and he could not but think that the application was most reasonable. This was not the first by many times that the present Government had systematically passed over the local magistrates, and placed their sole reliance on the information received from the police officers. Under such circumstances the peace of the country could not be effectually maintained. If the peace was to be preserved in any country, and especially in Ireland, the Government must carry along with it the gentry and magistracy, and what was wanted was that their Lordships should be satisfied that the release of these men was founded on reason and justice, and not on any local, private, confidential, or political motive. He hoped that the House would insist on the production of the papers.

Lord VAUX of HARROWDEN said, that as their Lordships were perfectly in the dark on this matter, information should be produced for their satisfaction; but he thought that the production of the Memorial would be sufficient.

Earl GREY said, he could not remember an instance of the production of such documents as those referred to in the Motion, and asked for on the ground—which was, no doubt, unfounded—that an improper communication had been made to the Government, ever being refused. He begged his noble Friend (Earl Granville) would not put the House to the trouble of a division. He should be most reluctant to vote against Her Majesty's Government on a question of this kind, but he really thought that no ground had been shown for refusing to produce the documents.

Earl GRANVILLE said, he should be most unwilling to put the House to the trouble of a division; but certain remarks had fallen from the noble Lord opposite (the Earl of Donoughmore) which were calculated to produce an erroneous impression, and upon which he wished to say a few words. The noble Earl spoke of political influence having been brought to bear—

The Earl of DONOUGHMORE said, he had only stated that there was a rumour to that effect.

Earl GRANVILLE said, he was perfectly ignorant that any such influence had been exerted, and he believed there was no foundation whatever for any such rumour. He was not aware that the Home Secretary in this country was in the habit of communicating with the local magistracy in reference to the remission of punishment; and, if that were so, he did not see why the Lord Lieutenant of Ireland should be bound to communicate with the local magistrates in Ireland on a similar occasion. At the same time, he certainly would not object to the production of the Memorial and any letters of a public nature; but he could not consent to produce confidential communications, such as might have taken place between the Irish Government and the Judges.

After a few words from Lord Berners and the Marquess of Westmeath,

The Earl of CLANCARTY said, that no communication, although it might be marked "private," could be considered private which covered a Memorial of the kind referred to. He trusted that no such remedy as that suggested by the noble Marquess, namely, the abolition of the Lord Lieutenancy of Ireland, would be hastily adopted. He could not see anything more important to a country situated like Ireland than to have a man of the exalted position of Lord Lieutenant resident there to superintend the administration of the different parts of the Irish Government.

The Earl of CHICHESTER said, that with regard to the practice in this country, it was usual for the Secretary of State, when he received a Memorial praying for a remission of punishment, to communicate with the Chairman of Quarter Sessions, and to request information as to the evidence from the notes of the Judge.

Motion *agreed to.*

House adjourned at half past
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 12, 1864.

MINUTES.]—Select Committee—On Education (Inspectors' Reports) *appointed.* (*List of Committee.*)

Supply—*considered in Committee*—Civil Service Estimates.

Public Bills—*Ordered*—Beer Houses (Ireland)*; Vacating of Seats (House of Commons)*; Servants Hiring (Scotland)*.

First Reading—Vacating of Seats (House of Commons)* [Bill 107]; Servants Hiring (Scotland)* [Bill 108]; Beer Houses (Ireland)* [Bill 109].

Second Reading—Railway Companies Powers* [Bill 30]; Railways Construction Facilities* [Bill 29].

Considered as amended—Summary Procedure (Scotland)* [Bill 76]; Admiralty Lands and Works* [Bill 88].

Third Reading—Naval Prize* [Bill 65], and *passed.*

POLICE RATE (EDINBURGH)—CLERGY STIPENDS.—QUESTION.

Mr. CAIRD said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the riotous proceedings lately enacted in Edinburgh, arising out of the seizure and sale of the furniture of certain citizens who refuse to pay that portion of the local rates which, under the name of Police Rate, is (under an Act passed in 1860) levied to pay the stipends of the city clergy; whether it is true that several thousand ratepayers have resolutely refused to pay that portion of the rate, and that the arrears of the several local rates collected along with this rate are accumulating so rapidly as to have reached nearly £20,000; and, whether it is the intention of Government to propose any alteration in the Law?

The LORD ADVOCATE said, that it was certainly not a fact that there existed any local rate under the name of Police Rate, or any other name, levied for the payment of the stipends of the clergy of the city of Edinburgh. Such a rate had been levied until the year 1860, under the name of the Annuity Tax, but an Act passed in that year provided that the ministers of Edinburgh, being reduced in number, should be paid not by a local rate at all, but by a general charge made upon the revenue of the city. That arrangement was made at the desire of the opponents of the Annuity Tax, for the express purpose of avoiding the imposition of an Ecclesiastical Tax. At the same time, the magistrates were empowered, by the Act of 1860, to levy an additional Police Rate for the supply of any deficiency which was, or might be, occasioned by the charge thus made upon the funds of the city, and the additional rate was, in all respects, a municipal charge for municipal purposes. No doubt some of the ratepayers, but not, he was glad to say, a large number, thought that, notwithstanding the municipal character of this additional rate, its payment was still open to conscientious objections. There was little doubt that on three or four occasions there had been some tumult occasioned by the sale of goods which had been seized for non-payment of the rate; but he had no official information excepting what had been communicated to him in a letter which he had received that day, from which he learnt that those proceedings had been very greatly exaggerated. The most conspicuous case was one in which the public were invited a few days before the event took place by means of handbills to attend and witness the sale of some furniture which had been seized. Under those circumstances, it was not at all extraordinary that a large rabble assembled, and that those engaged in carrying out the law were subject to much annoyance. After they had left, the rabble burnt one of the articles of furniture; but the inhabitants of the city themselves attached no importance to this incident. According to the information which he had received, the arrears consequent upon the refusal to pay the rate, amounted to about 3½ or 4 per cent upon the whole of the assessment. Usually 5 per cent was allowed as the amount which would cover the non-payments; so that in this instance the percentage would be increased to 8½ per cent, which, upon a sum of £50,000, was hardly a matter worthy of much consideration. He could not tell the exact number of those who had refused to pay, but the average for the four years previous to 1860 had numbered 3,269, while the average of the four years since that date was 4,976, a difference of no great importance. In answer to the third part of the Question, he begged to say it was not the intention of the Government to propose any alteration in the law.

Mr. BRIGHT said, he wished to know from the right hon. and learned Gentleman the date of the letter from which he derived his information, because he (Mr. Bright) had seen in the papers of that morning a statement to the effect that no less than 10,000 persons assembled on one of the occasions referred to in the Question of his hon. Friend?

THE LORD ADVOCATE said, that he had received his letter that day. There was no allusion in it to the case to which the hon. Gentleman had referred, and the only information which he had received upon the subject was what had that morning been published in the newspapers.

METROPOLIS—SOUTH ENTRANCE TO PARK LANE.—QUESTION.

GENERAL BUCKLEY said, he would beg to ask the First Commissioner of Works, Whether some plan cannot be adopted to prevent the dangerous traffic that exists at Park Lane into Piccadilly, either by widening the street or causing some other way that the traffic may be diverted. He put the question to the right hon. Gentleman in consequence of an accident which occurred last Saturday when a cab was overturned by an omnibus. He believed Park Lane to be the most dangerous corner in London, and from inquiries which he had made of the inhabitants he had ascertained that an accident occurred there nearly every day. He wished to add to his Question an inquiry as to whether some of the Police could not be placed at the spot in order to assist in the regulation of the traffic?

MR. COWPER: Sir, the narrowness of Park Lane is manifestly and obviously the cause of great inconvenience and occasional danger. Whatever can be done by regulation of traffic is already accomplished by the presence of two policemen who are generally employed in preventing any obstruction.

GENERAL BUCKLEY: One of them told me that he had no orders.

MR. COWPER: I am afraid my hon. and gallant Friend must have fallen in with a policeman who was not on duty, as I am assured by the Commissioners of Police that one policeman is employed in preventing obstructions, while the other was at no great distance, who might be available if any particular obstruction arose. The real remedy is to be found either in widening Park Lane, or in having a new street through Hamilton Place. One thing I cannot admit is, that my hon. and gallant Friend has any right to address this question to me. Park Lane is not Crown property; therefore I would request my hon. and gallant Friend to address his Question to those who represent the Metropolitan Board of Works, whoever they may be, because Parliament having constituted a body who have special care over the streets and ways of the metropolis, I think it most proper that the representatives of that body should take this matter into their serious consideration, as the powers of taxation of that body enable them to widen the streets or make a new one, so as to enable the traffic to have a larger and wider outlet. There have been suggestions made that Hyde Park should be used for public vehicles instead of Park Lane. Now, to that I entirely demur, because, instead of getting rid of the inconvenience of the obstruction, it would simply divert it from one place to another. I think, indeed, that the inconvenience would be more severely felt at Hyde Park Corner, just where the carriages leave the Park, than at present. Having consulted the Commissioners of Police on the subject, they are of opinion that such a change would by no means either remove the danger or the inconvenience and obstruction; therefore to that alternative I must put a decided negative.

GENERAL BUCKLEY said, he wished to ask the Secretary of State for the Home Department, If he could interfere in the matter?

SIR GEORGE GREY: I am not the representative of the Metropolitan Board of Works. I would suggest that the hon. and gallant Member put his Question to the hon. Member for Bath (Mr. Tite).

MR. TITE: I have no right to answer for the Metropolitan Board of Works, or to speak authoritatively; but I am a member of the Board, and I can say that the matter has been under consideration. A good many local difficulties exist, but I hope in a short time we shall be able to overcome them. All I can say is that it is a subject of grave consideration, and we will do our best to remove the obstructions complained of.

THE KERTCH PRIZE MONEY.

QUESTION.

MR. J. C. EWART said, he wished to ask the Paymaster General, When the distribution of the Parliamentary Grant to the Troops concerned in the Kertch Expedition will take place?

MR. HUTT said, in reply, that in a few days the Commissioners of Chelsea Hospital would be able to proceed with the distribution of the Prize Money. He could promise that the distribution should take place on or before the 1st of June next.

EDUCATION—THE REVISED CODE.

QUESTION.

MR. W. E. FORSTER said, he wished to ask the Vice President of the Committee of Council on Education, Whether any instructions have been issued by the Committee demanding sixty attendances from night scholars before examination for Capitation Grant, instead of twenty-four attendances, the number fixed in Article 40 of the Revised Code?

MR. H. A. BRUCE said, in reply, that no such instructions had been issued. The state of the case was this:—Under the Code of 1860 no Grant was payable to a night school unless it had been held on sixty occasions during the year, nor was any Grant payable in respect of the children unless they had attended fifty times. By the Revised Code two payments were made —2*s.* 6*d.* on attendance, and 5*s.* on examination—provided the scholars had attended twenty-four times. The 5*s.* was now paid for the examination of every scholar who attended twenty-four times, but the payment on attendance was not made unless the school had been open at least forty days—an arrangement the reasonableness of which he was sure his hon. Friend would be the first to admit.

LORD ROBERT CECIL said, he wished to know at what date the alteration was made?

MR. H. A. BRUCE said, that no Minute on the subject had been laid on the table, but it was necessary that some amount of discretion should be left to the heads of the Department. It surely never could have been intended that a school should be open for twenty-four nights only. That would obviously be most improper, and a recurrence in this respect to the practice under the original Code was thought to be justifiable without placing a Minute upon so trifling a subject on the table.

EDUCATION — MINUTES OF MAY 19 AND MARCH 11.—QUESTION.

MR. ADDERLEY said, that the Return moved for by the hon. Member for Berkshire (Mr. Walter) would render the first part of his (Mr. Adderley's) question unnecessary; but he wished to ask, Whether the Government will be prepared on the Monday after Whitsuntide to fix the day for discussing the Motion for the withdrawal of the Minutes of May 19 and March 11?

MR. H. A. BRUCE replied, that he would not be prepared, on the Monday after Whitsuntide, to fix the day for discussing the Motion in reference to the Committee of Council on Education. It would be obviously inconvenient to fix a day, but one would be fixed as soon as possible.

NAVY—THE IRON PLATE COMMITTEE.

QUESTION.

MR. HANBURY TRACY said, he wished to ask the Secretary to the Admiralty, Whether it is true that the Iron Plate Committee are about to terminate their labours; and, if so, whether the Admiralty will have any objection to lay the Report of their proceedings on the table of the House?

LORD CLARENCE PAGET said, in reply, that the Iron Plate Committee, as soon as they had terminated certain inquiries now being made, would cease to exist. With regard to their Report, there would be no objection whatever to its being furnished for the information of the House; but, inasmuch as it would consist of four bulky volumes, in which there were many hundreds of woodcuts, showing the results of the firing upon the plates, the shape of the shot, and various other particulars, he thought it would be hardly wise to go to the expense of printing them. What he proposed to do, therefore, was to lay six copies of the Report, which were now printed for the Committee, in the Library for reference by hon. Gentlemen; and if afterwards it was thought desirable, he should have no objection to print it for general use.

PUBLIC MEETINGS IN THE PARKS.

QUESTION.

MR. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, with reference to the Instructions to the Police as to Public Meetings in the Parks, Whether he considers such Instructions justify the suppression of Public Meetings other than such as may be held on a Sunday?

SIR GEORGE GREY: I do not think, Sir, that the letter of the Instructions issued to the Police authorizes them, without having recourse to the Commissioner or an Assistant Commissioner, in dispersing public meetings in the Parks, other than such as may be held on a Sunday. These Instructions had reference to an evil which had arisen, and which the public generally felt—that of meetings held in the Parks on Sundays, attended by large numbers of people, and followed by considerable tumult and disorder. But the public notice which was issued distinctly pointed to such meetings being held in the Parks on any day, and it is obvious that meetings of a political character, where different opinions are expressed, and where great disorder may arise, are equally objectionable on any day, interfering as they must with the object for which the Parks were designed—namely, the enjoyment and recreation of all classes of people.

BRAZIL—CASE OF MR. REEVES.

QUESTION.

Mr. NEWDEGATE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether, in the mediation with Brazil, care will be taken to secure some redress for Mr. Reeves, a British subject, who has been deprived of a large sum of money in a lawsuit with a Brazilian; whether Her Majesty's Government have received information from the British Consul of Rio of the recent dismissal of seven of the Judges of the same tribunals for corruption, not connected with Mr. Reeves's case; and whether any step has yet been taken to punish the Under Secretary of the Brazilian Ministry of Justice, who wrote letters to the Judges asking them to vote against the Englishman, Mr. Reeves, and of whose conduct complaints were made by the British Minister, by order of Earl Russell?

Mr. LAYARD said, in reply, that within the last two or three days, the Government had been officially informed that the Emperor of Brazil had accepted the mediation of the King of Portugal. It would be improper, and indeed, impossible, for him (Mr. Layard) to say what the exact terms of the mediation were, or how the relations between the two countries were to be restored; therefore he could not answer the first part of the Question. As all communication between the two Governments had for some time past been suspended, the Government had received no official account of the occurrence to which the second part of the hon. Gentleman's Question alluded.

Sir George Grey

UNITED STATES—MURDER OF THE MATE OF THE "SAXON."

QUESTION.

Sir JAMES ELPHINSTONE said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether he has received the Report of the Court of Inquiry held on Acting Master Danenhowen or Donovan of the United States ship *Vanderbilt*, for the murder of Mr. James Gray, mate of the ship *Saxon*, at Angra Peguina, held at the Philadelphia Navy Yard, with the finding thereof; also the proceedings of the Court Martial subsequently held upon him, with the remarks of the Secretary to the Navy of the United States, and the Correspondence of Lord Lyons on the subject; and, if so, whether he will lay the Papers upon the table of the House?

Mr. LAYARD said, in reply, that an inquiry had taken place, and this was followed by a court-martial. The inquiry was a private one, and the proceedings had not been published, nor had the result been communicated to the Government. With regard to the court-martial the Foreign Office had received from time to time a report of the proceedings, but they had not yet received any official account of the verdict. Of course the Consul at New York would have to communicate with Lord Lyons, but he presumed that the Government would shortly receive official records of the whole trial. He should then be able to inform the hon. Gentleman whether the papers were such as could be laid upon the table.

EDUCATION (INSPECTORS' REPORTS).

SELECT COMMITTEE MOVED FOR.

Sir GEORGE GREY said, he regretted to inform the House that his noble Friend at the head of the Government was unable to attend that evening to make the Motion of which he had given notice on the subject of the Inspectors' Reports. In his absence he would, with the permission of the House, move that the Orders of the day be postponed till after the notice of Motion relative to the Inspectors' Reports.

Motion *agreed to.*

Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to Education (Inspectors' Reports). —(*Sir George Grey.*)

Sir GEORGE GREY moved that the Resolution passed by the House on the

12th of April last, with reference to the Reports of the School Inspectors, should be read at the table.

Resolution [12th April] read—

"That, in the opinion of this House, the mutilation of the Reports of Her Majesty's Inspectors of Schools, and the exclusion from them of statements and opinions adverse to the educational views entertained by the Committee of Council, while matter favourable to them is admitted, are violations of the understanding under which the appointment of the Inspectors was originally sanctioned by Parliament, and tend entirely to destroy the value of their Reports."

Sir GEORGE GREY: Sir, I moved that the Resolution of the 12th of April, adopted by this House, be read, in order that it may appear on our records that the Motion which I am now about to make has a direct and an immediate reference to that Resolution. That Resolution asserts, or rather assumes, as a matter of fact, that the Reports of Her Majesty's Inspectors of Schools have been mutilated, and that they have been mutilated with the distinct object of withholding from the House the opinions of those Inspectors when they were adverse to the views entertained by the Committee of Council on Education, and of presenting them to the House when they were favourable to those views. A graver charge than that could hardly be made against any Department of a Government. It is true that, at the time, that charge was met by a clear and emphatic denial on the part of my right hon. Friend the Member for Calne (Mr. Lowe); but the House, acting, as we believe, under a misapprehension of the real facts of the case, and influenced to a certain extent by information which was in the possession of some hon. Members of the House, though not in the possession of the House itself, nor in the knowledge of Her Majesty's Government, adopted the condemnatory Resolution. We further believe that if the information to which I allude had been in the hands of my right hon. Friend at the time, it was capable of and would have received a satisfactory explanation that would have deprived it of the weight which, without that explanation, was attached to it. My right hon. Friend subsequently made a statement to this House which I believe was entirely satisfactory. As for his personal honour, no one can doubt that it has been fully vindicated; but the matter rests in this position. There remains on our records, and there will be inserted on the Journals of this House, and remain on those Journals a Resolution, adopted by this House without any qualification — a Resolution conveying a grave and serious censure on a Department of the Government which we hold to be unmerited; while the subsequent statement of my right hon. Friend, and the manner in which it was received by the House, will be only found in those daily records which have not a permanent existence, and which after a time will be forgotten. My noble Friend the President of the Council, taking upon himself that full share of the responsibility which belongs to him as head of the Department, the proceedings of which have been impugned by the Resolution, and his Colleagues in the Government, think it due to the Department that those charges which have been brought against it, and which were assumed to have been established, should be subjected to the rigid inquiry of a Committee of this House, in order that it may be ascertained by means of that inquiry whether those charges have any foundation. I am not going to allude to what is the practice of the Department. I am not going to defend it by any considerations of public policy or by reference to the practice of other Departments; these are matters which will be inquired into by the Committee; but I may express my conviction that if the result of the inquiry I ask for should be to show that the practice of the Committee of Council on Education with reference to the Reports of these Inspectors may be justified, and is not in any way open to the construction put upon it by the Resolution of the House, in such case the House will agree to record the opinion so expressed by its Committee. The right hon. Baronet the Member for Droitwich (Sir John Pakington) has given notice of an Amendment to my Motion, by way of adding to it certain words which would greatly enlarge the scope of the inquiry. If this Amendment be adopted the inquiry, instead of being confined to the topics to which I propose to direct it, would comprise within its range matters altogether foreign to the specific and limited objects I have in view. The right hon. Gentleman proposes an inquiry into the constitution of the Committee of Council, and into the question how far their mode of conducting the business of the Department is consistent with the due control of Parliament over the annual education grants. That is a proposition which might very fairly be submitted to this House, and to which, if brought forward as a substantive Motion, the House might, if it thought fit, very fairly give its sanction. I am far from expressing an opinion on the question whether such a wide inquiry might or might not be made; but this I cannot help feeling—that such an inquiry ought to be proposed by means of a substantive and distinct Motion. The proposal ought to be brought before the House on its own merits, and considered separately and distinctly from the subject of the inquiry which is proposed by the Motion which I am about to submit to the House. Those intrusted with the conduct of the Education Department have a right to the calm and deliberate judgment of the House as to whether these charges can be substantiated or not; and what I ask the House to do is to inquire into that matter without at all prejudging the inquiry proposed to be brought forward by the right hon. Baronet the Member for Droitwich. I therefore hope the House will not allow the inquiry I ask for to be swamped and overlaid by this new inquiry, which will prevent an early expression of opinion on the question we propose to have tried—namely, Whether the charges and imputations of the Resolutions of the 12th of April are well founded? I hope the House will limit the present inquiry to that object, and will not allow it to be mixed up with a vague and general inquiry which probably would last through the Session, and render it impossible to obtain an early expression of opinion on the definite issue now in hand.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools." — (*Sir George Grey.*)

SIR JOHN PAKINGTON: Sir, before I proceed to offer an explanation of the reasons which induce me to move for a very considerable extension of the limits of the inquiry which has just been moved for by the right hon. Baronet, there are one or two points to which I am desirous of being allowed to refer, in order to prevent any misunderstanding of my Motion. In the first place, I wish to state that I have no intention in the Motion I am about to make to embarrass or impede the inquiry for which the right hon. Gentleman has moved. There are many Members in this House, and I am one of them, who are desirous for this inquiry, and, as has been justly stated by the right hon. Baronet, the tenour of the speech of the right hon. Gentleman (Mr. Lowe), when he explained the reasons of his resignation, was such as to deserve, as it received, the sympathy and good feeling of the House; and I really do not believe, referring to what has been said by the right hon. Baronet, there was a man in this House—I am quite sure I may say this for my noble Friend the Member for Stamford—who, in supporting the Resolution of the 12th of April, had the slightest idea that he was calling in question the personal honour of the right hon. Gentleman the Member for Calne. I am bound in truth, however, to say that the explanation of the right hon. Gentleman, with regard to the interference with Inspectors' Reports in the Education Office, was not satisfactory to my mind, or removed from it the desire for an inquiry, because the right hon. Gentleman in the course of his speech mentioned to the House, for the first time, that which we had no previous knowledge nor idea of—namely, that in the month of January, 1861, a Minute was passed by the Office, in which he was Vice President, restricting in the most material degree the Reports of those Inspectors. If there were no other reason on my part for desiring this inquiry, I should desire that the Minute passed three years ago, but of which this House never heard a word till they were told of it in the speech of the right hon. Gentleman, and the policy of that Minute, should be the subject of investigation. There are many hon. Gentlemen in this House—hon. Gentlemen who have given great attention to the education of the people—who will agree with me that there is no information on this subject so valuable, none given with so much ability, and for the most part with such impartiality, as the information contained in those Reports of the Inspectors. I should view with extreme disinclination and jealousy any change of policy on the part of the Education Office which would limit, as curtailment would limit, the information which those Inspectors have been accustomed to give the House and the country. And let me say that, should the House think fit to adopt the Amendment which I am about to move, it would be my proposal that the first subject to be considered by the Committee should be that of the Inspectors' Reports, and I would suggest to the right hon. Gentleman that the difficulty which he suggests may be entirely removed before the Committee proceeds to consider the larger question which I propose for its consideration—it should present its views to this House on the Reports of the Education Inspectors. There is another point on which I wish to avoid any misunderstanding. In bringing forward this Amendment, I am acting without any discourtesy towards, or any want of confidence in, the right hon. Gentleman who has lately assumed and now fills the office of Vice President. On the contrary, I beg to say, with the utmost sincerity, that within the range of the Gentleman opposite to me I doubt if the noble Viscount the Prime Minister could have made a choice which I could have thought more satisfactory or more hopeful; and if there is a man in the House who, more than another, ought to support me, and who ought to feel grateful for what I suggest, it is the right hon. Gentleman. Neither is it my desire to cast any censure on the late Vice President. If I had brought forward the subject a few weeks ago, there are matters on which I should have questioned his conduct and administration; but the fact is, the explanations and disclosure which have been made in this House within the last few weeks have made me entirely doubtful as to the quarter on which the blame of those transactions rests. There is no doubt that a deep feeling of dissatisfaction and distrust of the administration of the Educational Department prevails throughout the country. Whether the fault be with the President or the Vice President, or with the President and the Vice President together, or with that mysterious body who are spoken of in every letter as "my Lords," or with the Secretary who signs my Lords' letters, or writes their letters for them, I am at a loss to determine; and it is one of those questions as to which I ask the House to institute an inquiry. I approach the subject solely with a view to promote the interests of education in this country. I ask the Government and hon. Gentlemen on both sides of the House whether they can say that the present mode of administering the annual grant is exactly what they would wish it to be? Can any reasonable cause be assigned why the Department should be constituted on principles which differ from those of every other Department of the State, and which in every other Department have been long exploded and abandoned. Under our Parliamentary system, it is the object and desire of the country that at the head of each Department there should be a man whose time, attention, and mind are concentrated on it, and who has full control over it, subject only to the general check of the Cabinet and of the responsibility which he owes to Parliament. That is the system under which the great Departments of State are administered; but what is the state of affairs in the Education Office? In the Education Department there are eight or ten Ministers instead of one, and as to responsibility, there is none. The Board is composed of the Lord President, the Lord Privy Seal, the First Lord of the Admiralty, Earl Russell, the Premier, the President of the Poor Law Board, the Chancellor of the Exchequer, and the Vice President. Nothing could illustrate more completely the confusion of management than the fact that the right hon. Member for Calne, in the course of three or four sentences of his speech the other evening, spoke first of Earl Granville as the head of the Office, then of himself, and a little while after he spoke of the Committee of "My Lords," as they are called, as being the heads. The Board is a very hydra, in fact.

Now as to the circumstances under which this body exists. In the year 1855, when the subject of education was very much discussed, I and other Members as well suggested to Earl Russell that there should be a responsible Minister of Education in this House. Earl Russell, in withdrawing his Bill on the subject of education, intimated that the Government were willing to accede to that suggestion. On that occasion he used these words—

> "When that Committee (of Education) was appointed he did not think that any better means could be adopted for managing the Educational Votes than by intrusting the control of them to a council of several Ministers; but circumstances had since changed, and he thought it would be for the benefit of the public service if the President of the Committee of Council were to be acknowledged as the Minister of Education, and that the Department of Education should be represented in that House by a person who might, perhaps, hold the rank of a Privy Councillor, and who might be able to defend any measure that might be adopted." [3 *Hansard*, cxxxix. 386.]

I did not infer from those words that it was the noble Earl's intention that the action of the Committee of Council should be carried on simultaneously with that of the new Minister. At the commencement of 1856 a Bill was introduced by Earl Granville in the House of Lords; and in the debate upon it some of the most distinguished statesmen of the country—the Earl of Derby, Earl Grey, the Earl of Ellenborough, Lord Monteagle, and the Marquess of Lansdowne — took part. They were unanimous in their approval of the appointment of an Education Minister, but the Marquess of Lansdowne was the only one who expressed any approbation—and that very faint—of the mode in which it was proposed to constitute the office. The Earl of Derby said—

> "But if the time had arrived for charging a responsible Minister with the duties of instruction, it appeared to him well worthy of consideration whether it would not be well to supersede the Privy Council altogether in this matter, and to have a Minister at the head of a Department, who should have no other duties to perform, and who should be, in fact, responsible for the education of the people." [3 *Hansard*, cxl. 815.]

Those are the views which I myself entertain. The Earl of Ellenborough said—

> "If they wished to have a department well conducted, they should rather place it in the hands of one than of two Ministers, however able; and he certainly did hope that this Bill was intended to delegate all the duties connected with education substantially to the one officer who was to represent the Board in the House of Commons. It was quite enough work for one man, and that work never would be well done till it was confided to one man only." [*Ibid.* 819.]

Earl Grey said—

> "He concurred in the opinion that it would be better to dissociate the Presidency of Council from the superintendence of the Educational Department." [*Ibid.* 821.]

And Lord Monteagle said—

> "He rejoiced that Government had at last dealt with this important question; he could not, however, approve of the proposed plan. A Board or Committee of Education, as appointed under the old system, was in principle and constitution one of the worst modes of administration." [*Ibid.* 816.]

After condemning the Board of Trade and Board of Control as precedents, he went on—

> "As far as he could discover, these Boards were liable to be really represented by subordinate persons, all true responsibility being lost; and, however desirous the Board might be of discharging its duty, wrong measures would be adopted and carried into effect, from the nature of which it would be apparent that the Board was not represented by the nominal head of the Department, but by its subordinate officers." [*Ibid.* 817.]

I will call also another witness — the right hon. Gentleman the Chancellor of the Exchequer, who was not then in office, but who sat on one of those elevated seats which are sometimes resorted to by servants out of place. The right hon. Gentleman, however, at that time felt it his business to criticize somewhat severely all the measures that proceeded from the Government of that day, of which the noble Viscount now at the head of the Administration was also Premier. On the third reading of the Bill the present Chancellor of the Exchequer attacked the measure in its entirety, and took grave objections to the appointment of the Education Minister. I am thankful that the right hon. Gentleman did not then succeed in his objections, but there was one point urged by the right hon. Gentleman in which I entirely concurred. The language of the right hon. Gentleman then was to this effect—

> "They had some analogous institutions to which they might refer. The Board of Trade was one of them. He did not, however, hesitate to say that the constitution of that Department was a bad constitution. Instead of being a Department with a regular organization and one responsible head, and the other members bearing a defined relation in subordination to him, they had two parties, cheek by jowl—a President and a Vice President, of equal official rank, the Vice President being, in fact, the more important man of the two, especially if he happened to sit in that House while the President sat in the House of Lords." [3 *Hansard*, cxl. 1212.]

The authority of the right hon. Gentleman is high, and I think that the objection which he made to the President and Vice President sitting "cheek by jowl," so far as the Board of Trade is concerned, applies exactly, or with still greater force, to the constitution of the Education Department. Having quoted the opinions of the most eminent and distinguished men on the subject, I would further ask the House whether their prophecies have not to a great extent been realized by the result. I now wish to call the attention of hon. Members to the language which was used by the right hon. Gentleman the Member for Calne a short time since. In reply to some observations of my noble Friend the Member for Stamford (Lord Robert Cecil), the right hon. Gentleman said—

> "The noble Lord did me too much honour in attributing to me the undivided management and responsibility of what he calls the Educational revolution that has taken place during the last three years. I am but the humble instrument of much higher authorities, and all these changes have been submitted to the Educational Committee, composed of the highest officers of the State, under whose directions I have to act. I should be tempted to take to myself—if I were worthy of it—all the responsibility and the blame for what has been done. . . . . It matters very little to the House what my opinions on this subject may be, but I can assure it that in what I have had to do with regard to education I have

looked upon it as a matter of business in a department which I have had to administer under principals. All my efforts have been directed to carrying out the directions I have received from my official superiors in the manner most calculated to attain the end they had in view." [3 *Hansard*, clxxiii. 1685.]

I think the spirit which induced the right hon. Gentleman to take upon his own shoulders blame in the matter is a spirit worthy of a British Minister, and if I find fault with him it is for having condescended to accept—and the same observation applies to his successor—office on conditions so humiliating. But the right hon. Gentleman having expressed these very strong views was shortly after assailed by a Motion questioning the conduct of the Education Department with regard to the Reports of the Inspectors, and the result of such Motion was that he resigned. Now, holding the opinions which he did, and seeing that he was simply acting as a subordinate, I do not think it was he who ought to have resigned, but rather Earl Granville, the head of the Department. This brings me to what occurred on Saturday last, when, as we are informed by the newspapers, there was a gathering of those great officers who compose the Committee of Council. I find there were then in attendance the Lord President, the Lord Privy Seal, the First Lord of the Admiralty, the President of the Poor Law Board, the Chancellor of the Exchequer, and the Vice President of the Department. In addition to all these was the right hon. Baronet the Secretary for the Home Department. Now the name of the right hon. Baronet had not appeared in the list of the members of the Educational Department which I have read to the House. But in these days of volunteer movement I suppose we must look upon the right hon. Gentleman as a volunteer in aid of the Educational Department of the Government. In my humble judgment, however, the duties of this Department would be far more efficiently discharged by the President and Vice President of the Board of Education than they are at all likely to be under the authority or guidance of so large a number of men, however eminent or distinguished they may be in the government of the country. But, be that as it may, these dignitaries it may be supposed held a sort of coroner's inquest over the dead body of the Endowment Minute, and, if they did, it may very well be imagined that the verdict given by the Vice President would be, "Found drowned." Then comes the question, What were the circumstances under which these distinguished persons met? Saturday was a day on which a critical meeting of the Conference was approaching. A general belief existed that the question of peace or war was hanging in the balance. We may well imagine that the Chancellor of the Exchequer was considering how the expenses of that war were to be defrayed, and that the First Lord of the Admiralty was counting up his iron ships. ["Question, question!"] I venture to tell those hon. Gentlemen who interrupt me that I am speaking to the question in adverting to the arrangement by which these great officers of State are brought together to attend to the details of the Education Question, and I would confidently ask what business had they, whose minds must be occupied by the gravest subjects, to assemble to decide upon points with regard to an endowment scheme which it is pretty well known the country will not stand? I may add that I am not altogether without personal experience in these matters. I had the honour myself in a former Government of being a member of this Committee of Council, and that Government acted, I think, more wisely and more prudently than the present Government appear to have done. [*A laugh.*] Hon. Gentlemen will admit that it is only natural I should hold that opinion, and I feel they will concur with me, at all events, so far as relates to the point we are now discussing, when I tell them that I can remember only one occasion on which we met together as members of the Council, and that the impression then created was that we were interfering with the business of other men who could do it better. The experiment was not accordingly repeated, and it was left to my right hon. Friend near me and the President of the Council to discharge the whole duties of the Office. I would further remind the House that the Board of Trade is far better constituted, in two important respects, than the Education Department, one being that the President of the former can devote the whole of his time to the business of his office, whereas the President of the Committee of Council has other important duties to perform. I concur, I may add, with Earl Grey that, for the most obvious reasons, it is unwise that the Lord President of the Council should, in conjunction with his other offices, hold that of head of the Education Department. What is more important is that, although there is a long list of high officers of State who form what is called the Committee of Council on Trade, they have long ceased to act, and the business of the Board is left entirely in the hands of the President and Vice President. The Board of Control has also been mentioned as a precedent; but I submit that it is no precedent whatever. There were certain high officers who were said to form the Board of Control; the fact, however, is, that they never meet now, nor have they ever met for the last thirty or forty years. Perhaps some hon. Members may quote the Board of Admiralty as an example. The constitution of that Board, though much disapproved of, has this advantage. There is a responsible Minister at the head of it, and the Board does not consist of a number of persons with other avocations or duties to attend to. I think I have now shown the House that there are grave theoretical objections to this Education Department as it stands. Let me now ask whether its working has been such as to reconcile us to the existence of these theoretical objections. I will not enter into any argument upon those questions which have lately been the subject of debate in this House, but will only advert to such points as illustrate the working of the Department. And, first, let me refer to the Revised Code which occupied so much of our attention two years ago. Whatever were the merits or demerits of that Code, the House and the country had a right to regard that Code as expressing the deliberate opinion of the Education Office upon the subjects to which it refers, and as, so far as the Government is concerned, a final settlement of the questions with which it deals. It was so accepted by the House. Under these circumstances it is a remarkable evidence of how this Department works that, within a year from that settlement, a Minute was laid upon the table which entirely departed from the principles on which the Revised Code was founded. That Code proposed to settle the question of endowments; but within twelve months of its adoption a Minute was laid upon the table which reversed all that the Code had said upon the subject, and was of such a character as to agitate the country from one end to the other. If the Education Department had been under the guidance of a single man, acting under a full sense of responsibility, that subject would never have been treated with the carelessness and levity which led to such a result. The next proof of the unsatisfactory working of this Department is the course taken last year as to supplementary rules. In September, 1863, a series of supplementary rules were published, of which this House, in its Parliamentary capacity, knows nothing, but which were entirely at variance not only with the Revised Code, but with the Report of the President and Vice President of the Committee of Council presented to the Queen in 1862. In that Report it was intimated that the children would be presented for examination "according to standards selected for them in the first instance by those interested in their success," while, by the ninth of the supplementary rules, it is announced that "a deduction of at least one-tenth will be made from the grant to a school, unless one class be presented above standard 3." And another rule goes so far as to enact that no grant will be paid unless one class be presented as high as standard 3. I listened with great interest to hear the answer of the right hon. Gentleman to the question this evening of the hon. Member for Bradford, in regard to the statement current throughout the country in reference to the night schools. I was, however, very glad to learn that, although a considerable change has been made with respect to night schools, it is not so extensive and objectionable as the public has been led to suppose. These changes have produced in the country an impression, that the present Administration is indifferent to the promotion of the education of the people. I have no right to make such a charge, but the effect of each of these vexatious charges has been to diminish the amount of the grant, and the impression unhappily does prevail that the present Government care much more about the reduction of the grant than about the promotion of education. The grant this year will be very much less than it was last year; but while the grant has been reduced, and there has been a moderate increase in the number of schools and scholars, the expenses of the office have greatly increased. Since 1860 the schools have advanced from 7,272 to 7,739, and the children from 996,832 to 1,107,354; but in the same time the number of Inspectors has increased from 62 to 84, and their salaries from £24,075 to £32,650. I know no more valuable service that the right hon. Gentleman the Vice President could render in the new office which he has undertaken than that of advising the adoption of some mode by which the central action of the Department should be supported by local action in the various provinces of the country. There is only one other subject to which I desire to refer, but it is one to which I wish to draw the serious attention of the House. It is a point in respect to which I think an absolute necessity exists for some alteration. I refer to the system according to which the Education Minutes are now laid upon the table of this House, and the sanction of Parliament is asked to the various changes which take place in this Department. The House will remember the feeling which was excited by the manner in which the Revised Code was laid upon the table, on, I think, the very last day of the Session of 1861. In the following Session that Code was discussed, and certain articles were agreed to, with the sole view of guarding the House against sudden surprise in future. One of those articles is to the effect that, before any change can be acted upon, full particulars respecting it shall be laid before the House at least one month. I must candidly say that, after consulting with several of my friends who are competent to give an opinion upon the construction of Minutes of this kind, there is a difference in their views as to the precise meaning of those two articles, but I think it is a great evil that articles intended for the security of the House should have been worded in such a manner as to create difference of opinion as to their construction. My own view of these articles is, that it was intended that no Minute should be submitted to Parliament during the Session, but at the commencement of each year: whatever change it might have been thought necessary to introduce, should be embodied in the new Code, and be laid upon the table for the sanction of Parliament. Of course it cannot be expected that we are to have an education debate every month, but if the course which it appears to me was intended to be taken is adopted, the House will be made aware of all the changes that have been made, and will be called upon to sanction or reject them after due consideration. I am sorry to have detained the House so long upon what I know must be to many a very dry and unattractive question, but still it is a question of very great importance. I think experience has shown us that the present constitution of that office is at variance with the precedents of other Departments, and is objectionable as raising doubts whether blame should be cast upon this man or upon that man. You cannot expect a Department consisting of eight or ten different statesmen, and so arranged that it is impossible to say to whom responsibility attaches, you cannot expect that such a Department will satisfactorily conduct the affairs of an office having to deal with a subject so complicated. Wherever the fault may lie it cannot be denied that a feeling of irritation and annoyance has been created throughout the country. That is an evil, but by changing the constitution of the office I think much may be done to counteract that evil. I have now to move the addition to the Motion of the right hon. Gentleman of the words of which I have given notice, and it is in no spirit of personal attack or censure that I propose this Amendment, but with a view of doing what I have ever desired, contributing to the improvement and extension of education among the people.

Amendment proposed,

At the end of the Question, to add the words "and further to inquire into the constitution of that Committee, and how far their mode of conducting the business of the department is consistent with the due control of Parliament over the annual Education Grants."—(*Sir John Pakington.*)

Mr. H. A. BRUCE said, that although the right hon. Gentleman had in his remarks disarmed his proposition of its most objectionable feature — that of causing delay in the proposed inquiry, yet he thought he should be able to show sufficient reasons why the Amendment should not be adopted by the House. At the very threshold lay the question of the constitution of the Committee. His right hon. Friend the Home Secretary had moved for a Select Committee to inquire into the practice of the Committee of Council as to Reports. That was a definite subject of inquiry, and in the selection of a Committee to consider it, men conversant with official business would be chosen, with special reference to their capability of giving an opinion on the subject of inquiry. But the subject that would be submitted to the Committee, if the Amendment were adopted, would be much wider and larger than an inquiry into the practice of the Privy Council, with reference to the Reports of Inspectors; and to deal with it properly, men must be selected to represent various opinions and various interests. An inquiry based upon the proposition of the right hon. Baronet would, in fact, be an inquiry into the constitution of the Education Department affecting different religious bodies, and a variety of interests, and would raise questions of great delicacy and difficulty. The Committee, therefore, must be constituted on an entirely different principle. That objection alone proved the extreme inconvenience which would follow the adoption of the Amendment. But, apart from that, he ventured to say that the right hon. Baronet had misapprehended, and therefore had misrepresented the actual state of the case as regarded the Education Department. The right hon. Baronet had stated that the government of that Department rested with the Committee of Council. From that proposition he (Mr. H. A. Bruce) entirely dissented. The Committee of Council was first appointed in 1839, and superintended the application of the insignificant sum then voted by Parliament to promote public education in Great Britain. The members of that Committee were appointed individually, and at every change of Government by Order in Council. From 1839 to 1856 the affairs of the office were administered by the Committee, and then, indeed, the Department was open to the objection urged by the right hon. Baronet against the existing state of things, of a want of distinct responsibility. The dissatisfaction which prevailed led to an alteration, and an Order in Council was made in February, 1856, which was as follows:—

> "The Lords of your Majesty's most Honourable Privy Council beg leave humbly to recommend to your Majesty that the education establishments now attached to different departments be united under one direction, and be represented in both Houses of Parliament; and for this purpose their Lordships beg leave humbly to recommend to your Majesty that, for the future, the establishment to be called the Education Department be placed under the Lord President of the Council, assisted by a member of the Privy Council, who shall be called the Vice President of the Committee of the said Privy Council on Education, and shall act under the direction of the Lord President, and shall act for him in his absence."

From that time till the discussion of the Revised Code, a Committee of Council had rarely sat, and none had sat that had not been summoned by the Lord President, and he would undertake to say that there had been no binding necessity for any Committee to be summoned. In 1857 the first Vice President was appointed, but the Act did not define his powers, and the question was in what light was that appointment viewed at the time it was first made. The Vice President was intended at that time to be a responsible officer, and the House practically regarded him as such. In moving the Education Estimates for the last time in 1856, the right hon. Baronet the Home Secretary said—

> "The responsibility of individual members of the Committee of Privy Council I fully admit; but then that Committee is only summoned occasionally, and then to discuss questions of principle and not of detail. If, however, there were a department in which responsibility should be concentrated, represented by a Minister in this House, who would necessarily be acquainted with all the details of the subject, I think we should derive the same advantage as followed, in regard to the administration of the Poor Law, by having the President of the Poor Law Board in this House; and I believe that there will be a similar advantage in regard to education by the alteration proposed by the measure I refer to."

In consequence of the Act of 1856, the right hon. Gentleman the First Commissioner of Works was appointed Vice President of the Council, and upon the occasion of the Education Estimates being moved in 1857, the right hon. Baronet opposite (Sir John Pakington) stated that—

> "He must also state that he derived great pleasure from the fact that the Vote for educational purposes had been submitted to the notice of the Committee by a Minister directly connected with the Department of Education in this country, and who must be held responsible for the various items which the Vote contained."

No alteration had since that period been made either as regarded the law or the practice, and he would ask the right hon. Gentleman (Sir John Pakington) at what period the alteration of which he complained had taken place, and when the Vice President had ceased to be responsible? The right hon. Gentleman the First Commissioner of Works was succeeded in office by the right hon. Gentleman the Member for North Staffordshire (Mr. Adderley), whose energy and ability in the conduct of his office were admitted on all sides. He would ask any hon. Member who remembered the right hon. Gentleman in office, whether the slightest doubt ever presented itself to his mind as to the responsibility incurred by the right hon. Gentleman with reference to the measures which he submitted to the House? He was in turn succeeded in office by his right hon. Friend the Member for Calne (Mr. Lowe), and it seemed almost absurd for him to ask the House whether or not his right hon. Friend was held responsible during his five years of office for the conduct of his Department. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had quoted words made use of by his right hon. Friend, and, taken apart from the circumstances under which they were uttered, the inference which he drew from them might be correct. But it should be remembered that the policy which had been pursued by the Education Office had long been attributed to the idiosyncracy and to the political proclivities of his right hon. Friend; and the noble Lord the Member for Stamford (Lord Robert Cecil) had told them on a recent occasion, that his measures betrayed his adhesion to the principles of the hon. Members for Leeds and Sheffield. The right hon. Gentleman the Member for North Staffordshire said, during the same debate, that he perceived in the measures of the late Vice President indications of a mind dissatisfied with its employment —in fact, the restless turnings of an ambitious and discontented spirit. His right hon. Friend, while admitting that he was responsible for the measures which he submitted, reminded the House that those measures had received the consideration of others besides himself, and that they would not have been submitted to the House if they had not received the approval of experienced statesmen, who were not only Members of the Committee of Council, but were also Members of the Cabinet. The right hon. Gentleman would have an opportunity of speaking for himself; but considering that it was he who practically administered the funds voted by that House for education, and that it was through his hands the whole business of the office passed, he (Mr. Bruce) was sure he need not appeal to him to say whether he did not consider himself responsible.

There was, doubtless, much advantage in bringing under the consideration of statesmen of experience the new and delicate subjects connected with the administration of the Education Department. There was an advantage in consulting many minds, which could be done without eluding, or seeking to elude, the responsibility which attached to the Ministers presiding over the Department. The right hon. Baronet was far too experienced a statesman to object to the constitution of the Board, unless he could point out some practical evil arising from that constitution. Many changes had been effected during the last few years, which had been received with censure or approbation; but who had ever imputed their origin to the want of a responsible Minister? The first great labour was the compilation of the Code which contained the Minutes of previous years, in a short and intelligible form. Soon after the publication of the Government Code, the Commission on Education was appointed. The Report of that Commission pointed out many defects in the existing system, and it became the imperative duty of the Department to consider them. The changes were subsequently brought before the House in the Revised Code, which undoubtedly affected the interests of great numbers, including managers of schools, schoolmasters, &c.; and a great clamour was raised throughout the country. The subject was fully discussed, and the system as now in operation adopted. He would be glad to know what evidence of weakness or defective responsibility was exhibited in carrying these changes into effect? One of the arguments used by the right hon. Baronet was, that there was not sufficient financial control. Had the expenditure been found to increase, and the education given should be of an inferior character, the House might resolve that the Department had been a failure. Considering, however, that during the past five years the average number of scholars attending the national schools had increased from 748,000 to 969,000, and that the expenditure had not only not increased but had decreased by about £100,000, it was fair to assume that the reverse was the fact. The former imperfect and unsatisfactory inspections had been replaced under the present system by examinations, which tested the character of education and apportioned the amount of the grant according to the progress made. He asked again, then, in which of these important respects had the Department failed to discharge the duties imposed upon it? The grant itself was now more immediately under the control of the House than before. It was previously spread over fifteen subjects of a complicated and difficult nature. The number of subjects was now reduced to six, and the House had not the slightest difficulty in rectifying any error. Every year the

Estimates were laid before the House by a responsible Minister, and he wanted to know in what respect the financial control was less over that sum than over any other sum voted by the House. The point which the right hon. Gentleman adduced as being the gravest blot in the system of the Educational Department was the conduct of that Department with respect to the Minutes affecting endowments. The right hon. Gentleman said that the proposal to change the practice with reference to endowment would never have been made if there had been a responsible Minister. He, on the other hand, believed that any responsible Minister, on ascertaining the results of that practice, would have done as the late Vice President had done, and hastened to lay those results before the House, and have asked them to join with him in procuring the alteration of the system. What was the practice with respect to endowments before the introduction of the Revised Code? It was the custom to withhold the grant in all cases where the endowment amounted to 30*s*. If, however, it fell short of that amount, even by one shilling, and the ordinary conditions of the grant were fulfilled, the grant of 9*s*. would be paid by the Privy Council Office, making the entire receipts of the school at least 47*s*. per head—a sum far in excess of the amount required for the purposes of education. Within the last few days a case had been brought to the knowledge of the Government, showing that the late Minute had tended to encourage lavish expenditure. In Hereford there had been two schools, possessing endowments respectively of £120 and £130, which received grants from the State of £102 in one case, and £130 in the other. The first impulse of the managers was to petition against the Minute of May last; but, subsequently, they thought better of it, and applied themselves to make good the requisite amount from fees and subscriptions, and with such success that they absolutely secured more than they previously acquired from the State. Here was an instance in a small cathedral town of two schools upon which there had been a useless waste of nearly £250. Was it possible for any Minister, especially one personally responsible for the administration of funds, to refrain from bringing such facts under the notice of the House? The right hon. Gentleman complained of the mode in which the Minutes and supplementary rules were published. But how did he connect that circumstance with the non-existence of the single responsible Minister whom he desired to see? The supplementary rules were, in fact, a number of complicated regulations made at the request and for the assistance of managers and schoolmasters throughout the country. If those rules were not in accordance with the language and spirit of the Minute, let it be shown, and let the earliest opportunity be taken of eliciting the sense of the House. But, in his opinion, no instructions to Inspectors or supplemental rules had ever been prepared without an honest desire on the part of the Department to conform in every way to that Minute. It would be highly inconvenient to include in the Code the immense number of administrative rules and instructions necessary to carry on the complicated work intrusted to the Department; at least, if that were done, the Code, instead of being tolerably short and intelligible, would very soon be thrown back into that state of confusion from which it emerged some four or five years ago. He felt bound to deprecate the spirit of suspicion with which every act of the Department was viewed, and he begged the House to believe that the Department was administered by men of honour and integrity, who had no pleasure in annoying managers by petty economies and vexatious regulations, and no desire to break faith with the House by travelling out of the regulations laid down for their guidance. It was sometimes hard to define the exact distinction between a Minute and a regulation; but if it were shown that the Committee of Council had violated the article which proscribed that new Minutes making material alterations in the Code should be laid on the table of the House, care should be taken to rectify an involuntary error. Having thus noticed the principal points brought forward by the right hon. Gentleman, he had only to say that he objected to his Amendment—first, because it implied a censure upon the constitution of the Committee of Council; and next, because the right hon. Gentleman had failed to show any ground for the large inquiry he proposed. He had further failed to show that there was any want of responsibility on the part of the Minister representing the Department in the House, or that any good would arise from the more direct responsibility which he wished to establish. And the House, he was sure, was too practical to direct an inquiry without some evil was first pointed out, and some remedy for that evil suggested. The Department was still carrying out large changes, necessarily exciting uneasiness and jealousy in many quarters; and if at such a time an inquiry were made into the constitution of the Department, expectations as to changes would be excited, which must interfere with the efficient management of schools throughout the country.

LORD ROBERT CECIL said, that thinking it exceedingly desirable that the House should dispose of that little matter before dinner, he would not enter into any of the questions connected with the Revised Code or the supplementary rules which the right hon. Gentleman the Vice President of the Privy Council had discussed. All he desired to do was to state the reasons why he preferred the words of his right hon. Friend to those of the Secretary of State for the Home Department. The Department, in effect, said, "After three or four discussions we have been brought before the House of Commons and condemned. From that condemnation we appeal to the more formal, more exact, and more laborious tribunal of a Committee of the House of Commons." No proposal could be fairer; and so desirous was he to aid their appeal, that he wished the inquiry to be full, free, and untrammelled. But the right hon. Gentleman who had just sat down commenced his speech with the startling announcement that the Committee was to be composed of officials. The question being one between the House of Commons and the Department charged with official misconduct in having tried to carry on its functions without giving to the House that information which it had a right to expect, the right hon. Gentleman proposed to try the guilt or innocence of the Department by a Committee of the nature referred to. He could imagine nothing more pleasant than a coterie of officials, assembled for the purpose of inquiring whether officials were to be blamed. The terms of reference, however, were even more important than the constitution of the Committee. If it turned out that no offence had been committed, the terms the Government proposed were ample. But suppose the Committee found that an offence had been committed, they would want to know, not merely the crime, but the culprit, and thus it would become necessary to inquire into the constitution of the Department. The right hon. Gentleman (Mr. Lowe) gave an explanation of his conduct the other night which, as far as he was personally concerned, in the opinion of every one who heard him, must have entirely cleared his honour. The right hon. Gentleman said that certain marks, on which great stress was laid, and by which it was proved, or thought to be proved, that the Department ordered the Inspectors to mutilate their own Reports, had been affixed without his knowledge; and, for reasons peculiar to himself, the fact of their having been affixed remained unknown to him. But the Lord President Earl Granville must have read the Reports and seen the marks; and the same observation applied to Mr. Lingen, the permanent secretary. They must both have known perfectly well that the Reports were sent back to Inspectors to expurgate those marked passages to which the Committee of Council objected. If the blame did not fall properly upon the Vice President, he (Lord Robert Cecil) wanted to know whether it fell on the Lord President or the permanent secretary of the Department. The right hon. Gentleman told them that since 1862 Inspectors had never been ordered to expurgate passages which were indicated to them from their Reports. But he held in his hand evidence that exactly the contrary had taken place. As recently as last November a Report was sent back to an Inspector with special passages marked out, and he was ordered to expurgate his Report in that respect. On a former occasion he had been unable to quote the evidence which he relied upon, because he felt afraid of exposing particular Inspectors to the vengeance of the Department; but now he had a pamphlet from an Inspector upon whom the Department had done its worst. Mr. Morell had been dismissed, and had naturally betrayed the secrets of the prison-house. I find that the statement of the right hon. Gentleman the other night, although in intention absolutely true, was still in fact absolutely false. Mr. Morell last autumn gave in a Report respecting a school in the country, in which the following passage occurs:—

> "The premises and fittings are good; but an infants' school-room would be a great improvement. The discipline is good, and the instruction, though not very forward, is accurate and appropriate, as far as it goes, and as advanced as can be expected, considering how recently the present teachers have been in charge."

Now, that remark drew attention to the recent appointment of the teacher, which was a sore subject with the Committee of Privy Council, because they had issued supplementary rules by which they confined to a particular branch every school the scholars of which had not reached the third standard of the Revised Code. That rule might be just with regard to the old schools, but to the new schools it was most unjust, and they therefore refused to allow any allusion in the Reports to the circumstances that stamped it as unjust. These words, "considering how recently the present teachers have been in charge" were struck out by Mr. Lingen, and sent back to Mr. Morrell. That fact was directly and positively at variance with the statement made the other night in that House by the right hon. Gentleman. He repeated that all in that House gave absolute credence to the statement of the right hon. Gentleman, but it raised the question how it was that the right hon. Gentleman was in ignorance of what was going on in his own Department. How was it that the permanent secretary of the Department allowed the right hon. Gentleman to make his statement in that House without bringing the facts under his notice? How was it that, whenever there was to be any inquiry, there was always that double shuffle? They never knew who was responsible—whether the Lord President, the Vice President, or the Secretary of Council;, and the so-called system of Government became a mere system of scapegoats. They could not get to the bottom of the matter. The House passed a Resolution condemning the Government The Government said, "Oh no! it is the Privy Council." The Privy Council was represented by the Lord President, but the Lord President said it was the Vice President. The Vice President resigned and proved that he was innocent, and they inquire further, and find out that it was the secretary. They cannot get at the bottom of the matter unless they had full liberty to inquire. Why was it that they were wholly unable to arrive at the real culprit, or to ascertain by whose orders and on whose responsibility these alterations were made? He wished to go into the inquiry untrammelled by the terms of reference, and therefore it was that he should record his Vote for the Amendment of his right hon. Friend.

MR. BERNAL OSBORNE: There is some danger of our losing sight of the real question before us. However I might be inclined to agree to the Amendment of the right hon. Member for Droitwich—and assuredly a system that in the year 1839 cost £30,000, and in 1864 has mounted up to the enormous expenditure of £705,000, is in itself an argument in favour of inquiry — yet I cannot agree with the right hon. Gentleman that this is either the time or place for proposing the Motion that he has brought forward. If he had proposed it in a substantive form and had given his reasons, I should have felt inclined to support him on the present occasion; but I venture to think that his Motion is at present unnecessary, and if I may take the liberty of saying so, ill-timed, and that mischief may arise from its being added as a rider to the Motion. But if the Motion of the right hon. Gentleman is ill-timed, the course of the Government on this occasion is still more ill-timed and unfortunate. I think so, because, in the face of the explanations which we have heard in this House, it is ill-timed by the Government, unjust to my right hon. Friend the late Vice President, and uncalled for by this House. I was in hopes that when the Clerk at the table read the Resolution — which was carried in a moment of surprise by the noble Lord (Lord Robert Cecil), when he was endeavouring to close that little account before dinner on the 13th of April —it would have been read for the purpose of being rescinded; for if ever there was a Resolution which ought to have been taken up by Her Majesty's Government, it was this Resolution, carried by the noble Lord in a moment of surprise. But the course which the Government have pursued is framed on the system of justice that formerly prevailed in the Border counties, where the criminal was hanged first and tried afterwards. This is the system you are pursuing towards my right hon. Friend the Member for Calne. Can anything be more unjust or more unfair than the treatment to which he has been subjected, not only by the House but by Her Majesty's Government? At this present moment there is the fact of the censure directed against the right hon. Gentleman by the noble Lord, who takes pains to tell us that he entirely acquits him of dishonourable conduct—that he gives credence to his word, and has faith in his honour. Yet, in the teeth of those admissions, that Resolution is allowed to remain on the records of this House. He has been censured without inquiry, and sacrificed, as I think, without a cause. On the 13th of April, some four weeks ago, one or more officials under the Privy Council, who, I will take the liberty of saying, in spite of what has been stated both here and elsewhere, were equally discontented and disloyal servants of the Department, took the opportunity of dropping accusations into the lion's mouth, then represented by the noble Lord the Member for Stamford, who appeared to be neither an unwilling nor an unconscious recipient of those false and calumnious charges. [*Cries of* "Order!"]

Lord ROBERT CECIL: I beg to move that the words of the hon. Gentleman be taken down.

Mr. BERNAL OSBORNE: I repeat—false and calumnious charges. The noble Lord has retracted those charges to-night.

Lord ROBERT CECIL: I have not retracted them.

Mr. BERNAL OSBORNE: Then you ought to have retracted them. If I have understood the noble Lord, he has retracted them to-night, for he said he had every confidence in the honour of my right hon. Friend.

Lord ROBERT CECIL: The statement of the hon. Gentleman is so strong that I may be permitted to explain. My Motion was couched against the Committee of Privy Council. As regards the Committee of Privy Council, I retract not one syllable, but as regards the right hon. Gentleman, I believe the account he gives, and therefore the terms of the censure do not apply personally to him.

Mr. BERNAL OSBORNE: O yes, it is all very well for the noble Lord to say that now; but I am sure the House will agree with me that, although his Resolution was pointed against the Committee of Privy Council, the speech was expressly directed against the right hon. Gentleman.

Mr. LONGFIELD: I rise to Order. The hon. Gentleman is alluding to a speech made in a former debate, which is highly irregular.

Mr. BERNAL OSBORNE: I am much obliged to the hon. Gentleman for throwing his shield over the noble Lord; but the House will remember that the attack was made personally against the Vice President of the Committee of Privy Council. What happened? Why, these precious charges by these disloyal servants—and I suppose I cannot be called to order for that—these charges, by disloyal, discontented Inspectors, were embodied in a Resolution, and were carried through this House, and the little account was closed before dinner. The Motion was carried to a division at the unpropitious hour when the propensities of the hyena were developed in the representatives of the people—when an attempt was made to suppress all debate by the hungry howls of those who wished to divide in time and close the little account before dinner. There was a majority of 101 to 93, and the right hon. Gentleman was censured, no defence being made for him, and no word having been spoken for him; he was censured, as I think, most unjustly and unfairly. What is the course taken by Her Majesty's Ministers on this occasion? They come down four weeks afterwards to say that their honour is impugned, and they move for a Committee of Inquiry. I must be permitted to say that their honour cannot be very sensitive, when it takes four weeks to look into their wounds and move for a Committee. What followed? On the 19th of April my right hon. Friend came down here, and gave such an explanation that, in the opinion even of the opponents of the right hon. Gentleman, if the First Minister of the Crown had risen in his place, and moved the rescinding of the Resolution, it would have been carried unanimously by this House. Is it not too much at this time of day to come down and ask, after more than four weeks have elapsed, for a Committee to whitewash the Office at the expense of the subordinate? I think that in the history of Parliamentary conflicts such a thing has never occurred as that when a Department is attacked the whole *onus* should be thrown upon the subordinate, while the President still retains his office. If there is to be an inquiry, let us have an inquiry into the whole Vote for Education. Believing that the Resolution of the noble Lord ought to be rescinded, I cannot give my support to the Amendment of the right hon. Baronet (Sir John Pakington), though I concur in his motive. Nor can I give my support to the Resolution of the right hon. Gentleman (Sir George Grey); but if an opportunity does occur, at the least I will test the sincerity and strength of will of the House by moving that the Resolution passed on the 13th of April last be rescinded by this House.

Mr. ADDERLEY said, he did not understand that the debate in progress had any personal reference, and he thought that if the right hon. Gentleman who represented the Government had only seen the question in its true light, he would not have objected to the Amendment. If the previous debate was a personal one he could understand that the object of the Motion then made would be to cover the reputation of the Minister, and the Government might legitimately oppose any such addition to the reference as would divert the inquiry from that object. As far, however, as the debate was meant to cast no reflection upon the Minister, but referred to the general constitution and conduct of the Office, he would ask the right hon. Baronet whether he would not agree to the Amendment and allow the inquiry to take place into the constitution and general conduct of the Office as connected with the practices which had been complained of. If the late Vice President of the Council was wrongly accused, he had been amply justified by what had passed since. The only thing which surprised him, and which he regretted, was that his resignation was the consequence of the vote come to by the House; but the fact of that resignation was an argument for making the inquiry general into the constitution of the Office. He had taken no part in the debate because he considered it to be a discussion on the practice of the Office in the matter of these Reports, a point on which he had never flinched from expressing his opinion plainly; and he appealed to the right hon. Gentleman (Mr. Lowe) to say whether, when the question was raised in the previous year, he did not frankly defend a practice which he had begun in the Office, and which he was always ready to maintain was necessary there. When he went to the Privy Council Office he found that the Inspectors had in more than one instance got into the habit of exceeding their proper and legitimate functions. For example, he found that once a year they met in a sort of Parliament in the Office to discuss not only abstract questions relating to education, but the conduct of the Office specifically; and they adopted Resolutions upon a division which might or might not be consistent with the administration of the Department in pursuance of the Votes of the House. In his opinion the Inspectors not only exceeded their functions in doing so, but they established a dangerous practice. He therefore took upon himself to put a stop to it, stating that though very likely it might be for the public interest that the Inspectors should meet to discuss educational questions, he must demur to their adoption of Resolutions which, as he had said, might be inconsistent with the administration of the Department, by responsible Ministers, in pursuance of the votes of the House. Again, in some of their Reports he found that the Inspectors went far beyond all reasonable and proper limits, entering into philosophical disquisitions upon educational theories, writing essays rather than Reports, and thereby destroying much of their value as Reports. He was the first to restrain that practice. From time to time he sent back the Reports in draught to the Inspectors, pointing out the passages he objected to, and requesting them to alter their Reports accordingly. It was after a debate in this House upon the subject that he had laid down the rule that the Reports should be made under five different heads; and he took upon himself to say that any Report which travelled beyond these heads—four of which related to schools, teachers, discipline, and so on, the fifth consisting of general practical suggestions—could not be considered in the nature of a Report or be printed by the House as an official Report on schools. The right hon. Gentleman (Mr. Lowe) had modified that practice, and began the system which he had described as making the Inspectors their own censors. For himself, he confessed his fear that the result of the late division would be that no subsequent Vice President would venture to curtail these Reports in any respect, but would be obliged to give an unlimited licence to the Inspectors to write pamphlets, sermons, disquisitions, and reviews, at the public expense. He did not in the slightest degree question the right of the House, if they chose, to order the printing of thirty or forty educational treatises every year. From time to time the House ordered certain sermons which were preached before it to be printed; but he would never omit an opportunity of expressing his opinion against the practice in the case before the House of allowing sermons to be printed as Reports, and would always maintain that every Department should exercise some control over the Reports issued by it and were bound to prevent any such abuse. He did not take part in the late debate, because it did not seem to him that the debate turned upon that point. It rather seemed to involve a specific charge that in certain Reports passages were omitted which the Department wished to be omitted, while other passages which accorded with their policy were retained. That was a charge as to the grounds of which he had no knowledge whatever, and he therefore took no part in the debate. With regard to the Amendment before the House, he regarded it as most essential. Even if the question were a personal question a preliminary Report might be made on that special point before the Committee dealt with the general question, and the objection on the ground of delay in deciding on a personal charge would be thus met. He was strongly convinced of the necessity of a general investigation into the constitution and conduct of the Department; for he agreed with the right hon. Gentleman that an Executive office with two Ministers, a President who had other business, and a Vice President who did the work, but whose responsibility was limited by the existence of a President—this was a constitution unparalleled in any other Department in the State. The system of Minutes of Council was highly unconstitutional, and, if necessary in this particular instance, highly dangerous unless under the strictest control. By these Minutes the Crown was able to tax the country without due control of Parliament, and possibly even without the cognizance of Parliament. The constitutional theory was that the Crown asked for money, that the House of Commons granted it, and that the Lords assented to the grant. But by those Minutes, the country might be taxed before it had any public requisition, notice, or discussion, and the House might be involved in engagements from which it could not honourably extricate itself, and which added largely to the public expenditure, without the knowledge, and in many cases against the will of the House. The sooner such a system was brought under revision the better. In no other Department was there such discretion vested as that which gave the Committee of Council in possible cases unlimited powers of increasing and appropriating the public expenditure. It was true that at present any Minute of the Committee must lie upon the table for one month before it could have the force of a law; but that was an insufficient provision. He was for having a better notice given to the House of any new Minute, and an entire stoppage of the practice of altering Minutes by mere circular letters; but he could not agree with his right hon. Friend that Minutes of Council should only come into operation at one period of the year. Such a restriction would interfere with the ordinary administration of the Office. He would conclude by asking the Home Secretary whether, after what had passed, he still thought it necessary to oppose the Amendment?

Sir GEORGE GREY: I still think the subjects of inquiry proposed by the Motion and the Amendment respectively ought to be kept wholly separate and distinct. The right hon. Baronet the Member for Droitwich said he was quite ready to agree that the Committee should in the first instance, and before entering on the general inquiry, report on the specific charges, the subject of the inquiry which the Government propose; but the noble Lord the Member for Stamford (Lord R. Cecil) repudiates any such proceeding, and says the specific is mixed up with the general inquiry, and it would be impossible to come to a conclusion on the former without going into the latter. On that point I entirely differ from the noble Lord. I think that the specific is quite distinct from the general inquiry, and that the two ought not to be mixed up together. They ought to be kept altogether distinct, and to be referred—if they are to be made the subjects of inquiry—to distinct Committees. My hon. Friend the Member for Liskeard (Mr. Osborne) seems to think that we are acting unfairly towards my right hon. Friend the Member for Calne. Nothing would grieve me more than to think so. My right hon. Friend thought that the Resolution of the 12th April made personal allusion to him; he has since perfectly exonerated himself from every personal charge; and certainly I was under the impression that in taking the course we have taken we were acting with the consent and approval of my right hon. Friend.

Question put, "That those words be there added."

The House *divided*:—Ayes 93; Noes 142: Majority 49.

Main Question put, and *agreed to*.

Ordered,

That a Select Committee be appointed to inquire into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools.

And, on Tuesday, June 7, Committee *nominated* as follows:—

John George Dodson, esq., Sir Philip de Malpas Grey Egerton, bart., Lord Hotham, the Hon. Charles Howard, Edward Howes, esq.;

Also the Lord Advocate, and Lord Robert Cecil, but without the power of voting.

SUPPLY—CIVIL SERVICE ESTIMATES.

Motion made, and Question proposed, "That Mr. Speaker do leave the Chair."

MR. AUGUSTUS SMITH said, he was in hopes that the right hon. Gentleman the Secretary to the Treasury would, on the Motion for going into Committee on the Civil Service Estimates, have condescended to make some statement to the House with reference to the large amount of those Estimates, explaining why some of them had increased and why others had not been greatly diminished. Those Estimates amounted to near £8,000,000. Complaints had constantly been made that they were brought before the House without being fully considered by the Government. He had placed upon the paper a notice for a Committee of Inquiry into the whole subject, but it was not until Tuesday that this Motion obtained such a position as gave it a chance of coming on, and then for some reason or other the House was counted out. It pleased the hon. Knight who represents Coventry to work out the purpose of the Government in getting rid of his Motion on that occasion. Now, considering the hon. Member represented a constituency in which there was a greater number of the working classes included than in any other in the kingdom, he was the more surprised at such a course, and it was a proof that the fear of such bodies of electors were not likely, more than others, in influencing their representatives to do their duty as a check on extravagant expenditure. He wished to draw attention to the great increase that had taken place in those Estimates during the ten years from 1854 to 1864. During that time they had increased nearly £3,000,000, or more exactly £2,702,000. No doubt it was said that that increase was more apparent than real, because a variety of charges had been transferred to them which were formerly paid direct from the Consolidated Fund, but, taking both payments made from the Consolidated Fund and through Estimates, the actual increase was as he had stated. Taking first the payments which were made direct from the Consolidated Fund, the accounts stood thus:—

Payments direct from Consolidated Fund as given in the Financial Accounts No. 1 to 7.

	1854.	1864.
1. Civil List	£399,822...	£405,843
2. Annuities and Pensions	351,699...	312,066
3. Salaries & Allowances	275,684...	185,718
4. Diplomatic	148,918...	169,777
5. Justice	1,097,205...	685,334
6. Misc. Charges ...	226,065...	213,440
Carry forward ...	£2,500,529...	£1,972,181
Brought forward ...	£2,500,529...	£1,972,181
Civil Services voted by Estimates ...	£4,471,559...	7,702,627
	£6,972,088...	£9,674,808
		£6,972,088
Actual Increase in Ten Years ...		£2,702,720
Consolidated Fund Charges in 1854...		£2,500,529
Do. in 1864...		£1,972,181
Difference ...		£ 528,348
Transferred from Consolidated Fund to Estimates above		£1,100,100

The total under the six heads was £2,500,000 in 1854, and £1,965,000, in 1864, so that there was a diminution, not of the £1,100,100 transferred to the annual Votes, but of little more than £500,000. The total amount of the Estimates for 1854 was £4,471,500, while this year it was £7,702,000, and adding these figures to the Consolidated Fund charges, they had a total Civil Service expenditure of £6,972,088 in 1854, against £9,674,808, or an increase of £2,702,720 this year. The manner in which the Civil Service accounts were kept was most unsatisfactory. There was no regular debtor and creditor account which would show the expenditure in any one Department. And yet we maintained a most expensive staff to look after our expenditure. He was sorry that the Chancellor of the Exchequer was not in his place, but probably the public expenditure was nothing to him, though he was always scolding the House for its extravagance. The right hon. Gentleman on a former occasion had admitted clearly and distinctly that the Treasury had no proper control over the different Departments of the Government, and it was that want of control which lay at the root of our large expenditure. Though the admission was important, the grievance was an old one. So long ago as 1810, a Committee upon Public Accounts was nominated, in whose report the evil was pointed out, notwithstanding it had never been thoroughly corrected yet. Now let the House consider the cost of the Executive, established for the purpose of looking after the public expenditure. At the Treasury we had, besides the First Lord, the Chancellor of the Exchequer, two Secretaries, and three Junior Lords to look after the expenditure, whose salaries amounted to £17,000 a year. As to the Junior Lords, if they were altogether discontinued it would be a great saving to the country. They were generally selected one from each of the three kingdoms; and their chief function was to get what they could for their respective countries, and to assist in any jobs which might be going on. With their clerks and assistants the whole expense of the Treasury machinery was £60,000 a year. Then there was the Controller of the Exchequer, at £2,000, with his clerks, amounting altogether to £10,000; the Paymaster's Office, £25,000; the Audit Office, £40,000; making, in all, £135,000 for machinery for looking after our expenditure. Not only did the representatives of Departments neglect to exercise control over the public expenditure, but they neutralized the efforts of independent Members to obtain even an inquiry into the manner in which the public money was expended. Another subject of complaint which he urged was the haphazard character of the accounts and the incongruous items of which they were composed. The Board of Works sometimes determined on carrying out important works without any authority from the Treasury or from Parliament. The proposed School for Naval Architects would cost a large sum, and it had been settled that it should be situated at Kensington. He should like to know whether the Treasury had examined that plan and approved it. Another head of increased expenditure was salaries and pensions. It appeared from a Return moved for by Mr. Hume in 1849 that there were 8,000 persons receiving out of the public purse in the shape of salaries or pensions, ranging down to £50, and in 1862 a Return moved for by the hon. Member for Brighton showed that the number of persons in receipt of pensions had risen to 10,000, though the limit of such was confined to those who received sums exceeding £150 out of the public purse, so that from 1849 to 1862 the number of persons receiving salaries and pensions had increased by no less a number than 2,000. Another cause of their lavish expenditure was that they were apt to multiply offices and institutions designed for the same purpose. They had at the British Museum, at Jermyn Street, and at Kensington, collections of nearly the same nature, which often carried on a rivalry in the purchase of specimens, and actually bade against each other. The control of the Treasury ought to check that source of extravagance. Then they had other picture collections at Kensington, the National Gallery, and the Portrait Gallery, each of which entailed its separate expenditure for maintenance and establishment. Again, at Greenwich they had an establishment of high scientific importance, which was very economically conducted; but then, again, they had a sort of duplicate to that in the Weather Department attached to the Board of Trade, which cost a very large sum. Anything more absurd than the system by which they attempted from day to day to prophesy the weather it was hardly possible to conceive. Fortune-telling was punished by law, but here they had a department of the Board of Trade which professed to foretell what the weather would be two days hence. He had tested a number of these weather prophecies by the result, and found that they were about once right and twice wrong. There was an institution at Paris of a much higher scientific order than that under the Board of Trade. He did not see why such meteorological observations as were necessary or valuable to us should not be taken at Greenwich, instead of our having two establishments or rather three, as there was another on a small scale at Kew, connected with the same subjects. The Board of Trade was a Department which had greatly expanded, and in reference to railways, it affected the powers of Pluto, and that of Neptune as respects the mercantile marine; but he did not think it should undertake the functions of Æolus. The principal departments in which the increased expenditure to which he referred had taken place were the Office of Works, the Office of Woods, the Office of Education and of Science and Art, the Irish Education Office, the Board of Trade, and then Law and Justice. That, however, to which he particularly wished to call the attention of the House was the expenditure in connection with superannuations. The sums paid under that head were astounding. The total amount of the pensions connected with the Civil Service was, he found, £1,262,000, while those for the non-effective portions of the army and navy, including what used to be called the dead weight, amounted to £4,200,000; so that we actually paid over £5,400,000 in the shape of superannuation allowances for past services, being one-thirteenth part of our total expenditure, including the debt, and actually one-eighth excluding the debt. The Board of Trade affords us a notable instance this year of the carelessness with which superannuations are granted by the Treasury in the cases of Lord Hobart and Mr. Edgar Bowring, the first of whom is but forty-two years of age and the second but thirty-eight. The plea is abolition of office, which is a mere fiction in regard to both, as the actual official staff of the Board of Trade has been very largely extended. But there are an infinite number of ingenuous devices by which these jobs are perpetrated under the several terms of abolition of office—reduction—revision — regulation — re-arrangement — and re-organization. As regards Mr. Edgar Bowring, who held two offices there as Registrar and Librarian, and is pensioned off at the salary which he received for both, that of Librarian has been filled up at a salary, which, with that gentleman's pension, actually saddles the public with a heavier charge than was before incurred. If these parties are entitled to superannuations, there is not a clerk in any similar office of the same age who is not entitled to be as favourably dealt with. Then there were the Departments of Works and of Woods and Forests, the expenditure for which had greatly increased since their separation, as would be seen from the fact that while that expenditure for the ten years up to 1852 was only £364,627, it reached in the next ten years £686,456, or a total increase on ten years of £321,829, or £32,000 per annum. The receipts from Forests during the previous year amounted to £49,000, while the expenses were £32,000, so that the clear income derived by the country from what are called the Royal Forests did not amount to more than £17,000. It would be far better to sell them and apply the proceeds to the purchase of lands which the country wanted for a variety of other purposes. He also objected to the payment of large sums for pieces of ground which from time immemorial had been in the possession of the public. The site of the new Foreign Office was called Crown property, and many thousands had been paid for it to the Office of Works out of the monies voted by Parliament for purchasing the site necessary for those buildings, though, in the calculations given on which those votes were asked for, ground already belonging to the Crown was not included, or had Parliament the slightest notion that they were voting money to pay for what already belonged to the country. They pulled down the State Paper Office for some reason or other, which a few years ago cost £40,000 to erect, and then they paid £7,000 for the site which had been used as Crown property for a very long time. Nothing was more likely than that the site of the present National Gallery would be claimed by the Office of Woods and Forests as Crown property, and that a large sum would be required to purchase it on the removal of the collection to Burlington Gardens. Enormous sums had already been expended in this way, and he trusted a stop would be put to so needless a waste of public money. It likewise occurred to him that a considerable saving might be effected in connection with the system of what may be called the clerkdom in public offices, and the mode of their selection by competitive examinations. That system, though useful in some respects, tended, as at present conducted, to great expenditure and also to extreme dissatisfaction. It encouraged persons of superior attainments to seek employment in the public service, and those persons, being above their work, were naturally dissatisfied with the existing scale of salaries, and adopted every means to raise it. What the country wanted, particularly in the Customs and Inland Revenue Departments, were mere clerks, able to read, write, and calculate, and not fine scholars. Recently all the *employés* in the Post Office wanted an increase of their salaries, though sufficiently well paid already, and he believed the same thing was going on in the Customs. He agreed with the views expressed by the late Sir Henry Parnell in his work *On Financial Reform,* that high salaries not only imposed a great burden upon the public, but also made clerks less efficient, and that there could not be a greater mistake than to suppose that fitness would follow in proportion as the amount of salary was higher. Sir Henry's words are remarkable, and he was sure the House would pardon him for quoting them. He writes, p. 206—

> "The clerks in the commissariat are real clerks, not the sons of persons of the higher ranks, but of a humbler description. They are perfectly satisfied with what they receive, and do their work remarkably well. . . . . Those persons who are willing to work for a small remuneration have the greatest relish for work; and, therefore, giving low salaries will secure the filling of the low offices with the most efficient clerks."

In their last Report, the Commissioners said that no person had been rejected except for want of efficiency in writing, spelling, and arithmetic; but the fact was that in the competitive examinations success depended in great measure upon the possession of qualifications which were quite unnecessary for the work intrusted to public clerks, as anybody will discover who examines the candidate tables given in the Report, where those who are first in the above acquirements often do not succeed, inferior penmen excluding them by marks for geography, history, or other branches of a liberal education. The time had come for Parliament to look into the subject. It was one of the first duties of Parliament to check expenditure, and he was persuaded that if that duty were longer neglected the cry for Parliamentary reform would get louder and louder every year. They had frequently been told that the voting of supplies was a mere matter of course, and that the Estimates must be taken upon the responsibility of Ministers. How was that official responsibility to be tested? What official victim could be sacrificed upon the altar of economy? By what means was the House to bring the guilt home to the real offender? If the Treasury would only apply themselves earnestly to the study of economy, and Parliament would back them, he was satisfied they might reduce the Civil Service Estimates by at least a million, that is one penny income tax, without impairing in the least degree the efficiency of the public service.

SIR JOSEPH PAXTON said, that the hon. Gentleman had alluded to him personally, as he happened to be the unfortunate wight who had interposed between him and the House on the previous Tuesday. The hon. Member had intended to deliver then the speech he had addressed to the House that night, but as on Tuesday there were only thirteen Members present, and he thought the hon. Gentleman's observations could be made with more effect and propriety on the Motion for going into Committee of Supply, he had called the attention of the right hon. Gentleman to the state of the House. That evening the hon. Gentleman had spoken for an hour and a half, but he had not been able to secure a much larger audience, for during the greater part of his speech not more than twenty Members were in the House. As, however, the Estimates were before the House, he did not venture what he would have otherwise been inclined to do—to try a count. He would not anticipate the answer of the right hon. Gentleman the Secretary of the Treasury, but the field over which the hon. Gentleman had travelled was so large, and his opinions so decided, that one could not help suspecting he deemed himself quite capable of carrying on the whole Government of the country, with the aid of two or three clerks.

SIR HENRY WILLOUGHBY said, that at present only a few branches of the Civil Service expenditure were subject to the appropriation audit; but it was very desirable that the same check should be extended to the whole Estimates. He wished to know whether the Treasury had taken any steps with that object? The measure had been strongly urged by the Public Monies Committee. He did not quite agree with his hon. Friend the Member for Truro, as to the existing machinery being imperfect. In his opinion, however, the Audit Board and some other Departments had a tendency to fail for want of a clear and definite system of action; and the House would do well to give them more power and support. Even as it was, the Audit Board did good service. He believed, also, that the Office of Woods and Forests might be rendered more useful if it had fair play. That Department, and also the Ordnance, ought to be properly represented in the House. Hon. Members ought to try to improve the machinery now in operation, and not to discredit it. He would refrain from touching on the various questions raised by his hon. Friend, as they would be more properly discussed in Committee.

COLONEL SYKES said, the hon. Member for Truro deserved credit for the great trouble he had taken in examining an important subject, and in calling attention to the continual progressive increase of expenditure year after year. That was a most melancholy fact and deserved consideration. As long as the Estimates remained at their present excessive figure, the country must be content to bear the heavy burdens now imposed. The first step to a reduction of taxation was, of course, a reduction of expenditure.

MR. PEEL said, that the House would fall into a serious error if it was led to suppose that the Civil Service expenditure was not audited. On the contrary, the bulk of the Civil Service Estimates were audited with great minuteness. Only a few of the Votes, however, were subjected to the appropriation audit for the purpose of making a comparison between the actual expenditure of the year and the grants of money. He admitted that it was desirable that that audit should be extended so as to embrace all the services comprised in the Estimates, more especially as the Appropriation Act now limited the grants made to the payments falling due within the year. The matter was under the consideration of the Government, with a view to seeing what could be done. The House, he was sure, would hardly desire him to follow the hon. Member for Truro through all the details of his speech. Indeed, he doubted whether he had it in his power to do so, as he had no idea that the hon. Gentleman was going to make so lengthened a statement, and to take so comprehensive and minute a survey, charging the Treasury with abusing and mismanaging every trust confided to them. As to the Lords of the Treasury availing themselves of appointments as a means of obtaining undue advantages for their constituencies, he could hardly suppose that the hon. Gentleman made that charge seriously. It was certainly altogether an unfounded suggestion. Then, again, instead of the Treasury comprising sinecure appointments, there was really no branch of the public service to which that remark less applied; and he believed the officers were generally fully employed. There was not a single instance in which the Secretary to the Treasury had prefaced the introduction of the Civil Service Estimates by a long speech. The fact was that these Estimates were quite different from those for the army and navy, which each referred to a single service. The Miscellaneous Estimates included such a variety of services, from national education to public works, which had no relation to each other, that they could not be explained in a single speech. At the same time, he would take that opportunity of calling attention to the generally satisfactory state of the Civil Service Estimates. They showed a reduction upon almost every branch. Although on particular items there had been some increase as compared with last year, more particularly with respect to the Votes for law and justice and prisons. But notwithstanding that the Civil Service Estimates, on the whole, showed a reduction of £180,000 as compared with last year, which also showed a considerable reduction as compared with the previous year, there was a reduction in the revenue Vote, although the number of persons employed and the salaries paid had a tendency to increase. With respect to the Packet Service Estimate there was a reduction of £80,000. After making due allowance for the increase in the Votes for public education, and the additions which had been made to the Civil Service Estimates by transferring to them services which used formerly to be paid by other funds, it would be found that the increase in the Estimates was not three millions, as stated by the hon. Member for Truro, but merely some hundreds of thousands, which it would not be difficult to account for under all the circumstances of the case. With regard to the charges on the Consolidated Fund and the payments out of income of Woods and Forests, on which the hon. Member had asked for information, he would observe that an increase had taken place in two branches of the Consolidated Fund charges. There was an increase of about £40,000 in the miscellaneous advances, and that was to be accounted for in the following manner:—By the Act abolishing passing tolls the principal and interest of the debts due in respect to Whitby Harbour were charged on the Consolidated Fund. The interest on the debt was 4 per cent, and a saving of £300 a year was effected by paying off the principal. The amount paid for the extinguishment of that debt was the cause of the increase in the miscellaneous payments out of the Consolidated Fund. Under the Customs Consolidated Act of 1854 the whole of the customs revenue of the Isle of Man, amounting to £27,000, was annually paid into the Exchequer. The Treasury was bound to pay the ordinary civil expenses of the island, and to give one-ninth of the customs revenue of the island for the construction of new harbours, and for purposes connected with public works. The public works were not undertaken until last year, and for the purpose of carrying them on, the whole of the accumulated charge on account of the one-ninth of the customs revenue of the island, amounting to £27,000 in all, was required. The sum was paid, and that explained how that particular increase had taken place. The payments out of the income of the Department of Woods and Forests were strictly in accordance with the Act of Parliament, which was based upon a sort of compact by which the Crown, in return for a Civil List, surrendered its land revenues during the lifetime of the Sovereign; and he did not think that, consistently with the observance of that compact, any fundamental change could be introduced into the mode in which those revenues were administered. The payments might appear to be large, but they went towards the improvement of the estates, and in most instances interest was charged upon the tenants of the properties where the improvements took place, and the consequence was that the income from the land revenues was continually increasing. The other questions which had been raised by the hon. Member for Truro referred to the details of the Votes, and he should therefore reserve any explanations which might be needed until the House had gone into Committee of Supply.

MR. W. WILLIAMS said, he would suggest to the Chancellor of the Exchequer that it would be a great convenience as well as a source of important information to the House if a Return were presented to the House, showing the amount of the Votes which remained unexpended at the end of every year.

MR. SCULLY said, he thought that the hon. Member for Truro had hardly been fairly treated. He had done good service by calling the attention of the House to these details, and if it had not been for him the House would have been dispersed. At one time there were only twenty Members in the House, there were six in the lobbies, six in the tea-room, six in the library, and thirty-nine in the dining-room. He did not blame those hon. Members for being out of the House, because they knew that if they had been present they could have done no good, that all the nibbling and cheeseparing in the world would never reduce the Estimates below the amount at which the Government chose to fix them. The late hon. Member for Montrose and the hon. Member for Lambeth, who at one time was called a "continuation of Hume," had gone through the same process that the hon. Member for Truro was now being subjected to, and the experience of that hon. Member had led him to confine his speech that evening to a period of only about two minutes. The people of Ireland were more interested in the matter than were those of England, because of all the taxation which was taken from Ireland none flowed back to that country, except the small amounts expended for English purposes, such as the payment of an English Lord Lieutenant, who could be made of no use here, and a Chief Secretary, who was the most mischievous man in the country. The only Irish purpose for which money was expended was the payment of the Judges. The stream of taxation was poured out to enrich England alone, and that was the reason why English Members were so indifferent to the enormous taxation imposed on other parts of the kingdom.

THE CHANCELLOR OF THE EXCHEQUER said, that in reply to the hon. Member for Lambeth, he had to state that it would not be possible for him to undertake to present on an early day in each Session an account of the state of the unexpended balances in the Civil Service Estimates.

Motion *agreed to.*

SUPPLY.

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

(1.) Motion made, and Question proposed,

> "That a sum, not exceeding £40,258, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Maintenance and Repair of the Royal Palaces."

MR. W. WILLIAMS said, he had no desire to make any observations in reference to palaces occupied by the Royal family; but he believed that no member of the Royal family resided in Kensington Palace, and that the only person there was a very old lady, and he, therefore, wished to know how the £1,237 set down for it was expended. For Bushey Park House the sum of £1,319 was asked, and he wished to ask who it was who occupied that building. There was also an item for repairing and cleansing the fittings in the Chapel Royal, St. James's, but he believed that Her Majesty never attended that chapel.

SIR HENRY WILLOUGHBY observed, that there had been a general and silent increase in these Estimates from year to year. He wished to have some explanation of an apparent excess of £12,696 spent beyond the sum voted for 1862-3.

MR. COWPER said, that the expenditure on Kensington Palace and Bushey House was solely for the purpose of keeping them in ordinary repair and preventing them going to decay. The Chapel Royal, St. James's, was attended every Sunday by a considerable congregation, and it was necessary to maintain the building in a proper state of repair. Though Her Majesty had a chapel at Buckingham Palace, still many members of the Royal family attended the Chapel

Royal, St. James's. In reply to the observations of the hon. Member for Evesham, he had to observe that the excess referred to was paid out of the balances of previous years. The old system was to pay money for the purpose for which it was originally voted, without reference to the year in which the payment was made; but a different plan was now adopted, and at the end of the year the balance was paid over to the Exchequer.

MR. PEACOCKE said, it appeared that a private road, by which the public had been admitted to Richmond Park through Roehampton Gate, had recently been purchased by a gentleman named Prescott, and closed by him against the public, so that Roehampton Gate was only of use to that gentleman, his family, and friends. He did not see that the public should be put to the expense of keeping up the gate solely for the use of that gentleman, who would not give the public in return the use of the road, and he moved that the Vote be reduced by £50, which would be about the expenditure connected with the gate.

Motion made, and Question proposed,

"That a sum, not exceeding £40,208 be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Maintenance and Repair of the Royal Palaces." — (*Mr. Peacocke.*)

MR. COWPER said, the case was rather peculiar. The gate was, of course, open to the public, as all the other gates of Richmond Park were, but the road that led to the gate was private property. That property had lately come into the possession of Mr. Prescott, and he allowed all the residents in Richmond Park to pass along the road, but not the general public. If Mr. Prescott were more liberally disposed he might have opened it to the public, but it ought to be remembered that the expense of repairing the road fell upon the owner, and if he were to allow the public to use it the increased expense of the repairs would be thrown upon himself. He had suggested to Mr. Prescott that he might, without incurring additional expense, allow all persons on horseback to make use of the road, but he did not know whether that suggestion would be adopted. If the extreme rights of the Crown were enforced the gate might be shut up altogether, which might not be a very agreeable thing to Mr. Prescott and other persons living on the road. However, the annual expense of repairing the gate was only about £5, and if any reduction was to be moved it ought to be £5, and not £50. He hoped, under the circumstances, his hon. Friend would content himself with having expressed a wish upon the matter, and would not divide the Committee.

MR. PEACOCKE said, he would not press his Motion provided the right hon. Gentleman would see the suggestion carried out—that all persons on horseback and in private carriages should be allowed to pass through the gate in return for the use of it by Mr. Prescott.

MR. COWPER said, he had no power to coerce Mr. Prescott.

MR. PEACOCKE said, the right hon. Gentleman might shut up the gate. If he would engage to shut up the gate, unless Mr. Prescott opened the road, he would not divide the Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped his right hon. Friend would not be asked to enter into a specific engagement. Mr. Prescott was, no doubt, a gentleman of intelligence and sagacity, and would understand what the feeling of Parliament was upon the subject. The existing state of things was certainly one which ought not to continue.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) £77,531, to complete the sum for Public Buildings.

MR. W. WILLIAMS said, he wished to call attention to a sum of £9,933 for repairs of ecclesiastical and collegiate buildings, &c., in Scotland. There were sums set down for maintenance and repairs of the old Scotch cathedrals, which were no longer of any use.

SIR WILLIAM FRASER said, he thought the hon. Gentleman had extended his economical views beyond their legitimate bounds. No one had seen the Scotch cathedrals without feeling that they contained some of the most beautiful specimens of architecture, not only that the three kingdoms, but that the world possessed, while the sums asked for their preservation were but small. He was sure the Committee would not agree with the paring-down spirit of the hon. Gentleman. He was happy to see that something was going to be done at last about that very valuable possession of the Crown—Burlington House. Some twelve years ago when he first had the honour of a seat in that House, there was talk of doing something, but nothing had been done. When the immense value of a spot of ground in that part of London was taken into consideration, some explanation of the delay was due. How was it that successive Governments, during a period of so many years, had made no use of the spot. As he understood the plan that was in contemplation, a building was to be erected at the rear in order to receive the national pictures. But to place our National Gallery — a building which, no doubt, would be of some architectural merit — in the background, required explanation. It appeared there was to be an approach to the Gallery, through the centre of Burlington House; but he could not make out how that was to be managed. He could not help thinking that something ought to be done to give the public an opportunity of seeing Burlington House. For one hundred years that building had been admired by architectural critics, and yet it was kept from the view of the public. He supposed at some time it was intended to carry a street from Piccadilly to the north, through Cork Street, or thereabouts, for the purpose of relieving Bond Street and Regent Street; but if those buildings were erected there, all hopes of that kind would be put an end to.

Lord JOHN MANNERS said, the people of Scotland took a different course with respect to their cathedrals from the people of England. Here the people defaced the cathedrals, but kept them in their own hands; but in Scotland they respected them, but handed them over to the Crown. And now a sum of £9,000 was asked for those beautiful buildings, simply because they were Crown property. With respect to a different question, when the time came for deciding whether a new National Gallery which would cost £150,000, ought to be placed on the ground behind Burlington House, he hoped that matter would be discussed by a more numerous Committee. He hoped at that time, also, they would have a satisfactory solution of that really difficult question. His hon. Friend could not understand how it was that two successive Governments had failed to settle the question about Burlington House; but that there had been two successive Governments explained that unfortunate fact. Had there been only one Government, the matter would have been decided long ago.

Mr. Alderman SALOMONS complained that while £11,000 was asked for rates and taxes for public buildings in Westminster and London, the Government refused to pay not only poor rates, but rates for drainage and sewerage for their large establishments at Deptford. In some places Government paid those rates, in others they rejected all claims for them. The practice showed such a want of principle as to require some explanation.

Mr. AUGUSTUS SMITH said, he took objection to the item for rents paid for public offices erected upon land belonging to the public. He might instance the Geological Museum in Jermyn Street, as an example, where a large amount of money had been expended in building upon land belonging to the public.

Mr. COWPER said, that the complaint of the hon. Member for Truro really was, that a better system of accounts was now adopted than had been in use in former times. Now that the department of Public Works was separated from the Woods and Forests, it was right that rent should be paid for Crown land, whether let for public or private purposes. With respect to the item for repairs of ecclesiastical buildings in Scotland, they were about twenty-four in number, and among them were the palaces of Holyrood and Linlithgow, the Register Office in Edinburgh, and some ruined cathedrals upon which a small expenditure was necessary to prevent them from absolutely disappearing. He would not follow the hon. and gallant Gentleman opposite (Sir William Fraser) into a discussion of a Vote that would come on for consideration at a future time, but when that time did arrive, he would be prepared to give the fullest explanation, and hoped to persuade the House that the course proposed by the Government was a wise one to pursue. With respect to the point raised by the hon. Member for Greenwich (Mr. Alderman Salomons) it was quite true that a different practice had been adopted with regard to public buildings in the metropolis to that which prevailed in respect of public buildings outside the metropolis. The distinction, however, had been made for many years, and had invariably been observed. The subject adverted to by the hon. Member for Greenwich was under the consideration of the Government and would receive their earnest attention.

Colonel W. STUART asked for an explanation of an item of £42 on account of the formation of a road near Holyhead.

Mr. AUGUSTUS SMITH said, that the explanation of the First Commissioner of Works only led to the question of why rent was not paid for the Treasury or for the parks.

Mr. COWPER said, he must admit that perhaps rent ought to be paid for the Treasury, but the parks were in a different category, as they were placed by Act of Parliament under the management of the Office of Works. The small item for the road at Holyhead was a mere re-Vote of a sum formerly voted, which had lapsed on account of not having been claimed.

Vote *agreed to.*

(3.) Motion made, and Question proposed,

> "That a sum, not exceeding £12,300, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Supply and Repair of Furniture in the various Public Departments."

Mr. AUGUSTUS SMITH said, he could not understand why a large sum was asked for the furniture of the Kensington Museum. He moved that the Vote be reduced by £3,000.

Motion made, and Question proposed,

> "That a sum, not exceeding £9,300, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Supply and Repair of Furniture in the various Public Departments."—(*Mr. Augustus Smith.*)

Mr. COWPER said, the furniture was no more than was required for the School of Art and the buildings attached to it. He admitted that in the first instance the item might have been placed in a different class in the Science and Art Department. It had, however, appeared in these Estimates in former years, and it was not desirable to shift it now, as that would alter the headings and prevent an accurate comparison between one year and another.

Mr. GREGORY complained of the manner in which the Estimates were compiled with reference to the Votes for furniture. It was the practice with regard to the Irish Industrial Museum, because it was out of favour with the Government and very popular with the people of Ireland, to make the expenses for fittings, furniture, &c., as large as possible, thereby creating a false impression with regard to the cost of that establishment. It was very strange that the cost of these articles for the British Museum should be included in its own Estimate, and the South Kensington excluded from its own Estimate.

Lord JOHN MANNERS said, he was never satisfied with the mode of arriving at the Estimates of fittings, furniture, &c., required by the various Departments. The officer who was really responsible for the Vote was the Vice President of the Committee on Education, and not the Chief Commissioner of Works; and he regretted that the former right hon. Gentleman was not present to explain it. The right hon. Gentleman the First Commissioner of Works exercised a supervision over the general Votes for furniture; but with regard to the fittings at South Kensington he was in the hands of the officers of the Department, and was as powerless as a child. On the first blush of it the cost appeared to be great, as it amounted to about one-third of the whole sum required, but he had no doubt it was susceptible of explanation. The item, however, ought to be transferred to the Vote for Education.

Mr. Alderman SALOMONS said, he thought it better to make the alteration at once than to wait for another year, when the matter might be forgotten.

Mr. F. S. POWELL asked, whether the Vote for furniture at South Kensington was to be regarded as an annually recurring charge, or one of an exceptional nature consequent on the extensive alterations which had been recently sanctioned by Parliament?

Mr. AUGUSTUS SMITH said, he had only named £3,000 in his Amendment as a round sum. He found by reference to the Estimates that the exact amount asked for fittings and furniture for the Department of Science and Art was £4,300, and he accordingly begged to substitute that amount in his Amendment.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. COWPER said, that about one-half of the expenditure was for special purposes, which it was hoped would not occur again. It was required for the completion of very extensive galleries and rooms which had only recently been finished, and which would require special furnishing and fittings. The ordinary repairs in future years would probably not be more than £2,300 instead of £4,300. He agreed with the noble Lord that this was a duty he would rather not have placed on his Department, but that it should be transferred to the responsible person. The control had, however, remained with the Office of Works because it was considered more economical for his office, which was continually making contracts for these things, to supply all articles of this kind that were required for South Kensington. On the score of economy, it was better to leave the supplying of these articles to his Department.

Mr. SCULLY said, there was a positive increase of £3,800 on the Vote for the present year, and asked for an explanation.

Mr. COWPER said, that if the hon. Member would compare the sum proposed that year of £17,300 with £19,611 last year, he would find there was a decrease on the total, and if he compared the particular item under discussion with that of last year he would find a saving of £311.

Mr. AUGUSTUS SMITH said, he must press the right hon. Gentleman to accede to the classification of expenditure which had been suggested.

The CHANCELLOR of the EXCHEQUER said, he would express a hope that the hon. Member for Truro would not divide the Committee upon the Vote. The principle of his Motion would go much further than the Motion itself. No doubt it was desirable, and it would be very convenient, that the figures should be so arranged as that they might see at a glance the expense of each public Department with regard to furniture, fittings, &c.; but to do that they must depart from the principle which they had very largely adopted, and which they regarded as a general rule in the arrangement of the Estimates, namely:—That every article required by a Department should be furnished in the most economical manner possible. They could not recognize the two principles together. To get the articles at the cheapest rate it was desirable that they should be furnished by the Board of Works, because they had dealings with the tradesmen who had to supply them, and were accustomed to make the necessary contracts. It would be far less economical than at present were the different Departments to send out a messenger or housekeeper all round London for the purpose of ordering each for itself what was required. Although his right hon. Friend had not so much control over this Vote as he would over the supply of chairs, tables, and carpets, with which he was so familiar, for the other Departments, yet he was essentially a manufacturer, and could obtain what was required at a much less cost than the Vice President of the Council on Education.

Mr. AUGUSTUS SMITH admitted the soundness of the principle laid down by the right hon. Gentleman the Chancellor of the Exchequer, but it was not carried out in all the Departments.

Mr. W. WILLIAMS thought it was not worth while to divide on the Vote. He thought the Vote was in its proper place.

Whereupon Motion made, and Question,

"That the Item of £4,300, for Fittings and Articles of Furniture for the Department of Science and Art, be omitted from the proposed Vote,"—(*Mr. Augustus Smith,*)

—put, and *negatived.*

Original Question put, and *agreed to.*

(4.) £72,944, to complete the sum for Royal Parks and Pleasure Grounds.

Mr. COX said, that the Vote contained items of £6,846 for Battersea Park, £1,584 for Kennington Park, £9,964 for Regent's Park, and £5,934 for Victoria Park. A petition had been lately presented complaining that a certain portion of Battersea Park had been handed over to the Civil Service Cricket Club for their exclusive use. He was informed that the club consisted of 230 members, and that 19,000 square yards of ground had been set apart for them. Another portion of ground of about 18,000 square yards was allotted to 14 other clubs, consisting of 600 or 700 members. A third portion, which was of no use whatever, was given to the general public for cricket. He wished to ask whether similar arrangements had been made for playing at cricket in Regent's Park and Victoria Park, and whether the First Commissioner of Works had selected any portion of those parks for the exclusive use of any other servants of the Crown. He had another question to ask in regard to Kennington Park. It was an inclosure not much larger than Lincoln's Inn Fields, comprising about 15 or 16 acres of ground. Every year between £1,500 and £1,600 was laid out, not for the benefit and enjoyment of the public, but to furnish grazing for sheep. He himself lately saw the poor children of the locality, who used freely to play on the grass when the place was called Kennington Common, excluded from the grass of the park and compelled to play on the gravel, while the sheep were enjoying the turf. He thought it too much to maintain a spot of ground at a cost of £100 per acre for the exclusive benefit of a few sheep.

Mr. CARNEGIE said, that the Civil Service Cricket Club had expended a great deal of money on their cricket ground in Battersea Park, and had made it worth something, whereas the space occupied by the general public being constantly knocked about was in very bad condition. He could not agree with the hon. Gentleman that the space allotted to the public was worth nothing, but if the general public were admitted to play on the Civil Service ground that would soon be worth very little as a cricket ground.

Mr. Alderman SALOMONS said, he wished to know whether the ground rents of Regent's Park were reckoned in the item relating to that Park, or carried to the public account?

Sir EDWARD DERING said, the public in general owed great obligations to the right hon. Gentleman the Chief Commissioner for the improvements which he had made in the parks. There was, however, a class of persons whose good opinion no doubt he would wish to conciliate, and whose requirements had been overlooked, and who had a paramount claim upon his attention—he meant the ladies who rode in Rotten Row, and who had at present not the slightest shelter or protection from the inclemency of the weather. After a smart shower the ride had to be given up, or the unfortunate individuals were obliged to ride in their wet clothes, which no doubt caused much discomfort and inconvenience. The question was whether it would not be very easy to adopt a remedy for all this inconvenience. If the right hon. Gentleman would only adopt the precedent in the Bois de Boulogne, in various parts of which were scattered about shelter sheds, simple in construction and inexpensive, he would afford shelter both for riders and pedestrians, and at the same time not encroach on the rights of the people. There was, he believed, a central and convenient spot where these shelter sheds might be placed. The House should remember, too, that the ladies were never insensible to benefits conferred upon them.

Mr. SCULLY said, he wished to know, from either the right hon. Gentleman the First Commissioner of Works, or the hon. Gentleman the Member for Lambeth, whether Battersea Park had made the Return for the expenditure devoted to it which was so confidently anticipated some years ago. He regarded the case of Battersea Park as an example of the principle which had been adopted of levying taxes throughout the United Kingdom for the benefit of London alone. The amount spent upon Ireland or the provinces was very small indeed. The most serious complaint that had been made that evening was that made by an hon. Member with reference to Rotten Row, where it was said that no defence or shelter was provided for those anonymous individuals. He did not know that there was any necessity for spending more money upon conveniences for pretty horsebreakers, as he believed we were going quite fast enough without that.

Sir EDWARD DERING said, the hon. Member was misrepresenting what he had said.

Mr. SCULLY said, he would apologize if he had misrepresented the hon. Baronet, but he believed he had literally interpreted what had fallen from him. The hon. Baronet did not name the unfortunate individuals, and he therefore concluded that they were anonymous. There was an Estimate of £594 for extending the horse ride in Battersea Park, and a little further down the hon. Baronet would find an item of £62 for public conveniences. He saw that there was included among the accounts an estimated expenditure of £1,051 upon Longford River. He did not know where Longford River was, nor had he been able to discover its locality. He knew a county of that name, however, in Ireland, but he did not believe that the sum was intended for the benefit of any place in that neighbourhood. They would see that the income they derived from the parks and pleasure gardens amounted to £3,527, while the expenditure upon them was £97,952, so that they were really in receipt of about 3½ per cent for their money. He could not understand how so much as £20,000 could be expended on Kew Gardens. But it was of no use to move a reduction, and, therefore, he would not attempt to obtain any. He despaired of having these enormous Votes for parks and horse rides and such trumpery cut down or rejected until some Member of position, such as the Chancellor of the Exchequer, took the matter up.

Lord JOHN MANNERS said, he rose to object to an item of £25 for the construction of a plantation upon Primrose Hill. At present there was a very good view of Highgate from one side, and of Hampstead from the other, and he believed that the only result of the plantation would be to obstruct this view.

Mr. W. WILLIAMS said, he desired to remind the Committee that Battersea Park was purchased with the public money, and that it was, therefore, the property of the public. If any portion of it had been devoted to the exclusive use of the Civil Service, such appropriation was, on that account, clearly unwarrantable. The expenditure on the parks was much heavier than it ought to be. It was an annual burden, and he believed that it would be difficult to show how so large a sum could be profitably expended.

Mr. COX maintained that Kennington Common was not appropriated to the purpose for which it was intended—the recreation of the people and the benefit of the neighbourhood in which it was situated. Formerly, hundreds of children might be seen playing there and rejoicing in the fresh air. But now, if the hon. Member for Lambeth went to Kennington Park some hot day in July, he would see poor children running about on the hot gravel while the sheep engrossed the green grass.

Mr. SCULLY said, that Battersea Park was of no more use to the constituents of the hon. Member for Lambeth than it was to the inhabitants of the County Cork, and if so it had better be shut up altogether. He thought that £1,600 was a large sum to pay for keeping up a park and for shutting out the children and giving playgrounds to the sheep there; and he had little doubt that if the hon. Member (Mr. W. Williams) were made head ranger he would keep the park in good order and save £1,400 a year.

Sir JOSEPH PAXTON said, that in laying out Battersea Park it could never have been contemplated that a toll bridge should be erected between it and the public; and if the building ground around it was to be let to advantage Battersea Bridge must be thrown open. He must say that the expenditure on the parks was rather extravagant. Ten years ago the Vote asked for was about £60,000, and now it was very nearly £100,000. He thought too much money was being spent in what he might term gardenizing these parks. In his opinion, it was not right to place beds of flowers in all sorts of incongruous places there. As to Primrose Hill, it would be much better to leave it in its present open condition.

Lord ELCHO asked what proportion of the total expenditure was caused by the wages and superannuation allowances of the park keepers. They were in many instances too old and infirm properly to maintain order, and, moreover, were not in the parks at night time. He would suggest that a considerable saving would be effected, and that the parks would be better kept, if they were handed over to the police.

Mr. COWPER said, he could not admit that there was any undue expenditure whatever upon the Parks. The sum of £25,500 upon Hyde Park, St. James's, and the Green Park might seem a large one; but when hon. Members came to think of all that was necessary to be done they would find the expenditure exceedingly moderate. Out of the total he had just mentioned, £10,000 was appropriated to roads, for there were eight miles of roads in these parks, and thirty-five miles of walks. Another item was for repairs of lodges and railings, &c., £5,000. The constables cost £3,500 including everything, and they were less expensive than policemen who were employed at Kennington Park. These constables were always selected from men who had served in the army, a preference being given to those who had distinguished themselves and had obtained medals; but before their admission into the force a medical certificate was required of their being able-bodied men. The parochial rates amounted to £1,100, so that the money actually spent upon the grass lands and plantations was only £3,410 out of the £25,000. That was not a large sum, he thought, considering the necessity of keeping the grass and plantations in the order that was necessary. It seemed to be the impression that large sums were spent in cultivating flowers, but the recent creation of flower beds had given immense gratification at a small cost, and flowers were now necessary for the embellishment of the parks and for the enjoyment of the public. Last year the flowers in Hyde Park cost £600, including fuel, labour, and every expense; and he did not think that that was a large sum. With regard to Battersea Park he anticipated that their views as to future remuneration would be realized. Recently he had an advantageous offer for a considerable portion of the land adjoining Battersea Park, but he did not feel himself justified in accepting it without competition. At present a main sewer was being constructed there, which when completed would enhance the value of the land, and he intended to call for proposals for the letting. He could assure the Committee that all the regulations in the parks were made for the benefit of the public at large, and if at any time it could be shown that they operated injuriously towards the public he would be quite ready to re-consider them. As to the objection about the sheep, if none of those animals were put to graze in the parks, and the public were allowed always to walk on every part of the grass, the result would be that after a short time there would be no grass in those places of recreation. In Kennington Park he had set apart a portion of it exclusively for children to play in at all seasons. Of course they would destroy all the grass in that separate portion, but he supposed that sacrifice would be cheerfully submitted to in order to secure a play ground for children. In Battersea Park he had thought he had gone as far as he was justified in doing towards providing a cricket ground by making a portion of the park smooth and level, leaving it to clubs who wished to improve the ground to mow it, and otherwise keep it in good order for the game. Originally the exclusive use of a portion of it had been allowed to the Battersea Institution Club on those terms, and last year he had complied with an application from the Civil Service Cricket Club for the exclusive use of another portion of it on similar terms. He did not think that any wrong was done to the public by those arrangements, but if it could be shown that the privilege granted to these clubs was unfair towards other persons, he would be ready to re-consider the matter. He had been asked whether in the Regent's Park there was any payment for Crown rents. He had to answer that no part which paid Crown rents was included in the Estimates. The plantation which he proposed for Primrose Hill would be on the level ground and not on the height, and would relieve the monotony of the place. He agreed with the noble Lord that it would not be desirable to interfere with the hill itself. As to the arrangement proposed by the hon. Baronet for ladies who required shelter in rain, he would take the matter into consideration; but while anxious to contribute to the comfort of those who frequent the parks he must take care not to do anything to disfigure those places of public recreation, and there might be some question whether rustic roofs and iron sheds might not prove to be a disfigurement.

Mr. MALINS said, he had been requested to call attention to the inconvenience caused in these days of late dinners by the closing so early as ten o'clock of the communication between the north and south sides of Hyde Park, which obliged persons wishing to go from Westbournia to Kensington to drive round by Park Lane.

Mr. COX observed, that the right hon. Gentleman had not given an explanation about the arrangements in the Regent's and Victoria Parks.

Mr. F. S. POWELL said, it would conduce to the comfort of many persons if more seats were placed in the parks, and if the seats had backs. [An hon. Member: Bath chairs.] No, not Bath chairs; but chairs with backs.

Mr. BUCHANAN asked whether there was any intention of finishing the portion of Kew Gardens nearest to Richmond?

Mr. LYGON complained that too many of the park gates were closed and left without rangers to let visitors out immediately after the hour arrived for excluding the public from the enclosure in St. James's Park.

Mr. COWPER said, he was very sorry the hon. and learned Gentleman had been interfered with in returning from his dinner party. [Mr. Malins: Not myself, but friends of mine.] He wished he could remedy the grievance complained of, but there was this difficulty—the park required to be opened at five o'clock in the morning to enable workmen going to work to pass across the park, and if the gatekeepers had to be up at that early hour it would be hard to ask them to remain up later than ten. Still it was a matter for consideration, and he should be very glad if the difficulty could be got over. The gatekeepers in St. James's Park were required to remain at the gates till ten minutes after they were shut, so that parties who had entered at one gate might be allowed to get out at another. In the case referred to, he supposed the constable had been negligent of his duty. He would make inquiry into the facts. The Estimates of the year would contain provision necessary for adding to the seats in the parks. A certain number were added every year; but he entirely disclaimed having placed seats there without backs. There might be a certain number of uncomfortable seats, but these were of an old construction, and the last pattern was a very easy one. With respect to the question of the hon. Member for Finsbury, he might add that in Victoria Park one part was set apart for cricket matches and another for practice. In Regent's Park cricket was not allowed after eight o'clock in the morning. The suggestion of his hon. Friend the Member for Glasgow would receive attention.

LORD JOHN MANNERS said, he would recommend the right hon. Gentleman not to carry out his design with regard to the plantation on Primrose Hill. The space was too contracted.

MR. COWPER said, the word "plantation" did not express his intention. He contemplated a group of trees which after a little time, when thinned, would stand out singly, and not interrupt people walking, but would contribute a little to break the dreary waste.

Vote *agreed to.*

(5.) £22,144, to complete the sum for the Houses of Parliament.

MR. GREGORY said, he wished the Vote had come on at an early sitting, that he might have asked hon. Members to pay a visit to the Peers' robing-room, in order to examine and judge for themselves of what he might call one of the most noble specimens of modern art, and when he told them on their return that the painter of that great picture had been employed on it for six years and eight months at a remuneration not exceeding £500 a year, he would have asked them had he been adequately remunerated? It was said that Mr. Herbert, having entered into a contract, must be bound by it; but what were the facts of this case? According to the original estimate the work was to be done in fresco, which being rapidly executed Mr. Herbert calculated he would be adequately remunerated by the payment of £2,000 for each picture, because it would not occupy him more than twenty months. But the state of the frescoes in that House had attracted the attention of Parliament, and the Prince Consort, being struck with the superiority of the glass water process, requested Mr. Maclise to go to Berlin and inquire into the process. Mr. Maclise did so, and, having made himself practically and theoretically acquainted with it, came back to England and employed it in the prosecution of his own works. The Prince Consort was so satisfied with it and the report of Mr. Maclise, that he sent a jar of silicate of potash to Mr. Herbert, and requested him to make some experiments and satisfy himself. He did make those experiments, and so satisfied was he of the superiority of the new system over the old fresco, that he destroyed the whole of the work he had previously been engaged on, and commenced his new work on a totally different system. [The hon. Gentleman read a letter from Mr. Herbert to that effect.] Under these circumstances he thought that Mr. Herbert, having altogether changed his process at the request of the Prince Consort and adopted the new mode, the argument as to contract fell to the ground. The new process was very different from fresco. It admitted of every variety of detail, and Mr. Herbert had employed on his work an amount of time and labour which only those who saw it could adequately realize. He was authorized to say on the part of Mr. Herbert, and every man would believe the word of a great artist, that he had been conscientiously employed upon the work, not exclusively in painting, but in preparing the cartoon and studies from it, during the whole period he had mentioned. The frescoes in that House and at Munich, although only executed a few years, were decaying; and, taking into consideration the atmosphere of London, its damp and smuts, it was a point of economy to employ a different process, whereby the works produced would be as durable as the structure on which they were painted. Like most other Members, he must abnegate all notion of taste, but he would say that every person going into the room where Mr. Herbert's painting was exhibited felt himself in the presence of a great work. He read the opinion of a foreign artist on this subject, M. Carl Haag, who pronounced the picture, in composition, expression, drawing, colouring, keeping, and execution, worthy to be ranked with the works of any artist in history. Mr. Herbert for several years before he began that great work was making on an average about £1,850 per annum, and, being a man with a large family, if it had not been for his previous accumulations he would have found it difficult to get on. For the reproduction of one figure alone in this great picture he had been offered £1,000. For his picture of the "Railway Station" Mr. Frith had got £8,700, Mr. Holman Hunt had received £5,500 for his "Christ in the Temple," and, after the great success he had achieved, Mr. Herbert might reasonably expect to make large sums if he gave up working for the country. Mr. Herbert, however, was not the least influenced by money, but was devoted to his art, and most anxious to continue his work, though the country ought not to take advantage of that. He had already finished two other sketches to adorn those walls, and if the justice of Parliament should allow the room to be finished, it would be an honour to the nation and a delight to those who saw it. He was told that there was some difficulty, inasmuch as other gentlemen might have a claim for additional remuneration if Mr. Herbert's claim were allowed. No doubt Mr. Maclise had a strong claim. Before he undertook to work for the nation, he was making £2,000 a year, and at one time as much as £4,000. He had been working now conscientiously, and he (Mr. Gregory) might add incessantly, for the public for eight years, and the whole sum which he would receive would be £7,000. True he had made no application for a further payment—and such was the generous, almost chivalrous character of Mr. Maclise, that he would work for nothing rather than apply. But Mr. Maclise had not a young family to support, and Mr. Herbert had. If Mr. Maclise, owing to his peculiar circumstances, had not made any application for additional remuneration, it was hard that Mr. Herbert should be debarred therefore from receiving that to which he had a strong claim. We had now got at length a great man; and they should keep him and attach him to the nation. Cheap art was the worst of all art, and if they aimed at obtaining productions of art they should be worthy of the country. He entreated the Committee not to ask sacrifices from an artist, such as they ought not to accept, even if they were offered; and, above all, he entreated them not, for the sake of a miserable economy, to allow it to be said, that the nation which professed to reward art was not sufficiently rich to reward an artist for a great work, but turned him over to the picture dealers, who could adequately reward him. He (Mr. Gregory) could not, in accordance with the forms of the House, move an addition to the Vote, or even its postponement, but he was convinced that the tone of the discussion would be such as to convince the Government that Parliament was ready to behave with justice and liberality in the matter.

Mr. BAILLIE COCHRANE said, that the case was not in his opinion one to be brought forward in *formâ pauperis;* it was not a question of charity; it was not because Mr. Herbert had a large family that he should receive additional remuneration. It was a simple question of justice. His hon. Friend had understated rather than overstated the case; for Mr. Herbert had been at work for six years, and taking into account the cost of materials and incidental expenses he had scarcely realized £350 a year, and yet nearly the whole of his time had been devoted to that work, which was a most magnificent specimen of art. Were they to allow a gentleman, who had been previously realizing £2,000 or £3,000 a year, to receive such a miserable pittance? The House must remember that this was a great experiment, and that independently of the work itself another one had been destroyed in order to carry out the experiment which had been approved by the Prince Consort. The whole payment for the picture would be £3,500; and he thought that if the amount were doubled they would have a magnificent work at a very reasonable figure. The question was, whether they would pay fairly and justly for the most perfect work which adorned the walls of Parliament.

Mr. BRIGHT said, that the discussion had proceeded as if some blame ought to be cast upon the Government in the matter, but he suspected that the right hon. Gentleman below (Mr. Gladstone) and his Colleagues agreed in the main with the hon. Member for Galway. Evidently his views as to the justice of the case met with the approval of the Committee. With respect to the measure of that justice, he (Mr. Bright) did not pretend to know a great deal about art; but when he went into the room containing that great picture he felt that he had not known until then that there was a painter in this country who could execute a work of art such as that. That, he believed, was the impression produced by it on the minds of a large number more competent than himself to judge. He was not in favour of a costly decoration of the Houses of Parliament, for he thought the purpose a mistaken one. Moreover, he was not sure that the picture under discussion was in a room sufficiently large to do it justice, while the cost of a room fitted in a creditable manner would be large, and he would have preferred that so much had not been spent in decorating the building. The expenditure, however, was of a kind the most harmless, and to many perhaps the most gratifying, to which a portion of the public money could be devoted; and he would, therefore, make no complaint on that point. If, however, the walls of the Houses of Parliament were to be decorated, they ought to be decorated in the best and most lasting manner. It might matter little to those then sitting in that House whether the picture lasted a few years or a hundred; but there would come a time, if it were done in a manner that was not durable, when everybody would regret that the Parliament of this day was not more attentive to the proper expenditure of its money, and did not take care to have these costly works executed in a way that was more likely to endure than ordinary frescoes appeared to do. Then if this picture, so great as it was acknowledged to be, was executed in a manner that would give it what was meant by the word eternity in relation to any work of art, should not the House behave honourably, generously, and justly to a man who had so much distinguished himself, and done that which in all probability would attract thousands in times to come to visit that building? Having known Mr. Herbert more or less intimately for years, he believed that he had always exhibited a devotion to his art amounting to perfect enthusiasm, and that if he only got a crust he must paint by the very nature of his constitution and mind. That was, however, no reason why, having been drawn from his private practice to paint for the public, the public should not fairly, honestly, and generously pay him. Therefore, although no member of the Committee could move a larger Vote, it was to be hoped that the right hon. Gentleman would take the subject into consideration in that spirit. He was afraid to name the sum to which the Vote ought to be made up, but he thought the House would consider it no extravagance or waste of public money, but a just and moderate consideration of Mr. Herbert's claims, if that gentleman were to receive not less than £5,000 for that picture.

MAJOR CUMMING BRUCE said, that having seen many famous fresco paintings, he wished to express his belief that a more magnificent work of art than that of Mr. Herbert existed nowhere in the world. He could not quite agree with his hon. Friend (Mr. Baillie Cochrane) that they were not to consider the claims which Mr. Herbert's family had upon him, because it was their duty to encourage a great artist, and relieve his mind from those pecuniary anxieties with respect to those dependent on him, which had depressed the genius of many a great painter. The amount named by the hon. Gentleman who spoke last would be a very moderate sum to pay for a work that would shed the greatest honour on the country which possessed it.

SIR MORTON PETO said, he believed, from the experience he had had in these matters, that the sum which had been named was not one half of the price which that painting would fetch to-morrow if taken to Christie's for sale. Mr. Herbert had refused many commissions simply on account of his devotion to that picture, and he considered that both Mr. Herbert and Mr. Maclise were entitled to the greatest consideration on the part of the Committee.

MR. F. S. POWELL said, he believed that the work of Mr. Herbert embraced in itself all that there was in ancient art of grandeur, dignity, and elevation of conception, with a delicacy of detail, and a precision and accuracy of execution which could not be surpassed by the most distinguished modern painter. He therefore cordially concurred in the suggestion which had been thrown out for an increased remuneration. The country had at length obtained a picture which would hand down to posterity a noble monument of what it could achieve in the way of art; let it not become evidence against it of shabbiness and parsimony.

THE CHANCELLOR OF THE EXCHEQUER said, there were a number of considerations connected with the matter which placed Her Majesty's Government in a position of considerable difficulty. He entirely shared in the feelings which hon. Gentlemen had expressed—as far as he might presume to have an opinion on the subject—with regard both to the character of the particular work of art under discussion and to the character of Mr.

Herbert. The atmosphere of a deliberative assembly was not, perhaps, the most favourable one for the practical decision of these questions. It was much more common within those walls to hear the professors of art criticized with extreme severity than eulogized in terms of warmth and enthusiasm. He did not grudge one word that had been said about Mr. Herbert. On the contrary, not a syllable could be spoken in praise of his genius and devotion to his work which he was not ready to echo. He could wish that as generous feelings had been evinced to every other artist on every occasion. But there were some — some, perhaps, then alive, and others dead—who had not always been equally fortunate in the treatment they had received in that House. He thought a very wise course was pursued by the Government of the day when it first approached the subject of the decoration of the Houses of Parliament with great paintings and statues. He might, in passing, observe that it could have been wished that the same spirit of wisdom and prudence had characterized all the proceedings taken in connection with the erection of the buildings themselves. Experience had proved the wisdom of both the executive Government and the House of Commons, divesting themselves of the responsibility of a task which he did not think either very well fitted to perform—namely, to carry through in detail the business of choosing artists, of choosing subjects, of appreciating the execution of their work, and estimating the remuneration which should be awarded for it. The House would recollect that the whole of those duties were delegated to a Commission, by whom arrangements were carried out in a manner much more satisfactorily than would have been the case if they had been content to trust these matters to the ordinary machinery of the Government acting under its responsibility to Parliament. The result of considering that question in the department, and the effect also of listening to its discussion that evening, convinced him that the subject lay beyond them for its satisfactory settlement. There was no difficulty at all, if they were dealing with an isolated case, in giving way for once to the feelings they entertained. But he must observe that if they were to compete with the picture dealer they must restrict the scale of their enterprizes of that description. If they were to compete with the picture dealer they must not attempt to cover thousands and thousands of feet with works of art to be paid for at the picture dealer's rate. The House would observe that very extensive commissions had been given, and that very large works had been executed, some of which were on their walls. It was not, he might add, one case with which they had to deal, but a great number of cases. Mr. Herbert himself, if he were not mistaken, had informed him that Mr. Dyce had left on their walls works, on which animadversions had been made, two or three times the value of the money which he had received. In one respect he must object to what had been said in reference to the devotion of Mr. Herbert to his art. Devotion to art was, he was happy to say, no uncommon sentiment among the artists of this country, and the delicacy of feeling which accompanied that devotion, and which was to artists like the air which they breathed, very much complicated the difficulties of dealing with the question. What the Government proposed to do under the circumstances was that the sum of £1,500 should be paid to Mr. Herbert, in addition to the sum of £2,000 which he had received, but that that £1,500 should not be regarded as a final settlement of the matter, but should be paid rather as an instalment in regard to the number of pictures painted than those about to be painted. He might further observe that it was the wish of the Government to form a small Commission of persons judiciously selected for the purpose, who would go carefully into the whole question in reference to contracts on the one hand and performance on the other, and who would endeavour to advise the Government impartially on a view of the whole case as to the course which ought to be adopted. Of course, some delay must occur before such an adjustment could take place as would bring about a fair and just award; but that delay would be as nothing to the difficulties into which the House might rush if under the influence of feeling they were to proceed to a decision which would be taken, not on the whole, but on a single portion of the case.

LORD ELCHO said, he conceived that the hon. Member for Galway had done but a simple act of justice to Mr. Herbert in bringing before the House the claims of Mr. Herbert, and he thanked him for having afforded the Government and the House an opportunity of doing that artist justice. But there were other cases in which justice ought to be done, as for instance in the case of Mr. Maclise. He thought the question of remuneration having arisen, the time had come for taking stock, as it were, of the works of art executed for the Houses of Parliament, and that larger powers should be given to the proposed Commission than the Chancellor of the Exchequer contemplated.

Sir GEORGE BOWYER said, that the case of Mr. Herbert did not stand upon the same grounds as those of the other artists. Finding that the process which he had at first adopted was not calculated to preserve the pictures, he had destroyed 400 feet of painting in order to adopt another and a better process. There was this peculiar circumstance with reference to Mr. Herbert—that his work was to be regarded as *hors de lyne*. It was a work of super-eminent merit, that it went beyond anything we had seen in this country, and therefore he thought it stood apart from the cases that had been mentioned in connection with it. He did not think the proposed Commission would meet the merits of the case. The country ought to deal generously with Mr. Herbert, who had thrown his whole soul into the subject, and had produced a really great and truly sublime work, one about which there could not be two opinions.

Mr. CAVENDISH BENTINCK said, he must protest against the statement of the Chancellor of the Exchequer that certain hon. Members had treated the late Mr. Dyce with unfairness. He had no wish to cast a slur upon the memory of Mr. Dyce, but he could not forget that fourteen years ago Mr. Dyce undertook to paint certain frescoes, and that in 1857, though he had received the whole amount, the frescoes were not done. On more than one occasion the First Commissioner had admitted that Mr. Dyce was in the wrong, and though no one would propose that any money should be claimed from the representatives of Mr. Dyce, hon. Members were not to be blamed for calling attention to the fact that a certain contract had not been fulfilled. He cordially concurred in all the eulogiums which had been passed upon the great work of Mr. Herbert, and he had the authority of that gentleman for saying that unless he received something like £5,000 he would never again put his brush upon the walls of the Houses of Parliament. [*Cries of* "No, no!"]

The CHANCELLOR of the EXCHEQUER said, he thought the hon. Gentleman must be labouring under some mistake; it was impossible that Mr. Herbert could have said that unless he received £5,000 he would never again lay his brush to the walls of the Houses of Parliament.

Mr. MALINS said, he was also convinced that there must be a mistake. He had seen the picture Mr. Herbert was working at, and whatever he might do with regard to any other work of art, he did not think Mr. Herbert meant the remark to apply to the work he was then engaged upon, but it applied to any other work of art which he might be asked to execute.

Major CUMMING BRUCE said, that Mr. Herbert was in the room when he saw his great picture, and, pointing to the other end of the apartment, he remarked that his ambition was to cover it with a representation of Our Lord delivering a Sermon on the Mount. Certainly that did not indicate that he would be influenced in any way whatever by the amount of his remuneration.

Mr. MAGUIRE said, he thought that the hon. Member for Taunton must have misunderstood Mr. Herbert. That gentleman might have said that, with such payment as he had hitherto received, he could not, with a due regard to those who depended upon him, continue the great sacrifices he had made while producing the wonderful work which struck all beholders with delight and admiration.

Mr. HEYGATE said, the discussion was another illustration of the old adage that it never rained but it poured. When the House of Commons was disposed to be liberal and eulogistic it was so with a vengeance. He wished to call attention to the want of ventilation in the Ladies' Gallery, which could only be likened to the Black Hole of Calcutta. There was no possibility of obtaining air except by opening a door, which created a draught by which the ladies were almost blown to pieces. He hoped some improvement would be introduced as soon as possible.

Mr. COWPER remarked that the ill-ventilation of the remote corner to which the eyes of hon. Members were so often turned was owing to a defect of structure, but he had no doubt that every effort would be made to promote the comfort and convenience of the ladies. With regard to Mr. Dyce, he was a man of great celebrity as well as of high honour, and he felt deeply the observations made in that House as to his not having executed the works he contracted for. He was certainly underpaid for the work he did, and was anxious to be released from his engagement, and offered to return the money he had received if released. He (Mr. Cowper) did not feel at liberty to accept that offer, because he thought that what the country wanted was not his money, but that he should complete the works he had commenced, and he feared it was owing to the great exertion he made to execute these works that his illness was increased, and ultimately proved fatal.

Sir GEORGE BOWYER said, he wished to know whether the grating in front of the Ladies' Gallery could not be removed. If it were removed the ladies would have some fresh air, and he was sure Gentlemen would not be sorry to see them.

Mr. GREGORY said, he cordially concurred in the suggestions of the Chancellor of the Exchequer. Such questions ought, as far as possible, to be transferred from the House of Commons to a more competent tribunal. He also admitted that it would be invidious to deal specially with Mr. Herbert's case, when other gentlemen had similar claims on their consideration. He was unwilling to raise a squabble over the grave of a great artist, and should, therefore, pass over the Chancellor of the Exchequer's remarks on another topic, merely saying that he did not use stronger language regarding it than the First Commissioner of Works. He did not base Mr. Herbert's claim on the fact that he had a large family; he mentioned that circumstance only to show that Mr. Herbert could not afford to make those sacrifices for the sake of art, which his generous enthusiasm would otherwise doubtless lead him to do.

Mr. BAILLIE COCHRANE said, he was sorry to have misunderstood the hon. Gentleman.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

BREECH LOADING RIFLES.

PAPERS MOVED FOR.

Colonel DUNNE moved an Address for the Reports made to the Military Authorities in regard to Breech-Loading Rifles.

The Marquess of HARTINGTON opposed the Motion, on the ground that the Reports were strictly confidential.

Motion made, and Question,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House Copy of the Reports made to the Military Authorities on Storm's Rifle, and on any other Breech-loading Rifle that has been reported on;"—(*Colonel Dunne,*)

—put, and *negatived.*

BEER HOUSES (IRELAND) BILL.

On Motion of Sir Robert Peel, Bill for more effectually regulating the sale of Beer in Ireland, *ordered* to be brought in by Sir Robert Peel and Mr. Attorney General for Ireland.

Bill *presented,* and read 1°. [Bill 109.]

VACATING OF SEATS (HOUSE OF COMMONS) BILL.

On Motion of Sir George Grey, Bill for amending the Law relating to Seats in the House of Commons of persons holding certain Public Offices, *ordered* to be brought in by Sir George Grey and Viscount Palmerston.

Bill *presented,* and read 1°. [Bill 107.]

SERVANTS HIRING (SCOTLAND) BILL.

On Motion of Mr. Dunlop, Bill to amend the Law of Scotland in regard to the Hiring of Servants, *ordered* to be brought in by Mr. Dunlop, Mr. Carnegie, and Sir Robert Anstruther.

Bill *presented,* and read 1°. [Bill 108.]

House adjourned at One o'clock

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HOUSE OF LORDS,

Friday, May 13, 1864.

MINUTES.]—Public Bills—*First Reading*—Naval Prize* (No. 87).

Second Reading — Fish Teinds (Scotland)* (No. 62).

Committee—Regius Professorship of Greek (Oxford) (No. 44), *negatived;* Under Secretaries Indemnity* (No. 77).

Report—Under Secretaries Indemnity* (No. 77); Common Law Procedure (Ireland) Act (1853) Amendment* (No. 51).

Third Reading—Registration of County Voters (Ireland)* (No. 50).

Royal Assent—Customs and Inland Revenue [27 & 28 *Vict.* c. 18];

Charitable Assurances Enrolments [27 & 28 *Vict.* c. 13];

Land Drainage (Provisional Orders) [27 & 28 *Vict.* c. 14];

High Court at Bombay [27 & 28 *Vict.* c. 16]*;

Vestry Cess Abolition (Ireland) [27 & 28 *Vict.* c. 17];

Court of Chancery (Despatch of Business) 27 & 28 *Vict.* c. 15];

Promissory Notes and Bills of Exchange (Ireland) [27 & 28 *Vict.* c. 20];

Joint Stock Companies (Foreign Countries) [27 & 28 *Vict.* c. 19].

COUNTY COURTS ACT AMENDMENT BILL—[BILL 70.]

SECOND READING POSTPONED.

LORD CHELMSFORD stated that he had within the last half hour had placed in his hands a copy of the Return containing the answers given by the County Court Judges to questions on the subject of imprisonment for debt; and he could not help thinking that Return ought to have been laid on the table before the Bill of his noble and learned Friend had been introduced. But as the information contained in this paper was of a most important character, their Lordships were certainly not in a condition to deal with the Bill until they had made themselves masters of this Return. He, therefore, appealed to his noble and learned Friend on the Woolsack to postpone the second reading of the Bill.

THE LORD CHANCELLOR said, he would most readily agree that the second reading of the Bill should be postponed till the first day after the Whitsuntide recess.

Second Reading (which stands appointed for this Day) *put off* to *Monday* the 23rd *Instant.*

DENMARK AND GERMANY.
WAR CONTRIBUTIONS ON JUTLAND.

QUESTION.

THE EARL OF ELLENBOROUGH: My Lords, I rise to put to the noble Earl the Secretary for Foreign Affairs the Question I communicated to him yesterday, as to the understanding the Conference may have come to with respect to the collection of the War Contributions imposed by Prussia on Jutland. The excessive amount of these contributions and the extreme severity with which they have been collected—or attempted to be collected—have produced a universally painful impression, and have added greatly to the indignation that must always accompany the recollection of the bombardment of Sönderborg. I should do injustice to the noble Earl if I did not believe that he entirely participates in the general feeling on that subject. My Lords, we should very ill judge of the pressure of those contributions on Jutland if we did not take into consideration the condition and circumstances of that country. It is not a wealthy country; it is, on the contrary, a comparatively sterile country—it has no large towns—it has no manufactures—it has very little of cereal produce. It is one great grazing ground, interrupted by sands and by water. The few articles sold in the towns are solely produced for the use of the agricultural population. The large proprietors commonly live on their own estates in the midst of their people; their houses are surrounded by buildings of immense extent, which are necessary to cover the stock during the severe winter, and the destruction of a farm in that country is like the destruction of a town in this. The ruin of one of the proprietors is the utter ruin of all those who depend upon him, for they have no others to go to for employment. It is a population that one would have supposed could not have excited a spirit of revenge and animosity on the part of any enemy. They are singularly simple and innocent. They can have very little knowledge of the long diplomatic discussions that have taken place between Germany and their own Government. They are not persons to attend to political discussions. This only they know—that the Germans have come at last, after long threatening, to attempt to take from their country two valuable provinces that have belonged to Denmark for 400 years; and with the spirit of a brave, loyal people they spring forward for its defence, and send their sons, little instructed in military arts, to suffer and die in the defence of their country. There they have obtained for themselves immortal honour by their perseverance and their submission to every hardship and privation of war. But, unfortunately for themselves, the people of Jutland are a free people. They possess the most popular form of electoral franchise. It is to their great credit that they have not abused it; but in the eyes of the despotic Powers of Germany that is a crime not to be forgiven. It is impossible to conceal from ourselves the fact—indeed, it is admitted by Herr von Bismark — that this is a war against freedom carried on by Prussia and the other despotic Powers of Germany. Forgetting that they dominate in Venetia, and are masters of a large Polish population, they make this war in the name of nationality—they bring their might to bear against right, their strength against weakness; and, above all, they endeavour to overwhelm by their military strength all the resistance that can be brought against them by a thoroughly free people. My Lords, I say it is might against right. The war is altogether an unjust war. The noble Earl himself admits that it is unjust, because the demands which were made by the allied Powers were conceded. But I go beyond that. I cannot understand how any right can grow out of a wrong, and the whole of these diplomatic transactions out of which this supposed right arises originated in this — that the German Powers being admitted into Holstein on the requisition of Denmark to restore order in that province which belongs to the German Confederation, and finding themselves in military possession of the country, took advantage of their presence to force Denmark to agree to conditions with regard to Schleswig, which is not German. My Lords, I cannot understand how any country can acquire a vested interest in the bad government of another; and yet it is this which the Germans pretend to have acquired by the diplomatic transactions of '52, claiming a right to interfere in the administration of Schleswig, and to prevent the adoption of measures of reform in that province. It is therefore a war of thorough injustice. But, my Lords, Prussia has had other views in this war. She has desired to give a certain appearance of reputation to her army, and on that account men are to be shot at instead of targets. She has accordingly practised on the weak with the whole power of her artillery and musketry, and thousands of loyal subjects of the King of Denmark are

> "Butchered to make a *German* holiday."

My Lords, I look with loathing on this war. Prussia should recollect that it was the sense of the contumely and wrong which she suffered at the hands of France which roused her spirit in 1813, and enabled her to redeem the character which had been acquired by her people fifty years before. The same sense of contumely and wrong will remain for ever in the minds of the Danish people. Prussia has created a force of 1,800,000 persons on her extreme flank, which will for ever hang upon her communications, and at all times will endanger her position when she is engaged in war. My Lords, the day will come—and it may not be distant—when Prussia may call on other Powers for help; but they will sympathize with those whom she is now oppressing, and she will be left in her difficulty unaided, unpitied, and despised. My Lords, I am unfortunately old enough to remember the great atrocity committed by Prussia in 1806, when she received at the hands of Napoleon Hanover, which he had not by any international law any right to give her. I recollect the indignant language of Mr. Fox at that time, reprobating her conduct, which he described as combining all that was contemptible in servility with all that was odious in rapacity. Servile in the presence of Russia, rapacious in the attack upon Denmark, Prussia still maintains her bad pre-eminence. But, my Lords, it is not only through ambition—it is not only to teach her army to fight—it is for lucre that this war is waged; but I do trust that the Conference, acting in the spirit of justice, has looked into these transactions, and that in its determination with respect to these contributions imposed by Prussia it has recollected that, while war has its rights, humanity has its rights also. My Lords, I will now put to the noble Earl these Questions—namely, 1st, Whether it is understood by the Conference that war contributions imposed before the armistice was known and announced in Jutland can be collected during the suspension of arms; 2nd, Whether any war contribution imposed after the armistice was known, but before the suspension of arms commenced, namely, on the 12th, can be collected; and 3rd, Whether any new contributions can be imposed during the suspension of arms?

Earl RUSSELL: My Lords, I feel it to be my duty not to make any remarks upon the eloquent speech which the noble Earl has just made. It is, I think, incumbent on me rather to endeavour to come to some understanding which may lead ultimately to peace. And in answering the Question of the noble Earl with respect to the present suspension of arms, I beg to say that I do not at all depart from the rule which I thought it my duty to lay down for myself on a previous occasion—namely, that, pending the Conference, I should not make explanations as to what takes place at its sittings. However, with regard to the suspension of arms, I thing there is fairly an exception. The Conference has agreed—and this should be an answer to the noble Earl's last question—the Conference has agreed that during the suspension of arms there shall not be levied by the allied troops in Jutland, or wherever else they occupy positions, any contributions of war, and that, on the contrary, those troops will pay for the articles they may require. The Conference did not lay down any rule with regard to contributions that were previously imposed; but in my view the spirit of the article would be that the allied troops would cease to levy any contributions of war. That appears to be the fair spirit and meaning of the Conference. The Conference, anxious to stop the effusion of blood, and anxious to protect the people from these contributions of war, having decided on the main point, left the commanders of the naval and military forces engaged on each side to settle the details with one another. It seems to me that I am not authorized in saying more. But with respect to the first two questions, they have been decided by the Conference. I may, however, further mention, that having made representations to the Allied Governments with respect to the exaction of war contributions, an answer was given on the part of the Austrian commander, to the effect that it was the custom of all troops during war—including the English army—to levy military contributions, not only in kind, but in money, to defray the expenses to which they are put. Now, whatever may be the case with Continental armies, that, I believe, has not been the practice of the English army. During the Duke of Wellington's campaigns in the Peninsula the utmost care was taken to allow it, but all that the troops required was paid for; and the Austrian General is quite mistaken in supposing that the practice adopted in Jutland has any authority or precedent in the conduct of the British army.

THE EARL OF ELLENBOROUGH: I am exceedingly sorry to hear from the noble Earl that the Conference has not used the most extreme precision of language in prescribing the directions to be given respecting the collection of war contributions. It appears to me that there is nothing precise in their language, but that there is merely an understanding on the part of the noble Earl, that no new contributions are to be levied during the armistice.

EARL RUSSELL: The agreement is not to levy contributions of war: it is not merely that no "new contributions" are to be levied.

THE EARL OF ELLENBOROUGH: It so happens that the contribution of 650,000 thalers was imposed on the very day on which the Conference last sat—namely, the 9th; and it seems to me to have been imposed in fraud of the Conference, and with the knowledge that the Conference was to sit on that day, in order that it might be included under the category of contributions imposed before instead of after, the decisions of the Conference.

REGIUS PROFESSORSHIP OF GREEK (OXFORD) BILL—[No. 44.]

COMMITTEE NEGATIVED.

Order of the Day for the House to be put into Committee, read.

LORD LYTTELTON *presented* petitions from the Venerable Archdeacon Thorp, of Bristol, and the Rev. J. F. Mackarness, Prebendary of Exeter Cathedral, against the Bill, and praying for the severance of canonries from all University offices. The petition of Archdeacon Thorp prayed their Lordships to take into their early consideration the recommendation made by Bishop Monk in a letter to the effect, that "It would be a beneficial change to transfer the patronage of these canonries as proposed by the Government of Lord John Russell from the Chancellor to the Prime Minister;" and secondly, the expediency of providing for the severance, on the next avoidance, of canonries from headships of colleges and professorships not directly connected with instruction in religious learning in the two ancient Universities; and thirdly, the expediency of humbly recommending to Her Majesty to take into consideration the recommendation of the Cathedral Commissioners with a view to enacting such reforms in the cathedral bodies as shall be found expedient; and lastly, he humbly prays their Lordships' House not to consent to the said Bill for annexing permanently a cathedral canonry to the Greek Professorship of Oxford, nor to any other measure by which cathedral endowments may be diverted from the legitimate and still beneficial purposes of their foundation. The Rev. W. Mackarness in his petition prayed their Lordships "not to pass the said Bill, or at least so to modify it as to separate the proposed professional stipend from the office and function of a canon residentiary in any cathedral church." A learned and influential Commission had pronounced a similar opinion in three Reports, but he was sorry to say that, up to the present time, not the slightest attention had been paid to their recommendation. Not long ago, the present Government, in reply to a question, frankly confessed that they had not taken the trouble to think about the matter at all, and he must admit that no great public feeling existed to stir them into action. Under those circumstances, though he still retained the opinion that more diocesan work should be imposed upon the cathedral bodies, he was not prepared to offer any opposition to the present Bill, which he regarded merely as one additional step in a direction which Parliament and Government had long followed. He was far from blaming the University of Oxford for having refused to endow the Greek Professorship, because it was bound by express statute to take into consideration the question of soundness of doctrine in professors; but Parliament was otherwise situated, and it might very fairly make provision for the only remaining unendowed Regius Professorship to be found at the Universities, wholly apart from any personal question.

Moved, "That the House do now resolve itself into a Committee on the said Bill."—(*The Lord Chancellor.*)

Lord CHELMSFORD said, he wished to make some remarks on the Bill, which ought to have been addressed to their Lordships on a former occasion ; and his apology was that, on communicating with his noble Friend the Chancellor of the University (the Earl of Derby), he was induced to think that the measure would give satisfaction to the University, and therefore he was then reluctant to offer any opposition to it. He was very unwilling, however, to allow the Bill to go into Committee without expressing his views with respect to it. He did not deny that the present state of affairs, in connection with the Regius Professorship of Greek, was almost a reproach to the University ; and all must agree that it was desirable, if they could do so properly, to add to the scanty stipend which he at present was paid ; but he (Lord Chelmsford) objected to the manner in which the Bill proposed to augment it, namely, by annexing to it a canonry which was in the gift of the Lord Chancellor as a perpetual endowment. They could not disguise from themselves that although this was a measure of a general nature, and intended for all times, yet it had been introduced to meet the difficulty that had arisen with respect to a particular individual. He was far from wishing to say anything in disparagement of the eminent Professor who now occupied the chair, whose scholarship and attainments he fully acknowledged ; but if the question were, whether he was a fit and proper person to be appointed to a canonry, he thought it could not be doubted that different opinions might be entertained upon the subject ; and he presumed that his noble and learned Friend on the Woolsack, if he had the opportunity, would consider whether it would be a proper thing to appoint Professor Jowett to a vacant canonry. Now, by this Bill, his noble and learned Friend proposed to shift the responsibility from himself and throw it on the University. He could not help doubting whether canonries were appropriate remunerations for professorships, because he thought they ought to be reserved for persons who had served the Church long and faithfully, and had a very extended pastoral care, or who possessed great theological attainments which had been entirely devoted to the service of the Church. The rewards for deserving clergymen were but few, and those few had of late years been considerably abridged. He quite concurred with the noble Earl on the cross-benches (Earl Grey), who stated, on the second reading of the Bill, that its effect would be to narrow the choice of proper persons to fill the professorial chairs; although it had been stated, on the other hand, that no inconvenience had resulted in the change with regard to the Professorships of Hebrew and Greek at Cambridge, to which canonries at Ely had been annexed. His noble Friend, however, pointed out that if the Act had been in existence in Porson's time he never could have sat in the professorial chair, because he was not in holy orders ; and the effect of annexing canonries to professorial chairs would be either to deprive them of the selection of the person best qualified for the office, or it would induce persons who otherwise would not be so disposed to enter the Church and to take holy orders with a view to a professorship, and after six years they would be qualified to accept high appointments in the Church to which they might be wholly unsuited. But was it so that no inconvenience had been sustained from the annexation of the canonry of Ely to the Regius Professorship of Cambridge? At the time of the passing of the Act, Dr. Lee, who was a man of considerable learning, who had devoted the whole of his life to study, who was a most distinguished Oriental scholar, and who was in every respect the person best qualified for the office, held a stall in Bristol Cathedral. This being more valuable than the canonry attached to the Regius Professorship, he was obliged to give up that chair, and the immediate effect of the Act was to deprive the University of the services as professor of a man most eminently qualified to fill that office. His noble and learned Friend on the Woolsack being extremely anxious to obviate any difficulties that might arise upon this subject, had offered a bribe to the University by giving to the heads of Colleges the appointment to the canonry on their again endowing the Regius Professorship. Now, he quite agreed with the noble Duke (the Duke of Marlborough) who said on a former occasion that if the Government wished to induce the colleges to endow the professorship by offering to annex a canonry, that it would be better at once to transfer the appointment of the Regius Professor to the University, and it being their own appointment they would be prepared to endow it; the only objection to their endowing it at present being that it was not in their gift but in that of the Crown, and that they were unable to apply any of their funds towards it; such an arrangement would no doubt put an end to all the difficulties of the subject. He objected to the Bill because he could not disguise from himself that it had been introduced for the purpose of meeting a difficulty that had arisen with regard to a particular individual, and because he thought that canonries ought not to be annexed to professorial chairs, but given to deserving clergymen.

LORD TAUNTON said, that with all respect for the governing body of the University, he was bound, after their recent behaviour in this very case, to protest against the suggestion which had been made as to the transfer of the chair from the Church to the University. It would be injurious to the University, and most injurious to the professorship itself. He considered that the objections to the Bill were very serious. He was anxious that the present injustice to Professor Jowett and the scandal to the University should be brought to a close; but he could not approve the arrangement proposed in the Bill. It was not right that a layman, whatever his attainments, should be excluded from the Greek chair, and that tuition of this kind should be confined to the clergy. This was the adoption of a permanent measure to remedy a temporary grievance, and it might lead to permanent evils. He therefore thought that, on the whole, he should feel bound, if an opportunity were given him, to vote against the further progress of the Bill. He was sensible of the inconveniences of the present state of things in the University of Oxford; but, having considered both sides of the question, the objections to the Bill appeared to him to preponderate. He did not like to take away one of the few prizes given to a body by no means overpaid—he meant the working clergy. The whole thing seemed to be what was vulgarly called a "botch," for it was an attempt to attach to a professorship which ought to be properly remunerated, a payment of another description. The University had received a large remission of taxation to the amount of £12,000 or £16,000 a year, and he therefore trusted that that body, having received such an advantage, would consider the fitness of attaching an adequate salary to the Greek Professorship. He had brought his mind to the conviction that, on the whole, the present Bill ought not to receive their Lordships' assent.

THE EARL OF DERBY said, he must confess he felt himself in a position of difficulty with regard to this Bill, and to the position which he had the honour to hold in the University. Their Lordships would remember that on the Motion for the second reading, finding no other noble Lord disposed to offer observations with respect to it, he felt it right, in his peculiar position, to state at once the ground on which he conceived he was not entitled to take upon himself the responsibility of advising the rejection of the measure. At the same time, he stated the strong objections which he felt to the measure. These grounds of objection were, on the one side, that the proposed arrangement would neccessarily confine the professorship in question to a clergyman, and on the other hand would deprive the working clergy of one of the few prizes remaining to them, and would extend the principle of separating cathedral honours from anything connected with cathedral residence. At the same time, he did not feel himself authorized to move the rejection of the Bill on the Motion for the second reading; and for this reason—that he was given to understand that the arrangement would settle a very delicate and difficult question in a satisfactory manner—satisfactory in the sense that it would relieve the University from a great difficulty. The measure was brought forward, as he understood, on the avowed and only ground that the Greek Professorship was not at the present moment adequately endowed by the University of Oxford. In the discussion which took place on the second reading, he was somewhat favourably impressed with the suggestion thrown out by his noble Friend (the Duke of Marlborough); but when he came to the consideration of it he felt the difficulties of acceding to it which had been mentioned by his noble Friend. It was one thing to vest the patronage in the University at large, and another thing to vest it in a certain portion of the University. He felt a strong objection to place the canonry and professorship in a position to be scrambled for by a general canvass among Convocation. There was a proposal some years ago to endow the Regius Professorship of Greek, and that the patronage should be placed in a small board, of which three were to be nominated by the Crown and two selected from persons holding particular offices in the University. It was thought that in that way the rights of the Crown, and the interests of learning, might have been jointly protected. That proposal, however, was not felt to be satisfactory to either the Crown or the University, but certainly not to the University. But a proposal of this nature was different from one to place it in the University at large. He thought his noble Friend (Lord Taunton), who had just sat down, was rather hard on the University when he said that in his opinion the University ought to provide for the endowment out of their own revenues; because now that the attention of the University had been drawn to the matter, he believed that the University would not be found indisposed to make a proper provision for the Greek Professorship if it were not for the strong objections entertained by the majority of the University to the teaching and opinions of the individual now holding that professorship; and, so far as he could learn, it would be hopeless, as long as that individual should hold it, to make any application to the University to endow it; not because the professorship was not inadequately endowed, but because the University objected to do any thing which might be taken to indicate an apparent acquiescence in opinions to which they objected. He would not take upon himself the responsibility of proposing the rejection of the Bill to their Lordships; but if it should go into Committee, and should the clause suggested by the noble and learned Lord on the Woolsack be adopted, he should propose a provision founded on that clause; but seeing that the difficulty was on the one hand temporary, and that the objections to the Bill were of a permanent character, it would be very satisfactory if, after the discussion which the Bill had undergone, time were given to the University of Oxford and to Parliament more fully to consider the measure. He thought that the noble and learned Lord on the Woolsack, who had undoubtedly proposed the Bill with the sincere desire of serving the interests of the University and the public, would do well voluntarily to postpone pressing a measure, to which on all sides there was great objection, and on which, if a division took place, it was quite clear the decision would not be guided by party views or political considerations.

THE LORD CHANCELLOR said, that if he were asked by their Lordships whether he considered the present Bill the best mode of proceeding to endow the Greek Professorship at Oxford, he should certainly answer that it was not. The best mode undoubtedly would be for the University to do that which justice and reason pointed out, and which, in fact, good faith demanded; for the University had received great gifts from the Crown with the understanding that the duty of endowing public professorships should be fulfilled on their part. The duty of the University was not that of superintending the system of private instruction which was carried on in the colleges, but of adequately endowing for the benefit of the whole community within its walls—as the name of University implied—public professorships. A statute had been lately brought into the University—and he alluded to the subject reluctantly, because at the very onset he had earnestly deprecated the introduction of personal allusions into the controversy, if controversy it could be called—and it was therein declared that in passing the statute the University was not to be considered in any manner whatever as having sanctioned, acquiesced in, or approved the peculiar opinions of Professor Jowett. Unfortunately, the hopes which were then raised were not fulfilled; but the avowed reason given by the majority for refusing to endow the professorship was, that it was the duty of the Crown to endow it. He believed he was perfectly right in stating, on the authority of the public prints, that in the language used by the majority that was assigned as the prominent reason for the adverse vote given. He had accepted that explanation in all sincerity, and in order to remove the difficulty had introduced the present Bill. There were, he admitted, at the outset grave and considerable difficulties. He had not the least objection to discuss them. But let them proceed in all honesty:—if they disliked the Bill, let them consider whether it ought to be rejected or not; but if their Lordships were of opinion that the Bill should pass as the smaller of two evils, why, then he would beg of them to swallow the dose with a good grace. Let them come now to the consideration of the main merits of the case. The noble Lord who had presented petitions on the subject (Lord Lyttelton) would pardon him for saying that he thought if he had read one of them he would not have presented it. He had no doubt that the petitioner was a clergyman entitled to extreme respect; but the first part of his petition was full of lachrymose complaints because his own merits had not been rewarded by a canonry, and the second contained an expression of his extreme indignation that part of the preferments of the Church should be tied up to a Professorship at Oxford, with the almost certain result of branding the office with the stamp of comparative mediocrity. The reverend petitioner was of opinion that an office which would be confined to ecclesiastics would be branded with the stamp of comparative mediocrity! He (the Lord Chancellor) had not the smallest apprehension that if it should happen once out of 500 times that it would be proper to have a layman professor, the difficulty would be met by the University or by the Crown. If the House would permit this Bill to go into Committee, he would take the opportunity of explaining, even for the second time, the nature of one or two Amendments which he intended to propose. He proposed, if any one college should endow the Professorship of Greek, that the canonry with which for the time being the professor should be endowed should be attached to the headship of the college. In introducing that subject, he had referred to the new statute of the College of Corpus Christi. Corpus Christi College was one of the earliest foundations of the University, and the founder, in the quaint language of the time, expressed his desire that part of the revenues of the College should be devoted to the endowment of public lecturers in Latin and Greek. If the College revenues increased sufficiently, the Professorship of Latin was to be endowed with £600 a year; and he (the Lord Chancellor) consequently thought that the endowment of the Greek Professorship should in like manner be £600. Now it would, he thought, be a small thing to carry that statute into effect; and in the expectation that the authorities would do so he had introduced a clause which would have the effect of annexing the canonry to the headship of the College, if the College should carry out the statute by endowing the Professorship with the appointed income of £600 a year. His noble and learned Friend (Lord Chelmsford) had said that those canonries ought to be the reward of great services in the Church; and in that he (the Lord Chancellor) quite concurred. He quite admitted that they might be appropriated by a new law and by new regulations to more useful purposes than they served at present. But he must take them as they were, as they had been for a considerable period, and, so far as could be seen, as they were likely to remain; and, he asked, was there any purpose by which the cause of religion or education could be better promoted, by which meritorious clergymen could be better rewarded, than by making use of one of those canonries to induce them to attend to the duties attaching to this public Professorship, and which until lately had never been discharged? In deference to the suggestion of the right rev. Prelate, he should propose that at present the canonry annexed to the Professorship should be a temporary annexation, and that the canonry should ultimately be one in the cathedral church of Bristol. He trusted that their Lordships would accept this Bill in the spirit in which it was offered—namely, a desire to promote the interests of the Church and of learning, of fulfilling a great want and pressing obligagation that lay upon the University and the Crown.

THE EARL OF CARNARVON said, that the recommendation of his noble Friend (the Earl of Derby), that a little longer time should be given for the consideration of this Bill, was so reasonable that he would move that the Committee be postponed for three weeks. He could assure the noble and learned Lord that he made this Motion in no spirit of antagonism to the Bill. The more he considered the measure, however, the less he liked the mode in which this endowment was carried out. There were three parties whose interests were involved —the Cathedral Church, the church generally, and the University. Many changes had been made of late years in capitular endowments, and residence had been very properly made more obligatory upon the canons. In the next place, canonries were no longer treated as sinecures, but as offices tending to develop the efficiency of the cathedral endowment, and making the cathedral the centre of the diocese. What was the case of the cathedral church of Rochester? There were four canonries, one of which was appropriated to the Provost of Oriel. Each canon had three months' residence, and it was clear that the long vacation was the only time of the year when the Provost of Oriel could be in residence. If, however, there were to be two canonries of this kind it was impossible the terms of residence could be complied with. The noble and learned Lord proposed that a canonry of Rochester should be temporarily annexed to the Professorship —[The LORD CHANCELLOR: If it be vacant]—and then afterwards to attach the canonry of Bristol permanently to the professor's chair. But was that a satisfactory mode of dealing with the question? It might be many years before the canonry at Bristol fell vacant; and meanwhile, Parliament was called upon to enact that which was anomalous, inconvenient, objectionable, and contrary to the whole spirit of recent legislation. With regard to the interests of the Church generally he objected to withdraw the few rewards that now remained for zealous and hard-working clergymen, especially as a great many of the canonries were already annexed, so to speak, to offices foreign to the cathedrals, or at all events having no direct connection with them. Then, with respect to the interests of the University itself, there was one point which had not yet been touched upon. By the University Act, passed eight or nine years ago, a great change had been made in the whole character of the lay schools of the University. Up to that time almost the whole of the fellowships were held by clergymen, but a great change had since been made, and half the fellowships were now not only tenable, but were actually held by laymen. By this Bill their Lordships were asked to deprive a moiety of the intellect of the University of their fair share in the rewards they formerly enjoyed. For these reasons he trusted that the Bill would be postponed.

Amendment *moved*, to leave out ("now") and insert (" this Day three Weeks.")—(*The Earl of Carnarvon.*)

EARL GREY said, he greatly regretted that the Lord Chancellor had not acceded to the proposal of his noble Friend (the Earl of Derby) to withdraw the Bill for the present year, because the discussion had convinced him that the measure in its present shape ought not to pass. The Amendments to be proposed by the noble and learned Lord in no way touched the main objections to the Bill. He should certainly support the proposal of his noble Friend to defer the Committee on the Bill for three weeks, and would even venture to express his wish that it had been for three months. There was a very good attendance of their Lordships, the subject had been fully discussed, and the House was quite in a position to pronounce a decision.

LORD REDESDALE said, that there was no use in postponing the Bill for three weeks, for at the end of that time the same questions would again arise. He believed that the Amendments of the noble and learned Lord on the Woolsack had been introduced with the best possible motives; but he did not think that they would remove the objections which existed. With the view of giving their Lordships an opportunity of saying whether they wished to proceed with the Bill upon the present occasion, he moved the Previous Question.

Motion objected to, and a Question being stated thereupon, the Previous Question was put, Whether the said Question shall be now put?

THE LORD CHANCELLOR said, that if the proposal for an adjournment of three weeks had been accompanied by the assurance that the noble Earl believed that in the course of that three weeks any proposal would be made, or anything would occur, to render this Bill unnecessary, he would most gladly acquiesce in it; but if the real motive — but thinly disguised— were to defeat the measure by a Fabian policy, then he thought that it would be better to raise the direct issue on the Motion for the postponement of the Committee, and take the decision of the House upon it. But to put forward a specious proposal for adjournment, knowing all the time that the real intention was to do nothing in the interval, and that the Motion was a mere hollow pretence, was a proceeding which he trusted their Lordships would not sanction or concur in. There were objections to this Bill, no doubt. There were objections to everything; and all that could be done in this world was to accept whatever embodied the greatest amount of attainable good; and this condition, he submitted, was secured by the present Bill. He repeated that he would rather take the opinion of their Lordships at once whether they would proceed with the Bill or not.

THE EARL OF DERBY thought the noble and learned Lord was scarcely courteous in the way he had received the proposal of the noble Earl (the Earl of Carnarvon). He did not gather from his noble Friend's speech that he had any other intention than to give the House, the country, and the University of Oxford further time for considering the Bill, in order to ascertain whether the objections might be removed. But it was not fair to call upon his noble Friend to give a promise, which it might not be in his power to fulfil, that in three weeks' time matters would be in a more satisfactory condition than they were now. He agreed, however, that a postponement for three weeks would be of very little advantage, because he believed that matters would then remain very much as they were now. The proposal he made was that the Bill should be withdrawn for the present Session, to give an opportunity of considering whether any satisfactory arrangement might be come to, and further time for all parties interested to give their attention to this very important question. He confessed that, in his mind, the subject was hardly ripe for treatment by their Lordships, and he thought the Previous Question moved by the noble Lord the Chairman of Committees afforded a very convenient method of pronouncing a decision, especially as that Motion, by the rules of the House, took precedence of all Amendments. If carried, it would have the effect of postponing the further progress of the measure indefinitely, at the same time that it would be competent for the noble and learned Lord on the Woolsack to give fresh notice in case he thought it desirable to do so, and the postponement for the whole of the Session would not necessarily be involved.

THE BISHOP OF ST. DAVID'S said, he desired to state the grounds of his objection to this Bill. It seemed to him that there was one great principle which ought to govern all their legislation, except in cases where there was an evil so crying or of such magnitude as to be absolutely intolerable—and that was, that they should look more to the future than to the immediate present. If they were for a moment to abstract themselves from present circumstances, and to look to the future alone, there would appear such strong objections to this measure as to render it hardly possible for their Lordships to accept it. The simple ground upon which he felt a repugnance to the measure was that it appeared inevitably to have the effect of damaging the Greek Professorship of Oxford. It was impossible to say that the limitation of the Professorship to a single class would not have the inevitable effect of lowering its value and its dignity. He was quite aware of the importance of those studies which it was the object of the Professorship to cultivate for the interests of the Church; but while he conceded that it was very important indeed that those who were destined for the clerical profession should have the best possible instruction that could be afforded in the University, he did not consider it as at all necessary for that purpose that the clergy should be the body which was to furnish the best possible instructor in those studies: on the contrary, he believed that the effect of annexing this Professorship in perpetuity to the clergy would be to prevent the possibility of being always sure that the best instruction would be obtainable. He was not insensible to the other considerations so eloquently urged in behalf of the measure; but his objection was that, if carried, it would have the effect of applying a remedy of a most unsatisfactory kind to an evil merely of a temporary character.

LORD CRANWORTH said, he felt in common, probably, with a majority of their Lordships, considerable doubt as to the vote which he ought to give. He entertained great reluctance to support any Motion having the immediate effect of rejecting the Bill, lest he should become identified with opinions entirely repugnant to his own feelings. On the other hand, he could not be insensible to the objections raised to the measure. Understanding that there was a sum of money in possession of the College which might possibly be appropriated to the endowment, he thought three weeks by no means an unreasonable delay.

THE LORD CHANCELLOR explained that the revenues of Corpus were not sufficient to endow the Professorship, and consequently that the sum of money referred to was not in existence.

LORD CRANWORTH said, the revenues of the College, although insufficient at the present moment, might hereafter become adequate for the purpose, and some information on the point would be very desirable.

THE ARCHBISHOP OF CANTERBURY said, he was anxious to guard against the supposition, in voting for the Previous Question, that he was at all desirous of defeating the object of the Bill. He gave the noble and learned Lord credit for the motive with which he had introduced it, but there were so many and such great difficulties in the way that he heartily desired further time for consideration, and he thought the Bill might be fairly postponed till next Session. He always looked forward to the probability of the endowment coming from the University itself.

On Question:—their Lordships *divided:*—Contents 25; Not-Contents 55: Majority 30.

Resolved in the *Negative.*

CONTENTS.

Westbury, L. (*L. Chancellor*).

York, Archbp.

Devonshire, D.
Somerset, D.

Normanby, M.

Cathcart, E.
Clarendon, E.
De Grey, E.
Ducie, E.
Granville, E.
Saint Germans, E.
Zetland, E.

Sydney, V.

Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye*).
Dacre, L.
Dartrey, L. (*L. Cremorne*).
Foley, L. [*Teller.*]
Lyttelton, L.
Monson, L.
Ponsonby, L. (*E. Bessborough*). [*Teller.*]
Seymour, L. (*E. St. Maur*).
Suffield, L.
Sundridge, L. (*D. Argyll*).
Wodehouse, L.

NOT-CONTENTS.

Canterbury, Archbp.
Armagh, Archbp.

Grafton, D.

Bath, M.
Bristol, M.

Airlie, E.
Amherst, E.
Carnarvon, E.
Derby, E.
Devon, E.
Doncaster, E. (*D. Buccleuch and Queensberry*).
Effingham, E.
Ellenborough, E.
Grey, E.
Hardwicke, E.
Minto, E.
Nelson, E.
Romney, E.
Shrewsbury, E.
Stanhope, E.

Clancarty, V. (*E. Clancarty*).
De Vesci, V.
Hawarden, V.
Hutchinson, V. (*E. Donoughmore*).
Sidmouth, V.
Strathallan, V.

Cork, &c., Bp.

Down, &c., Bp.
Ossory, &c., Bp.
Oxford, Bp.
Rochester, Bp.
St. David's, Bp.

Belper, L.
Boyle, L. (*E. Cork and Orrery*).
Brodrick, L. (*V. Midleton*).
Charlemont, L. (*E. Charlemont*).
Chelmsford, L.
Churston, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Cranworth, L.
Dunsany, L.
Egerton, L.
Heytesbury, L.
Monteagle of Brandon, L.
Overstone, L.
Polwarth, L.
Redesdale, L. [*Teller.*]
Rollo, L.
Silchester, L. (*E. Longford*).
Stratheden, L.
Taunton, L,
Wensleydale, L.
Wentworth, L. (*V. Ockham*).
Wynford, L.

House adjourned at a quarter past Seven o'clock, to Monday the 23rd instant, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, May 13, 1864.

ARMY—THE ENFIELD RIFLE.

QUESTION.

Lord ELCHO said, he rose to ask the Under Secretary of State for War, Whether the War Department intend to spend the Money recently voted by Parliament for Small Arms in the continued manufacture of the three-grooved service Enfield Rifle, of which upwards of 100,000 have been made since it was reported by the Ordnance Select Committee, on the 26th November, 1862, as being inferior to the oval-bore Rifle, "1stly, as regards precision when clean; 2ndly, as regards precision when foul; 3rdly, as regards non-tendency to accumulate fouling; and 4thly, as regards simplicity of management;" whether there is any reason to doubt the general correctness of the statement made by the Ordnance Select Committee that the oval-bore Rifle might be adopted into the service "without necessitating any increase to the present cost of supply;" whether it is the case that the oval-bore Rifle has been for many years one of the pattern arms of the service, and is the weapon with which the Engineers of the Regular and Volunteer Forces are now armed; and whether it is the intention of the War Department to institute further competitive trials of large or small-bore, muzzle, or breech-loading Rifles; whether pending the result of such trials, supposing them to be instituted, the manufacture of the three-grooved Enfield Rifle will be continued, and within what period of time it may reasonably be anticipated that a decision will be come to as to the pattern small arm to be adopted into the service for the future use of Her Majesty's Forces?

The Marquess of HARTINGTON said, in reply, that it was intended to continue the manufacture of the three-grooved service Enfield Rifle until it had been decided by the Secretary of State what weapon was to be employed in the service for the future. He had said last year, as well as the other day, that immediately after the Report of the Committee on Small Arms had been received it had been decided to reduce the manufacture of the Enfield to the lowest possible limit consistent with the supply rendered necessary from the wear and tear of the weapons now in use. From the 1st of April, 1863, to the 1st of April, 1864, the manufacture of small arms at Enfield numbered only 54,000, and out of that number not above 40,000 were of the three-grooved long Enfield pattern. The production at the present time was only 1,000 per week of all kinds, and of that number under 700 were of the three-grooved long Enfield pattern. He had stated the other evening, and he had nothing to add to that statement now, that it was not intended to give up the production of the present service rifle until the merits of the Whitworth large-bore rifle had been fully tested. With regard to the second portion of the question asked by the noble Lord, he believed the fact was that the machinery at present employed in the manufacture of small arms could with a small expenditure be adapted to the manufacture of the Lancaster Rifle. To this expenditure, however, would have to be added the cost of the royalty. The Lancaster system of rifling had been used for several years in the carbines supplied to the Engineers. It was not the intention of the War Department at the present moment to institute any further competitive trials of small arms. It was, however, by no means impossible that a special trial between the Whitworth and the Lancaster rifles might not have to be made, but he hoped that no long time would elapse before a final decision could be come to upon the subject.

Colonel KNOX said, he would beg to ask the noble Lord, Whether it is the intention of the Government to adapt the breech-loading system to the Enfield Rifle?

The Marquess of HARTINGTON said, that 2,000 breech-loaders had been ordered for trial in different parts of the world, but no experiment would be tried as to the feasibility of adapting the breech-loading system to the service Enfields until reports had been received as to the value of a breech-loading arm as a military weapon.

FRANCE—FISHERIES CONVENTION.

QUESTION.

Mr. DU CANE said, he would beg to ask the President of the Board of Trade, Whether the Commission appointed last year to inquire into the present state of the Oyster Fisheries of this Country has made any Report; and whether it is the intention of this Government to ask the Government of France to agree to an International Commission, with a view to alter and amend the Fishery Convention between France and this country?

Mr. MILNER GIBSON said, in reply, that the Commission had not yet made any Report, but he hoped it might make its appearance in the course of the present year. With respect to the intention of the Government, he had to say that communications had passed between the French and English Governments upon this subject, and though at present nothing had been settled, the subject was still under consideration, and he believed it would be better to wait until the Report had appeared before the question was considered, whether any amendment in the Convention was desirable?

DENMARK AND GERMANY. PRUSSIAN EXACTIONS IN JUTLAND.

QUESTION.

Mr. RICHARD LONG said, he would beg to ask the First Lord of the Treasury, Whether the Minister for Foreign Affairs will continue to preside at the Conference notwithstanding the exactions and oppressions alleged to have been perpetrated in Jutland by the orders of Marshal Wrangel; and whether Her Majesty's Government have protested, and will protest, against the commission of such outrages on non-combatants during the sittings of the Conference?

Sir GEORGE GREY: Sir, these exactions and oppressions which are alleged to have been committed in Jutland constitute a strong additional reason for endeavouring to put an end to the war. My noble Friend the Secretary of State for Foreign Affairs has not, in consequence of those exactions which are alleged to have taken place, ceased to attend the Conference; and I think the House will be of opinion that he would have acted very unwisely if he had done so, instead of endeavouring, in concert with other neutral Powers—and that successfully—to obtain a suspension of arms, one of the conditions of which is, that the Austrian and Prussian armies are not to levy any contributions on the people of Jutland, but are to pay for everything that is furnished to them.

PENSIONS TO COLONIAL GOVERNORS.

QUESTION.

Mr. BAILLIE COCHRANE said, he would beg to ask the Secretary of State for the Colonies, What decision the Government has come to respecting the granting pensions to Ex-Governors of Colonies?

Mr. CARDWELL said, in reply, that the Government had not yet come to any decision on the subject. The answers to the Circular letter which had been sent to the Governors of Colonies had not yet been received.

CUSTOMS GAUGERS.—QUESTION.

Mr. W. E. FORSTER said, he wished to ask the Secretary to the Treasury, When an answer will be given to the Petition of the Gaugers of Her Majesty's Customs, London, praying for redress of grievances?

Mr. PEEL said, in reply, that the Petition of these officers had been received, and had met with the careful consideration of the Treasury. He hoped the answer of the Commissioners would be sent in in the course of two or three days.

IMPURITIES IN THE THAMES.

QUESTION.

Mr. CLIFFORD said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the large discharge of gas tar refuse into the River Thames; and whether he will set the law in motion to abate a nuisance so prejudicial to the health of the metropolis?

Mr. HUNT said, in reply, that the law for preventing the discharge of gas water and other impurities into the Thames, such as it was contained in the Conservancy Act of 1807, had been put in force as far, he believed, as was possible or practicable. The Conservancy Board had been extremely vigilant, and had exerted themselves with vigour and effect. He was informed that the impurities of which his hon. Friend complained did not proceed from premises on the banks of the river, but rather from the creeks and canals to which the powers of the Conservancy Act did not extend. This was a great evil, but there was a Bill then under the consideration of Parliament dealing with this subject, and into that Bill a clause regulating this subject might, he thought, with advantage be introduced.

CHINA—POLICY OF EUROPEAN POWERS.

QUESTION.

Colonel SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether he will lay upon the table of the House, Copy of a Despatch from Sir Frederick Bruce to Earl Russell, respecting the joint policy the Ministers of Russia, France, and America have agreed to pursue in China; and Copy of which he had furnished to Mr. Burlinghame, the American Minister, for communication to the American Government, and to which Mr. Burlinghame refers in his Despatch to Mr. Seward, dated Pekin, 20th June, 1863, and marked A of the enclosures?

Mr. LAYARD, in reply, said, he did not think it advisable to lay this despatch on the table. The House was aware that this document related not only to the policy of this country, but to that of the United States, France, and Russia, and he did not think it would be fair to other Powers to produce it.

Colonel SYKES said, that after the recess he would call the attention of the House to the subject.

INDIA—DELHI PRIZE MONEY.

QUESTION.

Sir MINTO FARQUHAR said, he would beg to ask the Secretary of State for India, When the second instalment of the Delhi Prize Money is likely to be paid in England, it having been paid in India so far back as November last?

Sir CHARLES WOOD replied that he was sorry that he could not answer the Question. There had, no doubt, been considerable delay, arising from errors which had occurred in the first list. A despatch for the purpose correcting these errors had been sent out to India nearly two months ago.

THE BANK ACT, 1844.—QUESTION.

Mr. HUBBARD said, in the absence of his hon. Friend (Mr. Heygate), he would beg to ask Mr. Chancellor of the Exchequer, Whether, taking into account the vast increase of the trade and commerce of England in the last thirty years, he is of opinion that the arrangement of 1844, limiting the Bank of England to an issue of fourteen millions of Bank Notes, without a corresponding amount of gold, is now commensurate with the daily monetary requirements of the country?

The CHANCELLOR of the EXCHEQUER, in reply, said, the Question of the hon. Gentleman hardly admitted of an intelligent answer without a general statement on the subject of the currency. He might, however, refer to what he had stated a few days ago, that in his opinion the essential principle of the Bank Act of 1844 had been proved by experiment to be sound and necessary for the regulation of the monetary affairs of the country. But there was a subsidiary and second provision of the Act with regard to which he thought it would be convenient that the attention of hon. Members might be drawn. With respect to the particular points alluded to in the Question, all he could say was, that he was a consenting party to the substance of that paragraph of the Report of the Committee of 1858 with regard to the issue of £14,000,000 of bank notes by the Bank of England on securities. There was a popular impression that the effect of an addition to the issue on securities would add to the practical available circulating medium of the country. That view the Committee declared to be entirely erroneous, and in that opinion of the Committee he (the Chancellor of the Exchequer) entirely concurred.

LAMBETH—MEDICAL DIPLOMAS.

QUESTION.

Colonel FRENCH said, he would beg to ask the Secretary of State for the Home Department, If it is the fact that the Archbishop of Canterbury has the power to confer the title of Doctor of Medicine on persons who have not undergone an examination before the College of Physicians?

Sir GEORGE GREY: Owing, Sir, to the short notice I have had of the Question of the hon. and gallant Member, I have not been able to ascertain all the facts relating to the subject. There is an old statute under which the Archbishop of Canterbury has the power to confer a Doctor's Degree, and I believe that power was recognized by the last Medical Act, but attaching certain qualifications to the person receiving the degree. I am also able to say that the present Archbishop has never exercised the power.

Colonel FRENCH: It was exercised in 1858.

CONVICTION OF GIPSIES IN CORNWALL.—EXPLANATION.

Sir GEORGE GREY: Sir, I answered a Question the other evening which was put to me by the hon. Member for North Northamptonshire (Mr. Hunt) relative to the sentence passed upon some gipsies in Cornwall, who were alleged to have been committed for sleeping under a tent. Since then I have written to the committing magistrate, requesting him to furnish me with a report of the case. It turned out as I expected, that they were committed under the Vagrancy Act, and not for merely sleeping under a tent. I have received a letter from the magistrate, which, in justice to him, I desire to read to the House. It is as follows:—

"Lelant Vicarage, May 12.—Having received this morning your letter of the 10th instant, requesting me to furnish you with a full report of the case of the committal of the Gipsies by me, I beg to communicate to you the following particulars:—At Redruth, some few days before the committal, one of them was apprehended by the police for vagrancy, and was discharged on her promising to leave the neighbourhood; instead of doing which she was found the following day at Camborne, only three miles off, telling fortunes. On another day subsequent, a man and woman of the party were found sleeping together under a waggon which did not belong to them, and again cautioned by the police. On the Saturday previous to my committal the whole party were found on the estate of Trelissick, in the parish of St. Erth, where they did a great deal of injury, breaking down trees and lighting fires, when the police again cautioned them, and finding them there again on Monday, apprehended them and brought them to me. They had passed through the western part of the country, between Redruth and St. Erth, begging and telling fortunes. The superintendent of police had given particular directions to the police to watch them, as there had been many thefts committed in that part of the county, and this party of Gipsies had been suspected of being connected with them. When the party were brought before me, I examined them individually and collectively, and found that they had no visible means of subsistence, and could give no satisfactory account of themselves. Under these circumstances, for the safety of the county, I considered it my duty to commit them."

EDUCATION (INSPECTORS' REPORTS).

EXPLANATION.

Mr. LOWE: Sir, I have to solicit for a few moments the indulgence of the House once more to make a short personal Explanation, and I need that indulgence very greatly, because I am quite aware that the case is one of the first impression, and I may appear, though I hope wrongly, to trespass too much on the indulgence of the House in what I am going to say. The fact is in the remembrance of the House that yesterday a document was produced of which I had no notice—a document of which I had no knowledge, a document of which it was impossible for me to give any satisfactory account to the House without searching the records of the Privy Council Office. On that document a statement was founded, that though what I had said to the House on a former occasion was true in intent it was absolutely false in fact. Now, I am not accustomed to have the words "absolutely false" connected with any statement of mine, and though those words were coupled with the statement that my intent was to speak the truth, I cannot regard them with indifference, and therefore throw myself on the indulgence of the House, asking hon. Members to allow me to explain what that document really is, and to give them the result of the searches which I have made about it. According to the technical rules of debate, I know that I ought to have risen at once in my place and have explained. But I was unable to do so then; I can now; and if the House will permit me I will proceed to do so. Sir, there are two kinds of Inspectors' Reports. The one, general Reports—which are made for the purpose of being submitted to Parliament—on the general state of the district in which the Inspector reports. It was with reference to these Reports that the Minute of 1861 was issued, which has been so much discussed; it was with reference to these Reports that the Resolution come to by this House on the 12th of April was passed; it was with reference—and solely with reference to these Reports that the explanation which I offered to the House on the 19th of April was made; and I venture to say it was with reference to these Reports the Committee was moved for last night by Her Majesty's Government. There is a second Report made by the Inspectors which may be called a "special" or "particular" Report. It is the Report of the Inspector on each school he visits, and it is not intended to be laid before Parliament. It is a Departmental matter; it is made by the Inspector to the office; and a summary of that Report is prepared in the office and sent to the school at the same time as the grant is made. When I said on a former occasion that I had given orders in 1862 that no interlineation should take place in the Reports of the Inspectors, I spoke, and I am sure the House understood me to speak, of the Reports which were laid before Parliament. It was to them that the whole discussion was directed; it was only with respect to them it could be said with any plausibility the instructions were contrary to the previous understanding; and I am sure the memory of every hon. Gentleman will bear me out when I say that those were the only Reports we had in our mind during the whole of these debates. A Report was produced yesterday which had been given to the noble Lord who produced it by Mr. Morell, who had been an Inspector of Schools, and who had been dismissed from his office; and who, as the noble Lord says, naturally reveals the secrets of his prison-house. That Report mainly consists of some not very material remarks on schools, and concludes with these words—

> "The discipline is good, and the instruction, though not very forward, is accurate and appropriate as far as it goes, and as advanced as can be expected, considering how recently the present teachers have been in charge."

The noble Lord stated last night that the words "considering how recently the present teachers have been in charge" had been expunged by the Department of the Privy Council, and that circumstance was alleged in direct contradiction of my assertion that, as far as I knew, there had been no expurgation or interlineation in any of the Inspectors' Reports since 1862. I am sure every hon. Gentleman who heard the noble Lord must have understood that the Report then produced and then urged as a distinct proof that my statement was absolutely false—that it was exactly contrary to the truth, and other words equally strong—that the Report then read and produced was one of the kind to which my observations originally pointed. Therefore, I believe it will be with some surprise the House will hear it was not of that nature. It was the Report of a single and particular school—a school Report prepared for the information of the Department, and not, therefore, coming within the Minute—not coming within the order issued in 1862—not coming within the class of Reports which have been under the consideration of the House. Further, it was said that it had been returned to the Inspector to be expurgated. I have inspected to-day, by the kindness of the Lord President, the copy of the Report made by the copying machine in the office, and that copy as well as the testimony of every one in the office who had anything to do with the Report, proves that it was sent to the school without those words being omitted, the omission of which is made use of to give me me this flat and absolute contradiction. I thank the House for the kindness with which they have heard me, and I hope

I may be allowed to draw attention for a single instant to a practice which is growing up among us. I do not allude to the practice of officials betraying the trust reposed in them. In all professions however honourable—and there is none more honourable than the permanent official service—there are men of that kind; but what I do allude to and what I do press on the consideration of the House is the practice, the new practice, which is growing up of Members of Parliament suffering themselves to be the instruments for putting off these contraband wares. I have only to say—

MR. SPEAKER: Order!

COLONEL FRENCH: I rise to Order, Sir. As long as a Member of this House confines himself to personal explanation, the House is willing to hear him, though he may not be strictly in order; but when an hon. Member goes beyond that, and attempts to cast a censure on other Members, I trust the House will not give its countenance to such a proceeding.

LORD ROBERT CECIL: I hardly know whether I ought to address the House in answer to a statement so irregularly brought forward. The House has appointed a Committee to examine this Question, and it appears to me that it would be a far more convenient way for the right hon. Gentleman to have waited till he could have appeared before that Committee and made, in his own justification, the statement we have just heard. Part of the statement, as I understand it, consists of a contradiction of the allegation made by Mr. Morell; and I have only to say that Mr. Morell will, no doubt, be summoned before the Committee, when we shall have an opportunity of hearing him, and of judging as to whether, in stating what he does, he is stating what is true or not. The right hon. Gentleman has spoken as to the various kinds of Inspectors' Reports. I confess I have read over his former speech to-day, and my opinion is, that his words, naturally interpreted, seem to refer to all the Reports which the Inspectors make. He now tells us that the Committee of the Privy Council never, since the date to which he has referred, mutilated the general Reports of the Inspectors, but he appears to admit that the practice has prevailed with reference to the special or particular Reports. I regret that I did not draw the distinction, but I doubt whether the Committee of Council will feel very much obliged to the right hon. Gentleman for the distinction which he has drawn between the general and the special Reports.

THE WHITSUNTIDE RECESS.

Moved, "That the House at rising do adjourn till *Thursday* next."

DENMARK AND GERMANY—THE AUSTRIAN SQUADRON—OBSERVATIONS.

MR. DARBY GRIFFITH said, he rose to call attention to the permission given by the Government to the Austrian Squadron to leave these shores, and to take up a position favourable for the further prosecution of hostilities against Denmark, without any practical check or supervision by means of the presence of a British Naval force. It would be in the recollection of the House, that in the beginning of the week a question was asked of the Government with reference to the Austrian Squadron which had passed up the Channel. The right hon. Gentleman, in answering the question, seemed somewhat to avoid the real question. He said that the vessel was not going to the Baltic, but he did not give the slightest intimation that she had gone to the North Sea. He hoped the right hon. Gentleman would not give the sanction of his example to such an evasive mode of answering questions.

CASE OF MR. HERBERT.

OBSERVATIONS.

SIR STAFFORD NORTHCOTE: I wish to say a few words on the part of an absent friend. He is a gentleman who is very sensitive on points that affect his character. I allude to Mr. Herbert. He is particularly anxious that no misconception should prevail in this House with regard to what he is supposed to have stated respecting his picture. It had come to his knowledge that an impression prevails in this House that he said something to this effect—that he will not undertake to go on with any more work unless he shall be paid the sum of £5,000. Mr. Herbert is very anxious that it should be distinctly understood that he never said or intended to say anything of the sort. Mr. Herbert is a gentleman who works far more for fame and reputation than for profit, though he feels, and it is felt by his friends, that the work he has done occupied an extent of time that renders it a matter of justice to himself and to his family that some additional remuneration should be given to him.

UNITED STATES.
THE CONFEDERATE SHIP "GEORGIA."
OBSERVATIONS.

MR. T. BARING: I rise to call attention to the circumstances under which the *Georgia* has been allowed to enter the port of Liverpool and to put a question on the subject. As I bring this matter before the House simply as one of English interest, I shall not refer to the feelings or prospects of either of the contending parties, nor shall I endeavour to provoke an expression of sympathy with either side. I wish to make no charge against any one, and, if I refer at all to the past, it will be merely for the purpose of illustrating the position in which the country is placed as to its international engagements. The question is one of very considerable importance, and deserves, I am persuaded, the serious consideration of the House. An incident has recently occurred which is of a most extraordinary character. A vessel of war carrying, as we are told, the flag and commission of the Confederate Government, has recently entered the port of Liverpool. She is still there, and when the House hears the history of her career, it will be somewhat surprised at the course which has been pursued. This is her history:—The *Japan,* otherwise the *Virginia,* commonly known as the *Georgia,* was built at Dumbarton, on the Clyde. She was equipped by a Liverpool firm. Her crew was shipped by the same Liverpool firm for Shanghai, and sent round to Greenock by steamer. She was entered on the 31st of March, 1863, as for Point de Galle and Hong Kong, with a crew of forty-eight men. She cleared on the 1st of April. She left her anchorage on the morning of the 2nd of April, ostensibly to try her engines, but did not return. She had no armament on leaving Greenock, but a few days after her departure a small steamer called the *Allar,* freighted with guns, shot, shell, &c., and having on board a partner of the Liverpool firm who had equipped her and shipped her crew, left Newhaven and met the *Georgia* off the coast of France, near Ushant. The cargo of the *Allar* was successfully transferred to the *Georgia* on the 8th or 9th of April; her crew consisted of British subjects. The *Allar* put into Plymouth on the 11th of April, bringing the Liverpool merchant who had directed the proceedings throughout, and bringing also fifteen seamen who had refused to proceed in the *Georgia* on learning her real character. The rest of the crew remained. At the time of her departure the *Georgia* was registered as the property of a Liverpool merchant, a partner of the firm which shipped the crew. She remained the property of this person until the 23rd of June, when the register was cancelled, he notifying the collector of her sale to foreign owners. During this period—namely, from the 1st of April to the 23rd of June, the *Georgia* being still registered in the name of a Liverpool merchant, and thus his property, was carrying on war against the United States, with whom we were in alliance. It was while still a British vessel that she captured and burnt the *Dictator*, and captured and released under bond the *Griswold,* the same vessel which had brought corn to the Lancashire sufferers. The crew of the *Georgia* was paid through the same Liverpool firm. A copy of an advance-note used is to be found in the diplomatic correspondence. The same firm continued to act in this capacity throughout the cruise of the *Georgia.* After cruising in the Atlantic and burning and bonding a number of vessels, the *Georgia* made for Cherbourg, where she arrived on the 28th of October. There was at the time much discontent among the crew. Many deserted, leave of absence was given to others, and their wages were paid all along by the same Liverpool firm. In order to get the *Georgia* to sea again, the Liverpool firm enlisted, in Liverpool, some twenty seamen, and sent them to Brest. The *Georgia* left Cherbourg on a second cruise, but having no success she returned to that port, and thence to Liverpool, where her crew have been paid off without any concealment, and the vessel is now laid up. Here, then, is the case of a vessel clandestinely built, fraudulently leaving the port of her construction, taking Englishmen on board as her crew, and waging war against the United States, an ally of ours, without having once entered a port of the Power the commission of which she bears, but being for some time the property of an English subject. She has now returned to Liverpool, and has returned, I am told, with a British crew on board, who, having enlisted in war against an ally of ours, have committed a misdemeanour in the sight of the law. We hear nothing of the steps which, under those circumstances, were taken by the Government, but I feel assured they have done all that lay in their power, and was consistent with their duty under the existing law to prevent the repetition of such an outrage. It is, therefore, not their conduct in the matter, but the impotency and insufficiency of the Foreign Enlistment Act, which our courts of justice find it impossible to interpret, that I wish to bring under the notice of the House. Many of these vessels are afloat committing injury on our ally. The vessels to which I allude, are vessels which would undoubtedly have been arrested if time had been given, and if their purpose had been known. The question is, in fact, can we be said to be carrying out our obligations as a neutral Power towards a belligerent which is an ally, in a manner consistent with International Law, though it may be in harmony with our municipal law, while such a state of things is permitted to exist? For my own part, I have no wish to lose myself in the mazes of a legal discussion on the subject, but common sense, as well as International Law, I believe, prescribe that a neutral should act towards a belligerent who is an ally, as she would like, under corresponding circumstances, to be done by. It was in order to prevent a war between neutrals and belligerents that the Foreign Enlistment Act was passed; and if vessels are allowed to proceed on a course of devastation, if they are admitted into the ports of our dependencies and colonies, and not only that, but to put into ports in this country, is it not, I will ask, time to consider whether we should not do our duty towards others, and whether the existing law affords us the means of protecting the interests of our ally as well as our own? The question as to the extent to which those vessels ought to be admitted to the ports of our colonies and dependencies is, I contend, one of serious importance; but it is, at the same time, one as to which I think there can be no doubt what course the Government should adopt. When a vessel fraudulently leaves our ports, which we know would have been arrested here had her objects been ascertained and her construction certified, and proceeds to carry into effect proceedings of hostility against an ally to the endangering of the peace of this country, it seems to me that it is the duty of the Government to avail themselves in her case of the powers which they possess, and by proclamation to shut our ports against her. If the House will permit me, I will read on the subject a passage from a writer on International Law, who signs himself "Historicus," and who says, speaking of the *Alabama*—

> "First of all, the English Government must decide on the best information at their disposal, whether she was or was not unlawfully equipped in this country in breach of our neutrality. Their decision on this point ought to be final, for they are the sole judges of it, and the Federal authorities may inform their judgment, but cannot question their determination. If the English Government determine that the *Alabama* was not unlawfully equipped within the realm, she will, of course, enjoy the privileges and immunities of any other lawful belligerent cruiser. If, on the other hand, she is decided to have been unlawfully equipped, then she ought to be forbidden access to any port within the jurisdiction of Great Britain. If she comes within our ports with a prize, her prize should be taken from her, and restored to her original owner, and she herself compelled to depart."

There is another extract from the same writer, to which I wish also to invite the attention of hon. Members. It is as follows:—

> "Now, it is a sound and salutary rule of international practice, established by the Americans themselves in 1794, that vessels which have been equipped in violation of the laws of a neutral State shall be excluded from that hospitality which is extended to other belligerent cruisers, on whose origin there is no such taint. Accordingly, the Cabinet of Washington compelled all the French privateers which had been illegally fitted out in America against England to leave the ports of the United States, and orders were issued to the Custom House officers to prevent their return. This course of proceeding appears equally consonant to the principles of law and the dictates of policy. The question then remains—Was the *Alabama* unlawfully equipped and manned within the jurisdiction of Great Britain? Now, setting aside the vexed question of equipment, I think there can be very little doubt on that of enlistment. The question is one which from its very nature is not and cannot become the subject of judicial determination, because a neutral Government cannot exercise a jurisdiction over such a vessel. It is a matter on which the Executive of the neutral Government must, according to the best information it can obtain, form its own judgment, and that judgment is final and conclusive on all parties. Now, I observe that in a despatch dated March 27, 1863 (Parliamentary Paper, p. 2), Lord Russell writes, 'The British Government has done everything in its power to execute the law; but I admitted that the cases of the *Alabama* and the *Oreto* were a scandal, and in some degree a reproach to our law.' Now, with the greatest deference to those persons who may be of an opposite opinion, I submit that vessels of which such a statement can be properly made—and that it was properly made no one acquainted with the circumstances of their outfit and manning can honestly doubt—are not entitled to the hospitality of the country whose laws they have eluded and abused. I think that to deny to the *Florida* and *Alabama* access to our ports would be the legitimate and dignified manner of expressing our disapproval of the fraud which

has been practised upon our neutrality. If we abstain from taking such a course, I fear we may justly lie under the imputation of having done less to vindicate our good faith than the American Government consented at our instance on former occasions to do."

Again, Earl Russell, in a despatch written in the month of June, said that the British Government had done everything in their power to execute the law, but he confessed that the case of the *Alabama* was a scandal to our laws. Now, such vessels as the *Georgia* are vessels which avowedly ought to have been stopped if their purpose had been known. They are vessels whose destination is to roam about, never getting home, and which are tainted with the offence of having violated our neutrality. They are vessels, therefore, which, on every ground, have no claim to the hospitality of the country, and I am bound to say that both our international obligations and a due regard for our own interests ought to have led us to exclude them from our ports. The *Georgia* has arrived in Liverpool and there discharged her crew, and what guarantee have we that other vessels may not do the same; that our neutrality may not be violated, and that we may not hereafter have to deal with a state of things in which our position will be reversed. While, therefore, I am anxious to express my belief that under the law as it stands we cannot carry our international obligations fully into effect, I am likewise desirous of inviting the attention of the House to the situation in which this country will be if the precedents now established are acted upon in the event of our being involved in war, while other States are neutral. Under the present construction of our municipal law there is no necessity that a belligerent should have a port or even a seashore. Provided she has money, or that money is supplied to her by a neutral, she may fit out vessels, and those vessels need not go to the country to which they are said to belong but may go about the seas dealing destruction to British shipping and property. Take the case, which I hope we shall avoid, of our being at war with Germany. There would, as things now stand, be nothing to prevent the Diet of Frankfort from having a fleet. A number of the small States of Germany might unite together and become a great naval Power. Money is all that is required for the purpose, and Saxony without a seashore might have a First Lord of the Admiralty without any docks, who might have a large fleet at his disposal. The only answer we could make under those circumstances to France and the United States, who as neutrals might fit out vessels against us on the pretence that they were German cruisers, was that we would go to war with them; so that by the course of policy which we are pursuing we render ourselves liable to the alternative of having our property completely destroyed, or entering into a contest with every neutral Power in the world. We ought, under these circumstances, to ask ourselves what we have at stake. I will not trouble the House with statistics on the point, but we all know that our commerce is to be found extending itself to every sea, that our vessels float in the waters of every clime, that even with our cruisers afloat it would not be easy to pick up an *Alabama*, and that the destruction of our property might go on despite all our power and resources. What would be the result? That we must submit to the destruction of our property, or that our shipping interests must withdraw their ships from the ocean. That is a danger, the apprehension of which is not confined to myself, but is shared by many who are far better able to form a judgment than I am. Recollect that your shipping is nearly twice as large as that of the United States. If you follow the principle you are now adopting as regards the United States, you must be prepared to stand the consequences, so strongly was this felt by shipowners that memorials have already been addressed to the Government upon the subject. Last year such a memorial was sent to Earl Russell by the shipowners of Hull, and, if I am not misinformed, a similar one has been sent by the shipowners of Belfast to his hon. and learned Friend the Member for that borough, who has forwarded it to the noble Earl. The memorialists stated that they viewed with the greatest apprehension the permission which has now been given for the violation of our neutrality and the clandestine furnishing of ships to a belligerent; and last night the hon. Member for Liverpool presented a petition, signed by almost all the great shipowners of that place, enforcing the same view and expressing the same anxiety. I am a little surprised at this manifestation, because what is happening around us is a source of great profit to our shipowners; but it is a proof that they are sensible that the future danger will far preponderate over the present benefit and advantages. Merchants and shipowners are generally a quiescent body, attending to their own affairs and leaving the concerns of the country to those in whose abilities, position, and experience they have confidence, and on whom they can rely, on whatever side of the House they may sit, patriotically to unite to avert the evils against which private individuals cannot secure themselves. I think it a matter of regret that no proposal is made by the Government for the modification of the existing law, and I cannot imagine that if such an attempt were made hon. Members on my own side of the House, who may at times be placed in power, would refuse to assist in taking steps to insure this country against the dangers which menace its commerce. We ought, I think, no longer to dally with this question. It is one of immense importance and of a most dangerous character. Neither the Government nor any one else in this House, I am sure, can be deterred from proposing or adopting a necessary measure by the fear that they may be taunted with acting at the dictation of the United States. No one can be more indisposed than I should be to sacrifice the rights, the interests, or the honour of the country to the dictation of a foreign Power, but no one can be more convinced that we ought to blush for ourselves and our country if we are deterred by the fear of some newspaper taunt, some electioneering speech, or some piece of stump oratory, from yielding to the dictation of reason and good sense, and applying a remedy where an evil has been proved to exist. I have heard it said that this is not the time to take such a step, that we ought to wait until the war is over, when we could pass an Act without apprehension that its purport or intention might be mistaken. Has any Foreign Enlistment Act been ever passed in time of peace? Our own Act was passed in 1819, while Spain was at war with her colonies. And let the House remember the act of General Washington, perhaps the boldest act in the life of that illustrious man, when he issued his proclamation to prevent the citizens of the United States from taking part in a war against Great Britain. The whole feeling of that country was on the side of France. "France and Freedom!" was, as a cry, opposed to "Great Britain and Tyranny!" All the recollections of the past war with Great Britain were fresh in the memory of the Americans, and their gratitude to France was still alive. Popular feeling was strongly against General Washington, and yet he perilled his power, his influence, and his popularity, and had the courage to propose and carry a measure for which he was afterwards praised and blessed by his countrymen, because they recognized it as being in accordance with wisdom, with their own interests, and with justice. What is the moral? The moral which I draw from that is that, whatever may be our individual sympathies or our wishes and views as to the causes or results of the pending contest, we need not be afraid of being charged with acting under the dictation of a country which is now engaged in the most exhausting conflict that has ever occurred. We ought not to yield to sympathy when the dictate of duty is clear that we should act to others as we would that they should act to us; we ought not to be prevented from adopting such a measure as may avert the calamity to which I have adverted so imperfectly, but which now looms in the view of every shipowner; we ought not to be deterred from passing such an Act as will protect this country against the charge of being neutral only when it suits her purposes, and violating it when it suits her interests. I cannot help thinking that if there is to be a change of the law this is the moment when those who guide and control our destinies are bound to consider what course shall be pursued. We could do it now without giving rise to any idea that we have been threatened. If we do it now we may save ourselves, while if it is delayed we cannot avoid retribution hereafter. If we miss this opportunity, what we may do at a time of general peace will not be accepted when war occurs. We shall be referred back not to what we have done after the war is over, but to the acts which we have sanctioned by our present policy. I am anxious to ask the Government whether they do not see that what has occurred at Liverpool may lead to our neutrality being called in question, that it perils the performance of our national obligations, and may seriously affect our interests and welfare in the future.

THE ATTORNEY GENERAL: Sir, with many things which have been said by my hon. Friend in the course of his able and temperate speech I entirely agree. No one who has observed the conduct which the Government have endeavoured to pursue with regard to this important and intricate political subject during the past two years can doubt that, whether successfully or otherwise, they have endeavoured to the best of their power to vindicate the laws of this country, and, at the same time, to fulfil the obligations of a sincere and impartial neutrality. I know that these professions will not meet with the assent of those who, in their own minds, have no sympathy with the neutrality itself, who have given themselves, doubtless under the impulse of generous motives, to entire, unqualified, and enthusiastic sympathy with one or the other of the belligerents. Nevertheless, I have such confidence in the justice and right feeling of the country as to believe that the people of England generally will perceive that the Government, in the course which they have pursued in circumstances of no slight difficulty, have really desired to maintain the law and preserve the honour of the country, and at the same time not to deviate from the path of a real and impartial neutrality. Addressing myself first to the last and most generally important of the topics of my hon. Friend's speech, I need hardly say that we are quite sensible of the gravity of the public evil which exists when merchants or any other persons in this country hold themselves at liberty, by all kinds of shifts and evasions, to treat with contempt Her Majesty's proclamation of neutrality; to make themselves parties in a war in which Her Majesty has proposed to be neutral; to shelter themselves under those opportunities of escape which the just regard of the law of our country for persons accused of any offence invariably offers; and to do acts which in their immediate effects place in peril the friendly relations of this and another great nation, and which, in their ultimate consequences, may possibly recoil with disastrous and destructive effect upon the trade and commerce of their own country. The Government had some right to hope that in the circumstances of such a war as this English merchants occupying eminent positions would not spell out the law under the advice of lawyers, saying "I cannot find it in the bond," and availing themselves of every means of escape which ingenuity can suggest hasten to plunge this country into peril, and create a precedent for future mischiefs and dangers, against which the law of this country seeks to provide. I hope the time will soon come—indeed, I think I may infer from the memorial to which my hon. Friend has referred that the time has already come, when the voice of the mercantile community of England will be raised, so that those who may be unwilling to hold themselves bound by Her Majesty's proclamation of neutrality shall see that they cannot expect the moral support of the great body of their fellow-countrymen. I must endeavour to show that the conduct which has been pursued by Her Majesty's Government on this subject has been, at least, of that character which the country had a right to expect. The House is aware that there are only three vessels which are alleged, and in those cases I do not say the allegations are well founded, as they have never been brought to the test of judicial proceedings, but there are only three vessels altogether which are alleged to have been fitted out in this country in violation of the law, and with the practical effect of placing this country in the situation of ministering in an important and formidable manner to the warlike requirements of one of the two belligerents. Her Majesty's Government believe that the law was intended to strike, and does strike, at such acts. With regard to those three ships, the House will recollect that the first which left the shores of this country, the *Oreto*, afterwards the *Florida*, left before any information upon which the Government could act had been imparted to them. That vessel was afterwards arrested at Nassau, was tried there and acquitted, but it was found that there was reasonable cause for the arrest. So far the Government was not to blame. As to the next ship, the *Alabama*, I need not repeat what was said upon a former occasion as to the steps which were taken by the Government, after full consideration of the evidence laid before them, with a view to arrest that vessel. It is well known to the House and to the country that orders to that effect were given, but the ship in the meantime made her escape. Then, lastly, there was this vessel, the *Georgia*, as to which no information whatever reached Her Majesty's Government; no evidence upon which we could act, until she was actually gone. So successfully disguised were the real designs of those connected with that ship that, as my hon. Friend has stated, the crew were actually engaged for a voyage to Shanghai, and all other arrangements for arming her were made with a view to concealment and disguise, and it was only off the coast of France that, meeting another vessel, she received her armament and re-enlisted her crew. The Government, therefore, had no opportunity of interfering so as to stop that vessel. If there be those who think that all those proceedings connected with these ships were perfectly lawful, they will, I am sure, join with me in regretting that, if lawful, they were not also open, avowed, and above-board. It does not seem altogether probable, that if the persons engaged on these proceedings had believed in their lawfulness, they would have taken all possible pains to disguise their real character. Afterwards, as the House is aware, Her Majesty's Government took action in the case of the *Alexandra*, and since then they have done the same with regard to two other vessels, concerning which I will say nothing, as they will soon be the subject of judicial trial. I may also mention that in Scotland the Government directed the seizure of the vessel *Pampero*, under the Foreign Enlistment Act, and the result of that proceeding has been that a verdict has been given by consent for the Crown, and that, while great liberality has been shown in waiving the forfeiture to the Crown, security has been taken against the employment of the vessel for any belligerent service, and the authority of the law has been successfully vindicated. I am happy to be able to say that, whatever may have been the difficulties which in these cases the Government have had to encounter in point of law or evidence, the interference of the Government does appear to have been productive of good effect, as it has impeded the progress of the system of fitting out naval armaments for a belligerent State. We have no reason to believe that the efforts of the Government have been unsuccessful in their practical object, nor even so far as regards the elucidation of the law; although it would, perhaps, be premature to express a confident opinion upon a subject concerning which high authorities have differed. But I cannot avoid expressing a sanguine hope that the result of the measures taken by the Government will be to clear up some of the difficulty attaching to the construction of the law, and to lead in future to a better observance of it. I am encouraged in that hope by the fact that in the Court of Exchequer two learned Judges adopted the construction of the Act upon which the Crown had been advised to proceed. Their construction has since received the endorsement of a learned Judge in the Queen's Bench, under circumstances which make it probable that other Judges of that Court may concur in his opinion, and in the case of the *Pampero*, in Scotland, the Judges of the Court of Session pronounced opinions tending, to a great extent, to confirm the construction of the Act contended for by the Crown.

The result of all this is to leave the Government in a situation in which they have a right to hope that the law, as it is, may in all such cases be capable of being vindicated, and that steps taken to vindicate it will not fail in their object; and therefore the House will probably think that it will not be improper, instead of now suggesting a change of the law, for the Government to act upon that view; but if it should prove to be otherwise, and that the present law is not sufficient, then I trust they may hereafter look for that support and encouragement from this House and the country which upon a subject so important it is essential to obtain. If, in the absence of such support and encouragement, proposals for a change of the law were ineffectually made, it would commit those who ought to have the common interest of the country at heart, to a premature expression of opinion, which might have disastrous effects upon the future of this country. We think, therefore, that if it should ever become necessary to consider the subject, it should be considered at a time when no party feelings nor temporary sympathies may exist to induce the House to take a course which it may be difficult afterwards to retract, and which, if persevered with, might be attended with serious consequences to the welfare of the country. Under these circumstances, the House will, no doubt, consider that Government are doing right in adhering to their original hope that the law as it is may be found sufficient for its purpose, and, at all events, that they ought not to propose any change in the law until they are convinced that there is an absolute necessity for it, and that such proposals will receive the encouragement and support of the House and the country, without which they could not be carried into effect. Having said that, I will address myself to the particular subject of the Motion of my hon. Friend.

I have shown that with regard to the former history of the *Georgia*, the Government have omitted nothing which they could do under the circumstances. That ship has now returned as a Confederate ship—a public ship of war, with a regular commission as such. I must here notice one observation of my hon. Friend. He says that from the 1st of April, 1863, until the following 23rd of June, this ship—the *Georgia*—was registered in this country in the name of a British owner, a merchant of Liverpool, and that therefore she was cruising, burning, and destroying vessels at a time when she was a British ship. I must demur altogether to the law of my hon. Friend in that respect. The register is nothing but the evidence of the title of a British owner for a municipal purpose in this country. A ship which has a British register, and which is afterwards transferred to a foreign belligerent Power, cannot, from the mere fact of her still remaining registered in England as the property of a British owner, in any way be justly styled a British ship. Nor can it be said that she has not become what this vessel really is —a public vessel of war. I regret that my hon. Friend should have used an argument that may seem to give countenance to assertions which have repeatedly been made, but which are quite destitute of foundation, that these ships are British pirates. They are not British, and they are not pirates. That expression is untrue in fact, dishonourable to this country; and I trust that all those who have the honour of this country at heart, whatever they may see to condemn in the conduct of persons concerned in fitting out and navigating such vessels as those referred to, will not give encouragement to a proposition so extravagant, and so completely without foundation.

I now come to the point suggested by the Motion of my hon. Friend. He points to the fact that the *Georgia* is now at Liverpool under circumstances which show that she has never been in any Confederate port. Whether on that account she ought to have been allowed to come in or not I will notice hereafter. The ship, however, came to Liverpool, being at the time a regularly commissioned public ship of war. There is no doubt she was entitled to come in in that character by licence of the Crown, as long as the rules issued by Her Majesty in January, 1862, remain unaltered, because those rules permit ships of war belonging to both belligerents to come into our ports under certain restrictions. They must not remain more than twenty-four hours, except for repairs; they must not receive repairs in the nature of warlike equipment; and there are strict limits as to leaving as soon as the repairs are completed. This ship being a public ship of war of the Confederate States, is permitted to come into our ports, and so comes in lawfully as a ship of war. The Government desired to have information regarding the circumstances under which she had entered our port, and as to the length of time she was likely to remain. They understood she had been brought into dock, it was presumed, for the purpose of repair, and it was afterwards stated that she was likely to be dismantled and sold. If the latter were the case, there would be no harm done to the other belligerent Power by relieving her from all fear of further opposition on the part of the dismantled vessel. On the other hand, if there be no positive pledge that she will not leave as a ship of war, it will be the duty of Her Majesty's Government to require her to depart as soon as possible.

My hon. Friend has, however, raised a larger and more general question, for he has asked whether the Government think the admission of such ships as he describes that ship to be consistent with their international obligations, their profession of neutrality, and the preservation of British interests. The Government certainly has not considered the limited and qualified admission of ships of this kind into British ports to be at all inconsistent with their duty in any respect. But for the first element in the case to which the hon. Gentleman has called attention—that the vessel was originally manned and equipped from British ports—I think that every one would grant her right to admission into our ports, in the same way, and under the same conditions, as ships of the Federal States are admitted. I must, however, notice that my Friend has imported into the case a consideration which has been frequently dwelt upon in the various publications issued upon this subject—namely, that the ship has never been in any of the ports of the belligerent Power under whose flag she sails. It is argued that this is a circumstance which prevents a ship from acquiring the character of a belligerent ship of war. It has been supposed that there is some rule or other, some settled principle of International Law, which will bear out this conclusion. It should not be our practice to invent new rules of International Law to suit particular cases, and I may state that such a rule as this was never heard of. To say that a country whose ports are blockaded is not at liberty to avail herself of all the resources which may be at her command in other parts of the world, that she cannot buy ships in neutral territory and commission them as ships of war without bringing them to her own country first, is a doctrine which is quite preposterous, and all the arguments founded upon such a doctrine only tend to throw dust into men's eyes and to mislead them. We cannot, therefore, upon those grounds make this ship an exception to our ordinary rules. And now I come to the real question. I have not the least doubt that we have a right, if we thought fit, to exclude from our own ports any particular ship or class of ships, if we consider that they have violated our neutrality; but such power is simply discretionary on the part of the Government, and should be exercised with a due regard to all the circumstances of the case. Does the circumstance of a ship happening to have been fitted out in violation of the neutrality of a neutral nation entitle her, in the first place, to be refused recognition as a public ship of war? Happily, we find an answer to this question in the history of the jurisprudence of the United States; and I do not find that the United States, which have really settled all the doctrines of law applicable to this kind of violation of neutrality by fitting out vessels in their ports for belligerent nations, ever adopted the practice of inquiring into the previous history of public ships of war which laboured under the suspicion or allegation of having been fitted out in their ports in violation of their neutrality. In the case of the *Santissima Trinidad*, Mr. Justice Story said—

> "In general, the commission of a public ship, signed by the proper authorities of the nation to which she belongs, is complete proof of her national character. A bill of sale is not necessary to be produced, nor will the courts of a foreign country inquire into the means by which the title to property has been acquired. It would be to exert the right of examining into the validity of the acts of the foreign Sovereign, and to sit in judgment upon them in cases where he has not conceded the jurisdiction, and where it would be inconsistent with his own supremacy. The commission, therefore, of a public ship, when duly authenticated, so far at least as foreign courts are concerned, imports absolute verity, and the title is not examinable. The property must be taken to be duly acquired, and cannot be controverted. This has been the settled practice between nations, and it is a rule founded in public convenience and policy, and cannot be broken in upon without endangering the peace and repose as well of neutral as of belligerent Sovereigns. The commission in the present case is not expressed in the most unequivocal terms, but its fair purport and interpretation must be deemed to apply to a public ship of the Government. If we add to this the corroborative testimony of our own and the British Consul at Buenos Ayres, as well as that of private citizens, to the notoriety of her claim of a public character, and her admission into our own ports as a public ship, with the immunities and privileges belonging to such a ship, with the express approbation of our own Government, it does not seem too much to assert, whatever may be the private suspicion of a lurking American interest, that she must be judicially held to be a public ship of the country whose commission she bears."

The ship *Independencia*, to which those words applied, was one by which the United States Foreign Enlistment Act had been violated; and in the case of the *Cassius* also, under circumstances like those of the *Georgia*, it was decided that neither the ship, nor her officers, could be made amenable to the jurisdiction of the Courts of the United States, when she came in, after having taken prizes, in the character of a public ship of war. The other belligerent has, indeed, no concern whatever in the course which the neutral Government may think fit to adopt with reference to this vessel; and if the Government refused her admission to the ports of the United Kingdom, it would only be done for the purpose of vindicating our authority. I cannot find, however, that the United States ever followed such a course, with respect to a ship of this character. The *Santissima Trinidad* and the *Cassius* were both received into the ports of the United States, were held not to be amenable to their courts of law, and were never ordered by the Government to leave any port. There are, also, a very considerable number of cases reported in which prizes, taken by ships fitted out in breach of the neutrality laws of the United States, and afterwards brought into the ports of the United States, were either restored, or questions raised in courts of law as to their restoration; but I can find no instance of any prohibition or exclusion from any port of that country of any ship, being a public ship of war, which had taken any one of those prizes. We are not, therefore, following the authority of any precedent in the United States, if we exclude this vessel from our ports. The hon. Member for Huntingdon has asked if the Government think the admission of such vessels to British harbours consistent with our international obligations. This question renders it necessary to determine the precise right of the other belligerent in this matter. Now, upon this question, I will quote from another judgment of Mr. Justice Story, in reference to the case of the *Amistad de la Rues.* In discussing this matter, I hope not to utter a single word in the slightest degree offensive to any one in the United States, and least of all to their Government; but I cannot help wishing that the authority I have mentioned had been more recollected when, over and over again, those extraordinary and extravagant demands were made upon our Government to pay the value of all the ships taken on the high seas by the *Alabama* and similar vessels. I need hardly remind the House that in 1793, when the United States did give us compensation for certain prizes not restored, that compensation was strictly limited to ships brought into their ports by ships fitted out in violation of their laws, and was not extended to any prizes taken upon the high seas and not brought into their ports. They did not even restore, or make compensation for, prizes which had been brought into their ports by French privateers, fitted out in those ports before the time when they expressly prohibited that practice. All they did was to name a particular date, and to prohibit the French from fitting out more privateers, or bringing in any more of their prizes after that date. Mr. Justice Story thus lays down what is the limit of the obligation which the neutral owes to the belligerent in this matter—

> "When called upon by either of the belligerents to act in such cases, all that justice seems to require is, that the neutral nation should fairly execute its own laws, and give no asylum to the property unjustly captured. It is bound, therefore, to restore the property if found within its own ports; but, beyond this, it is not obliged to interfere between the belligerents."

So that he distinctly says, we are to execute our laws fairly, we are to give no asylum to prizes captured by ships fitted out in violation of our neutrality, which are property unjustly captured; but he does not say that an asylum may not be given to public ships of war, whatever their previous history; and he adds that, beyond the limits which he mentions, we are not obliged to interfere between the belligerents. The authority of Mr. Justice Story, therefore, excludes the proposition, that belligerents have any rights entitling them to require interference by the neutral, to the extent of excluding absolutely from her ports ships of this description, if it does not seem to the neutral herself necessary so to do. I say, then, we have done all which that authority requires us to do. And now I will ask what reasons there are for the hesitation of the Government to take the extreme step of absolutely excluding these particular ships from our ports when, at the same time, all the ships of the United States Government are admitted. Some reasons can be given; the House will judge of them; I believe they have had considerable influence upon the determination of the Government upon this question, and I think they are such as are consistent with an honest desire to maintain our neutrality and fulfil our international obligations. In the first place the maintenance of neutrality is plainly consistent with the maintenance of our own rights, and I entirely repudiate the argument which has been sometimes used that you are not to enforce your own laws, because the effect of doing so may possibly be to put one of the parties to greater disadvantage than the other. Neutrality does not require that you should at all consider that. On the other hand, where you have no law to enforce, then it becomes worthy of consideration whether you may not be weighing down the balance in a manner not entirely consistent with neutrality, if you adopt voluntarily a rule which would practically exclude from the asylum you allow in your ports the whole of the navy of one belligerent, and no part of the navy of the other belligerent. That is one consideration. And then there is another. The whole of the hon. Gentleman's argument assumes that the facts, and the law applicable to the facts, are substantiated, that we are in a position as between ourselves and the Confederate States to treat the matter as beyond controversy, and to assume that the *Georgia* was, in fact, fitted out in violation of our neutrality. Now, we may have very strong reason to suspect this, and may even believe it to be true; but to say that we are to act upon strong suspicion or belief against another State upon certain facts which have never been judicially established, and which it is not easy to bring to the test as between Government and Government—that is a proposition which is not without grave consideration to be accepted. The difficulty of that view is increased by the fact that we have no diplomatic relations with the Confederate States, and cannot communicate with them in the ordinary way. For very good reasons we have not recognized them, and we have not therefore the opportunities of intercourse which recognition gives. What is more, the Government of the United States, by its ships, bars us from the means of communication which would ordinarily exist without recognition. Only the other day Her Majesty's Government were anxious to communicate and remonstrate with the Government of the Confederate States on this very subject, and actually gave a commission to one of our diplomatic servants, a consul, to do so; when it was announced, that the blockading squadron under the orders of the United States Government could not permit even a ship of war of this country to enter into a blockaded port for the purpose of that communication. These circumstances greatly enhance the difficulty of bringing to a practical test the question, whether there has been in this case a violation of our neutrality. Upon that allegation the whole argument depends; and here, again, American authority by no means warrants the notion that you ought to act lightly or without cogent proof. In the case of the *Santissima Trinidad*, to which I have before referred, Mr. Justice Story says, as to the kind of proof which ought to be insisted on in these cases—

> "In a case of the description of that before the Court, where the sovereignty and rights of a foreign belligerent nation are in question, and where the exercise of jurisdiction over captures made under its flag can be justified only by clear proof of the violation of our neutrality, there are still stronger reasons for abstaining from interference, if the testimony is clouded with doubt and suspicion. We adhere to the rule which has been already adopted by this Court, that restitution ought not to be decreed upon the ground of capture in violation of our neutrality, unless the fact be established beyond all reasonable doubts."

There, again, is a principle which the Confederate Government are entitled to have the benefit of, and which makes it matter of serious difficulty to say, that, because we have very strong moral presumptions and very strong reason to believe that a certain ship of war was fitted out in violation of our neutrality, we are, therefore, to act summarily upon that supposition. You have here a mixed question of fact and of law—the facts to be established by evidence, the law to be decided with reference to the facts; and, considering the controversy which has existed as to the bearing and effect of our law, it is not impossible that in some of these cases the Confederate States may have believed that they were acting within that law. All this increases the difficulty; and now I want to suggest some other reasons.

Of course, if we act according to the suggestions made to us in this case, we must act on the same principles, and deal out the same measure to the other belligerent. And if we are to proceed on grounds of moral belief, and do not stop to ask whether they constitute adequate legal grounds of action—if we are to proceed upon information of the kind which carries conviction to the mind—it is impossible, I grieve to say, to acquit the agents of the United States, although we may acquit their Government, of acts which, upon a large scale, are inconsistent with our neutrality. The case of the Federal ship *Kearsarge* was a case of this character. Beyond all question a considerable amount of recruiting was carried on at Cork for the purposes of that ship, she being employed at the time in our own waters, or very near them, in looking out for her enemy; and she was furnished with a large addition to her crew from Ireland. Upon that being represented to Mr. Adams, he said, as might have been expected, that it was entirely contrary to the wishes of his Government, and he was satisfied that there must be some mistake. The men were afterwards relanded, but there can be no doubt that there had been a violation of our neutrality. Nevertheless, we admitted the *Kearsarge* afterwards into English waters. We have not excluded her from our ports, and if we had, I think the United States Government would have considered that they had some cause of offence. But it does not rest there. I see from the paper that the hon. Member for Horsham (Mr. S. Fitzgerald) wants information respecting the enlistment of British subjects for the Federal army. Now, from all quarters, reports reach us which we cannot doubt to be substantially true, that agents have been recruiting for the Federal army, with or without the concurrence of the Federal Government, in Ireland, and engaging men under the pretext of employing them on railways and public works in America, but really with the intention of enlisting them, and that many of these men are so enlisted. In Canada and New Brunswick the same practices prevail. Representations have been made to the United States Government respecting particular cases of persons who have been kidnapped into the service and then forced to fight, or treated as deserters, and I feel bound to say that those representations have not met with that prompt and satisfactory attention which we might have expected. How are we to act in this case? Are we to exclude from our ports all the ships of the belligerent whose agents are believed to have been engaged in these practices?—practices which, whatever may be the intention of the United States Government, operate largely to supply their ranks with British subjects in violation of British law. If we are to act in the one case upon suspicion, or upon moral belief going beyond suspicion, it would be difficult to say that we ought not to act so in the other. But in what difficulties we should entangle ourselves were we so to act, not being bound so to act by any international obligation! What may fairly be asked is, that we should do all we can to enforce our own laws within our own jurisdiction: if we do this, we may abstain from doing more, unless, for our own reasons, we find it expedient. That is the course which the Government have taken; that is the course to which they will adhere; and, in view of the difficulties I have mentioned, I think it is a course which is fully justified.

There is one other consideration of importance which I wish to mention; and here again I hope that what I say will not cause offence in the United States, for I state it because it is true, and because it is important that the matter should be understood. The British Government are not assisted by the Government of the United States in matters of this description. The demands which the United States Government make upon us go so far beyond the limits of anything they can be entitled to ask according to any recognized rules and privileges of International Law, that it becomes absolutely necessary that this Government should exercise great caution indeed before they do acts which might possibly be misunderstood, and might give foundation to the idea that they were done under a supposed necessity of complying with demands of this kind. The House well knows that I refer to the extraordinary demands arising out of the case of the *Alabama*. I have no hesitation in saying that the United States Government by advancing such demands, and by seeking to make our Government responsible for pecuniary compensation for prizes taken by the *Alabama* upon the high seas and never brought within our ports or in any way whatever under our control, are making demands directly contrary to the principles of International Law laid down by their own jurists; and thereby they render it infinitely more difficult for us at their request to do anything resting on our own discretion, which we are not bound to do in law. What we may fairly say, and what we do say, is this, "We will adhere to the rules laid down by your own authorities. We will execute our own law. We will allow no asylum to prizes or to property unjustly captured. If any such are brought in, any demand for their reclamation shall be investigated. But we will not undertake to recognize claims going beyond these limits. We will not undertake to interfere between belligerents in any other way than that in which we can be shown to be obliged to do so, by the rules of International Law, and the recognized obligations of neutrality."

MR. W. E. FORSTER said, that the strong sympathy which he felt with one of the parties in the American contest might have enabled him to obtain information which otherwise he could not have procured; but he should endeavour to treat the question before the House solely from an English point of view, and in an impartial manner. The instructions issued by the Admiralty with reference to the ships of either of the belligerents which might enter any of our ports were as follows:—

> "If any ship of war or privateer of either belligerent shall enter any port, roadstead, or waters belonging to Her Majesty, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed."

The hon. and learned Attorney General had referred to the case of the *Georgia*, but he had hardly explained why she had been permitted to stay at Liverpool in the manner she had remained there. There was scarcely a colourable ground for alleging that the *Georgia* went into Liverpool for repairs. She came over from the coast of France, where she had been staying thirty days in the port of Bourdeaux for the purpose of undergoing repairs, and she came ostensibly to England for the purpose of paying off her crew. He should like to ask whether a Federal vessel of war would be allowed to pay off its crew in one of our ports with the same amount of accommodation as had been given to the Confederates. It was said that no one would have a right to call this vessel a British pirate; he (Mr. Forster) had never called any of those vessels by that name, but they must remember what the *Georgia* was. The *Georgia* was a Confederate vessel which notoriously had been built in England and sailed from Scotland, having on board at the time she sailed a crew solely composed of British subjects, with two exceptions, and of those exceptions one was a man belonging to Sweden and the other to Russia. She received on the coast of France her equipment from England, and was owned by an English merchant for months after she had began to take prizes. The certificate stated that she was sold to a foreigner on the 23rd of June, 1863; and though the Attorney General seemed to think very little of the matter, he would perhaps correct him (Mr. Forster) if he was wrong in thinking that the fact of being upon the custom-house register as owned by a British merchant gave her the right of application to British consuls in foreign ports until that register was cancelled. Lastly, this ship, having never been into a Confederate port, had come back to Liverpool under the pretence of paying off her crew. The Attorney General had said that it made no difference whether she had been in a Confederate port or not. He (Mr. Forster), however, thought that it did, because it established a precedent which might be used against this country in the future if it happened to be at war. And this brought them to the point. Had the Government done all they could on behalf of English interests, and in consideration of their position hereafter? He hoped the House would seriously apply themselves to that part of the question,—whether the facility that they had given as neutrals to that vessel would not tell against them in the future, if by an unfortunate circumstance they became involved in war? That question might be divided into two parts; first, whether the International Law as between England and Foreign countries could be put upon a better footing; and whether all had been done that could be done under the existing law, so as to merit in the future that neutrals should behave to us as we should wish to be treated?

With regard to the alteration of the law, the Attorney General had given some reasons why it should not be altered; but he did not seem to meet the real point of the question. By that sorrowful war they had an opportunity of putting the International Law of the world upon such a footing as would benefit not only England but civilization in the future. An opportunity presented itself which, he feared, had been lost, but it was for them to see whether it had been lost altogether or not. In the history of international relations, two countries had advocated the rights of neutrals against belligerents—America and France. Now America being a belligerent had asked England to join her in improving the maritime law; and no one would deny that England was in that position that France would have followed her lead in this matter. He might be told that the United States had not honestly and candidly shown a desire to come to such agreement with us; but he thought he could show that she had. On the 19th of December, 1862, Earl Russell wrote to Mr. Adams to the effect, that in the opinion of Her Majesty's Government certain Amendments might be introduced in the Foreign Enlistment Act, and that it was willing to receive from the Government of the United States suggestions as to what amendments might with advantage be made in the Foreign Enlistment Act of each country. Mr. Adams did what he could; he sent the suggestions home to his Government; and all that he (Mr. Forster) found further in our blue-book respecting it was a despatch of Earl Russell to Lord Lyons, of 29th February. In that document he said, Mr. Adams intimated that, while the United States Government was ready to listen to any proposition on the subject, they did not see how their law could be improved. It was quite true Mr. Adams had said, the Government of the

United States thought their law effective, experience having shown it to be so. He (Mr. Forster) believed it was admitted by the Law Officers of the Crown that the American law was stronger than ours, especially upon the point where ours had failed; but it was proved by papers which had been laid before the American Congress, that the matter had gone a little further than appeared in our own blue-book. The following was a letter of Mr. Adams to Earl Russell, dated September 16, 1863:—

> "It will doubtless be remembered that the proposition made by you, which I had the honour of being the medium of conveying to my Government, to agree upon some forms of amendment of the existing statutes of the two countries, in order to make them more effective, was entertained by the latter not from any want of confidence in the ability to enforce the existing statute, but from a desire to co-operate with what then appeared to be the wish of Her Majesty's Ministers. But upon my communicating this reply to your Lordship, and inviting the discussion of the proposition, you then informed me that it had been decided not to proceed any further in this direction, as it was the opinion of the Cabinet, sustained by the authority of the Lord Chancellor, that the law was fully effective in its present state."

Was the Attorney General or the Solicitor General prepared to say, after the experience they had, that "the law was fully effective in its present state?" The following was the reply of Earl Russell to Mr. Adams, which had not been published, and which was dated September 25, 1863:

> "I deem it incumbent on me, on behalf of Her Majesty's Government, frankly to state to you that Her Majesty's Government will not be induced to propose to Parliament any new laws which they may not, for reasons of their own, think proper to be adopted."

He (Mr. Forster) took it for granted that they were all agreed that no law should be proposed to the House except from an English point of view and on consideration of English interests; but he was surprised that Her Majesty's Government had not considered how terribly such a state of things as the present would react upon the future interests of this country. Reasons of their own should have induced the Government to put this great question of International Law upon a more satisfactory footing. They should have taken the opportunity to obtain from America and France, the great protectors of neutral rights, such an International Law as would make it impossible for this country in future to be subjected to what America was now suffering from them. Let the House consider what would be their position if they were to experience the same treatment from a foreign country that America had received at their hands. He would not appeal to the case of America herself, because some people might say that whatever principles of International Law we might agree to, America would not abide by them. This he did not believe to be true, and he thought it might be shown to be untrue by past examples. It was impossible, at all events, to charge the Government of America with any unfair conduct in letting their subjects prey upon English commerce. Let them recollect the case of the *Maury*. The only other case which had been referred to was that of a vessel which it was said had been fitted out to prey upon British commerce during the war with Russia, but that vessel was not armed for such a purpose, and left America after the fall of Sebastopol. It did not appear that any representation had been made anywhere by the British Government that she was ever used for belligerent purposes, and there were affidavits to prove that she had not been so used. On the other hand, they had this fact, that when some subjects of America did engage in unjustifiable proceedings in connection with the Canadian rebellion, the Government of America brought in a most stringent law to put an end to them. Therefore the assertion that the American Government would not keep any engagement with them in future was not justified by the past. Let them not suppose that the precedent they were then setting as a neutral would not be used against us by every neutral Power in the future whenever we might be at war. Take the case of a possible war with Germany. Nobody would more deeply deprecate such a war as that than himself, or look upon it with greater horror; but to judge from the language of some of the newspapers, and from some speeches, there were persons who looked upon such a war without any particular feeling of horror. Supposing such a war should unfortunately arise, what would be our feelings if, when by our overwhelming naval force we fancied that we had made every German port safe, one vessel should steal out of Marseilles and another out of Brest, and that, meeting on the coast of Italy, one of them, shipping a crew and armament from the other, should be converted into a cruiser to sail off and destroy British merchantmen in the Mediterranean or wherever she could find them? Should we allow France for a moment to do that? Certainly not, if we dared to prevent her; and with our usual pluck we probably should dare, unless the war were a struggle for our very existence—such a death-struggle in fact as the Americans were then engaged in. That precedent, if we allowed it to be established, meant for us a second war whenever we had a war on our hands, unless we were fighting for our existence, and did not dare to undertake another war. "What a wretched navy," it was said, "the Americans must have not to put these two or three cruisers down!" But it was a comparatively easy matter to carry on operations of this kind. All that a ship of that character had to do was to attack vessels which could not resist her, and run away from those which could. There was not the slightest occasion for them ever to fight a battle. If this country were at war, and if temptations were held out to foreign shipowners, there could be no doubt that, considering the large extent of English cargoes, there would, instead of three or four, be more than thirty ships engaged in preying upon their commerce. It would be a very cheap game to carry on. The persons engaged in it, if they were taken, were only prisoners of war; if they were not taken they made their fortunes. Was it to such risks that they would wish to expose British trade? Our merchants at first were disposed to triumph in the fact that the carrying trade of the United States was being transferred to them, but it was clear now that they had found out that present gain would not be balanced by the probable future loss. In a well known letter, addressed by Mr. Edge to Earl Russell, he stated that the effect up to that time had been that 148 American vessels had been taken, and two millions and a half of property destroyed; and that was only a portion of the injury which had been done to American commerce, for the premium of insurance had been raised from 5 to 10 per cent, and the American carrying trade had been transferred to other nations, principally to this country. There could not be a stronger illustration of the damage which had been done to the American trade by these cruisers than the fact that, so completely was the American flag driven from the ocean, the *Georgia* on her second cruise did not meet a single American vessel in six weeks, though she saw no less than seventy vessels in a very few days. If we did not take care to settle the International Law before a war began, our merchants would be obliged to transfer their ships to foreign flags. Two other results would follow. First, a number of their sailors would be thrown out of employment, and the sources of their navy would be dried up, because their sailors, after a time, would take service in foreign ships. He thought the Ministry should have considered, that it was no question of sympathy with either North or South. It was no question of submitting to the dictation of a Foreign Power. If they interfered, they would be only manifestly doing what was demanded for the protection of British interests. At the meeting of Parliament the Government should have come forward and said, that if the law was effective, it was most difficult to carry it into operation; and that an opportunity was afforded them which they might never have again, of establishing their position for the future. He sincerely regretted that the Government had not discerned how excellent an opportunity had been afforded for that purpose. The question put by the hon. Gentleman opposite was, whether these particular ships, which had notoriously eluded our neutrality, should be admitted into our ports and receive the same hospitality as the ships of any other belligerent. The Attorney General had turned that into a question, whether the whole navy of the Confederates should be excluded from our ports because one of them had broken our neutrality. The hon. and learned Gentleman asked if they would, because men might have been enlisted in Ireland by the agents of the United States, therefore exclude the Federal ships from British harbours? But the cases were not similar at all. If they found that agents of the United States Government were enlisting men in Ireland, they should express their disapproval of it, and say that such agents should never tread on British ground again. But while they did that they might very fairly say also that vessels which left our ports in breach of our neutrality should not be allowed to return to them. Surely the Attorney General did not mean to contend that in our representations to other nations we were obliged to be armed with the same proof as we should require in the case of one of our own people who had committed an offence against the law. Were there not sufficient grounds for saying, that we ought not to be required to extend to the vessels in question the same degree of hospitality which we would gladly afford to ships which had not broken our neutrality? Then came the point as to what course our interest called upon us to take in the matter; and was it not, he would ask, clearly our interest to prevent the invasion by neutrals of the rights of belligerents, by taking those steps which he understood the hon. and learned Gentleman to admit it was in our power to adopt? If, then, it was only a question of discretion, he would ask the hon. and learned Gentleman and the Cabinet to consider English interests; and also to consider the enormous advantage they would enjoy in future from now adopting a course based upon the true principles of International Law. He wished to add a word with respect to International Law. He did not profess to be able to define what that law was according to precedents; but even a layman might be permitted to state his views in reference to it as based upon the principles of common sense; and what he understood its great object to be, as operating between belligerents and neutrals, was, that there should be such an arrangement between nations, that an individual in a country should not be allowed by the sovereign power of that country to carry on war with other States without the leave of the Government. There was, he maintained, the greatest possible difference between selling munitions of war to either of the parties in a contest and the sending out armed ships from our ports; for in the one case a neutral country was made the basis of hostilities, whereas in the other it was not. He had no wish to enter into the question, whether the Federals had received from us a larger quantity of the munitions of war than the Confederates, though that was a point more open to doubt than some hon. Gentlemen opposite seemed to suppose; though, of course, the Federals had received them more easily than the Confederates from the fact that the Confederates had no navy. That was their weakness, it was true; but in war weakness was a fault, and we might very well say to both belligerents when either complained of our furnishing the other with munitions of war, "It is no fault of ours if you do not stop them, and prevent them from being carried into hostile ports?" When, however, it came to be a question of armed ships leaving our own ports, the matter assumed a different aspect, because the only way in which a belligerent could stop them was not by blockading the ports of another belligerent, but the ports of the neutral Power from which they sailed. Let him, however, suppose that the port of Liverpool was blockaded by the United States navy for the purpose of preventing these vessels from leaving it, could any one imagine that we could remain at peace with America? Such, then, being the position of the case, it was evident that if the Government could succeed in obtaining such concessions as he had indicated, and if neutrals were prevented from allowing their subjects to carry on war, they would not only be promoting our interests, but advancing the interests of civilization. He trusted, therefore, that the discussion raised by the right hon. Gentleman opposite, with an authority which scarcely any other Member of that House could command, backed as he was by the strongest possible memorial from the shipowners of Liverpool, would impress upon the Government the necessity of not allowing the opinions which had been expressed to pass by without endeavouring to place us in a better position than that in which we seemed to stand in the event of our unfortunately becoming belligerents ourselves.

MR. COBDEN: I will only occupy the attention of the House for a very few minutes. I wish to say a word or two in reference to what has fallen from the Attorney General. Two questions have been brought under our notice by the statement of the hon. Gentleman who introduced this subject. The suggestions which he makes are, that we should alter our Foreign Enlistment Act, and that we should, in the exercise of the powers which it is conceded we possess, prevent vessels of the description referred to from entering our ports. With respect to altering our laws, the Attorney General has entered into a long argument to show that the law as it stands is effective for the purpose of preventing a breach of our neutrality, but I cannot imagine a more cruel joke than the hon. and learned Gentleman's speech must appear when it comes to be read at Washington. What is the fact? You have been carrying on hostilities from these shores against the people of the United States, and have been inflicting an amount of damage on that country greater than would be produced by many ordinary wars. It is estimated that the loss sustained by the capture and burning of American vessels has been about 15,000,000 dols., or nearly £3,000,000 sterling. But that is a small part of the injury which has been inflicted on the American marine. We have rendered the rest of her vast mercantile property for the present valueless. Under the system of free trade, by which the commerce of the world is now so largely carried on, if you raise the rate of insurance on the flag of any maritime Power, you throw the trade into the hands of its competitors, because it is no longer profitable for merchants or manufacturers to employ ships to carry freights when those vessels become liable to war risks. I have here one or two facts which I should like to lay before the hon. and learned Gentleman, in order to show the way in which this has been operating. When he has heard them he will see what a cruel satire it is to say that our laws have been found sufficient to enforce our neutrality. I hold in my hand an account of the foreign trade of New York for the quarter ending June 30, 1860, and also for the quarter ending June 30, 1863, which is the last date up to which a comparison is made. I find that the total amount of the foreign trade of New York for the first mentioned period was 92,000,000 dols., of which 62,000,000 dols. were carried in American bottoms and 30,000,000 dols. in foreign. This state of things rapidly changed as the war continued, for it appears that for the quarter ending June 30, 1863, the total amount of the foreign trade of New York was 88,000,000 dols., of which amount 23,000,000 dols. were carried in American vessels and 65,000,000 dols. in foreign, the change brought about being that while in 1860 two-thirds of the commerce of New York was carried on in American bottoms, in 1863 three-fourths was carried on in foreign bottoms. You see, therefore, what a complete revolution must have taken place in the value of American shipping; and what has been the consequence? That a very large transfer has been made of American shipping to English owners, because the proprietors no longer found it profitable to carry on their business. A document has been laid on the table which gives us some important information on this subject. I refer to an account of the number and tonnage of United States vessels which have been registered in the United Kingdom and in the ports of British North America between the years 1858 and 1863, both inclusive. It shows that the transfer of United States shipping to English capitalists in each of the years comprised in that period was as follows:—

In 1858 ...	vessels	33 ...	tonnage	12,684
„ 1859 ...	„	49 ...	„	21,308
„ 1860 ...	„	41 ...	„	13,638
„ 1861 ...	„	126 ...	„	71,673
„ 1862 ...	„	135 ...	„	64,578
„ 1863 ...	„	348 ...	„	252,579

I am told that this operation is now going on as fast as ever. Now, I hold this to be the most serious aspect of the question of our relations with America. I care very little about what newspapers may write or orators may utter on one side or the other. We may balance off an inflammatory speech from an hon. Member here against a similar speech made in the Congress at Washington. We may pair off a leading article published in New York against one published in London; but little consequence, I suspect, would be attached to either. The two countries, I hope, would discount these incendiary articles or these incendiary harangues at their proper value. But what I do fear in the relations between these two nations of the same race is the heaping up of a gigantic material grievance such as we are now accumulating by the transactions connected with these cruisers; because there is a vast amount of individual suffering, personal wrong, and personal rancour arising out of this matter, and that in a country where popular feeling rules in public affairs. I am not sure that any legislation can meet this question. I candidly confess I do not think that if you were now to pass a law to alter your Foreign Enlistment Act you would materially change the aspect of this matter. You have already done your worst towards the American mercantile marine. What with the high rate of insurance, what with these captures, and what with the rapid transfer of tonnage to British capitalists, you have virtually made valueless that vast property. Why, if you had gone and helped the Confederates by bombarding all the accessible seaport towns of America, a few lives might have been lost which, as it is, have not been sacrificed, but you could hardly have done more injury in the way of destroying property than you have done by these few cruisers. Well, I turn to another point that has been opportunely raised by the hon. Gentleman—I mean as to the practicability of refusing hospitality to these ships. I regard that as a very important question. I alluded to it twelve months ago in this House, and I still think that that is a step which the Government might take with advantage to our future relations with America. But when I hear what the hon. and learned Gentleman says in opposition to that view, I confess I am perplexed beyond measure by his argument. He made a very long and elaborate statement to show that we were not entitled to refuse hospitality to these ships. He admitted, indeed, that we had the right to do it, but he contended against the expediency of our exercising that right. Now, this is a question for the Government, and not for the Legislature; and therefore I wish to impress its importance on the Government. The hon. and learned Gentleman wound up by saying he thought they had better wait until they saw whether the House of Commons was quite prepared to support them in any alteration of our law. I will only say it struck me when I heard that we clearly had not a Washington at the head of affairs, because that certainly was not the way in which Washington earned the tribute of our applause for the course that he took. The Government admit through their legal adviser that they have the power, if they choose to exercise it, to prevent these vessels from entering our harbours, but the hon. and learned Gentleman doubts the expediency of exercising it, and his reason is that he thinks we have not clear proof of guilt. This brings me to a striking piece of inconsistency on the part of the hon. and learned Gentleman. He begins with administering a solemn exhortation, and something like a solemn reproof, to English shipbuilders, for infringing our neutrality laws and disregarding the Queen's proclamation by building these ships. Well, but if they are violating our neutrality and disregarding the Queen's proclamation, it must have been because they built these vessels for a belligerent to be employed against some Power with which we are at peace. The hon. and learned Gentleman assumes that these individuals are guilty of these acts. He knows they have been guilty of these acts; he knows that these three vessels in particular, and the *Alabama* more especially, have been built for the Confederate Government, and employed solely for that Government, and yet he doubts the expediency of stopping them from entering our ports. He speaks as though we were asking that he should send out ships of war to destroy these vessels without trial. He says there must be legal proof; but it does not require legal proof to warrant you in telling a Government, "You have got these vessels clandestinely; you got them by the infringement of our neutrality code, or, at least, we suspect you, upon fair grounds, of doing so; and, unless you prove that they came legitimately into your hands we must refuse them the hospitality of our ports." Why, how do you act in private life? You hear charges and reports compromising the honour of your acquaintance or friend. You may have a moral conviction in your mind that that individual's honour is compromised, but you may not have legal proof of it, and still you may be quite justified in saying to him, "Until you clear up these charges, which on the face of them criminate you, I must refuse you the hospitality of my house." I hold that you have the right to say the same thing in regard to these cruisers. But what was the course of the Government in the case of the *Alabama?* They told Mr. Adams, the American Minister, that they should give orders to stop the *Alabama* either at Queenstown or at Nassau. Therefore, the principle was recognized in the case of that vessel that you had a right to stop her when she reached your jurisdiction. I say, therefore, in the same way, prevent their entering your harbours until they give an account of themselves, to show how they became possessed of that vessel. This has a most important bearing, and one so apparent that it must be plain to the apprehensions of every hon. Gentleman who hears it. If the people of the United States are to be told that not only do individuals here fit out cruisers to destroy their commerce, but that our Government will allow these cruisers themselves to enter our harbours, and there to be equipped—civilly equipped I mean—and victualled, see in what a predicament you place yourselves towards that country, in case you are ever again engaged in war. Recollect her geographical position. She has one sea coast in the Atlantic and another in the Pacific, and her Pacific coast is within about a fortnight's steaming of your China trade. Let any man read the shipping list at Shanghai. It is almost like reading the Liverpool shipping list. Suppose, then, you were at war with any other Power, and you had laid down this doctrine for other countries to imitate. Why, let the American Government be as true and as loyal to its principle of neutrality as it has been, can you doubt, if American nature is human nature, if American nature is English nature, that out of their numerous and almost inaccessible creeks and corners there will not be persons to send forth these fleet steamers to prey on your commerce? Why, many Americans will think it an act of absolute patriotism to do this. They will say, "We have lost our mercantile marine through your doing this, and by doing the same towards you we shall recover it again, and you will be placed in the same position as we were. You will have a high rate of insurance, you will be obliged to sell your ships; you had the profit before, now we shall have it, for the game is one that two can play at." Consider the disadvantage you will experience under those circumstances. We understood the importance of this at the commencement of the Crimean war. In April, 1854, when war was declared with Russia, the British and French Governments sent a joint note to the American Government, in which we asked them, as an act of friendly reciprocity towards us, to give orders that no privateers bearing the Russian flag should be allowed to be fitted out, or victualled, or equipped in American ports. Recollect that the words "equipped" and "victualled" were contained in the request which we addressed to the American Government. And this leads me to make a remark with reference to a most important point—I mean as to the distinction drawn by the hon. and learned Gentleman between a Government ship of war carrying a commission and a privateer. That is a question of the utmost importance to us. We have been in a Fool's Paradise for the last seven years. We have believed that the Conference of Paris achieved a great work in the interest of civilization—that it abolished privateering. Now we find that that was nothing but a stupendous hoax. For what is the *Florida*? What is the *Alabama*? What is the *Georgia*? Why, they are not privateers at all. I remember that the hon. Member for Liverpool who sits opposite—I wish to distinguish him from his Colleague—I remember that he made a speech lately at Liverpool, in which he said that if the Americans had only joined in the declaration of Paris against privateering they would not have been placed in their present predicament; and the hon. Gentleman led his hearers, the shipowners of that port, to believe that if we got into a war we could not be retaliated upon in the same way as the Americans were, because we were under that safeguard which had for ever abolished privateering. Well, let us take the case of the *Florida* as an example, and look at her history for a moment. She was off the coast of Ireland, and went across to Brest. On her way thither she burnt an American merchant ship, and therefore went into Brest red-handed. At Brest she claimed to be allowed to civilly equip and victual. The *Opinion Nationale* immediately put forth a leading article, denouncing the *Florida* as being what the French call a *corsaire*, and what we term a privateer. Thereupon the commander of the *Florida* wrote a letter to the Paris newspapers, declaring that M. le Redacteur was under a great delusion in supposing that his ship was a privateer, and stating that she bore a regular commission of the Confederate Government, and that he and all his officers were regularly commissioned officers; that, in fact, the *Florida* was a regular ship of war. On the publication of that letter, Mr. Dayton, the American Minister at Paris, took the affair in hand, and in the despatches on our table between Mr. Seward and his representatives abroad we have the whole correspondence that took place between Mr. Dayton and the French Government. Mr. Dayton called the attention of M. Drouyn de Lhuys to the circular addressed to the American Government in 1854, at the breaking out of the Crimean war, and told him in effect, "You and England jointly requested us not to allow any privateer to equip or victual in our ports, but here is a vessel that is either a privateer or nothing; she makes no war on armed vessels; she goes about burning and destroying merchant ships, and she does not profess to do anything else, because she is neither armed nor manned in a way to act as a regular ship of war." M. Drouyn de Lhuys and the English Government appear both to have come to the same conclusion that the *Florida*, as well as the *Alabama* and the *Georgia*, is a regular ship of war; but Mr. Dayton, in communicating with his own Government, fairly stigmatized the Declaration of Paris as "mere moonshine," and Mr. Seward in his reply endorsed his language. I mention this to show that it will not save us, in case we are engaged in war, from having reprisals practised upon us that we have joined in the Declaration of Paris, and I am glad that upon this point the hon. Member for Liverpool has not succeeded in misleading his constituents, because they appear to take a very sound and far-seeing view of the question. I am only sorry, indeed, that two years ago, our shipowners did not rise *en masse,* and compel the Government of this manufacturing and mercantile country to put our laws and regulations in harmony with the present state of our interests and relations; for I hold we are not here to stand up like lawyers and quote pedantically from the Reports of 1810 and 1812. We are living in a progressive age, and in a most progressive country, and let me tell the Government that we have now five times as much at stake as we had at the beginning of the century. Our exports and imports are fivefold what they were at the time when those authorities spoke whom the Attorney General has cited, and I maintain that it is in the power of any country, but especially in the power of great countries, to lay down maxims and establish precedents which themselves become International Law. We have, unhappily, lost a precious opportunity of putting ourselves in a better position for the future, if ever we intend to go to war again. Nor is it merely in time of war that we shall feel the effects of the existing state of things. Do you suppose that foreign Governments do not observe what is going on, and do not fully appreciate our altered circumstances? I might apply that observation to other matters, and ask why we scatter our forces all over the world and then think we are as safe and powerful at home as if we had those forces under our wing. But, confining myself to the question of belligerent rights, I say that foreign Governments will take into account the danger we must incur in case of war, and will find in it a motive for our remaining at peace. Look at what happened last autumn. We held out what was supposed to be a threat, that, in conjunction with France, we should go to war with Russia on the subject of Poland. What did Russia do? She sent her fleet immediately to America, and, knowing the astute longheaded men who rule in St. Petersburg, does anybody doubt what the motive was? The Russian Government reasoned thus:—"If England and France are going to attack us again, we will take care not to have our fleets blockaded in Cronstadt and Sebastopol as they were during the Crimean war, but to be in a position to carry on reprisals, and particularly we will carry on operations against the commerce of England, in the same way as the Confederates are carrying on war against the commerce of the United States." Therefore, they sent their fleet, and, what is still more important, they sent their crews to America, no doubt with the intention of putting those crews into the swiftest vessels that could be obtained both on the Atlantic and on the Pacific side, in order that they might be employed against our commerce. Take the case of Germany. Recently the German newspapers have often pointed to the vulnerability of England, in consequence of the state of the law as established by ourselves in the case of these cruisers. We have, in truth, set a most perilous example, the disadvantageous effects of which, I believe, will be felt in our Foreign Office in negotiations with Brazil or the weakest Power we could have transactions with. Such has been the result of building three or four swift sailing vessels! Are we to be told that England is so much superior to America in mechanics that she can build ships which America cannot? Read the Report laid on the table by Mr. Whitworth when he went to America ten years ago to inquire into its mechanical resources. Nobody who knows the aptitude of the American people for mechanical discoveries will lay claim to any superiority on our part. Do you want an *Alabama*, a ship that was built neither for war nor for trade—a vessel that can run away from anything or catch anything? America can produce any number of such vessels. When I went first to America, nearly thirty years ago, they were running steamers on their rivers at the rate of eighteen miles an hour, a thing unheard of elsewhere. The Americans have never done much in the way of ocean steamers; their speciality is on their rivers and lakes, where we find the swiftest vessels in the world. But is it supposed that because we have more ships of war, therefore we are sure, in case of war, to find their cruisers? Perhaps nothing is more difficult, not to say impossible, than to find a ship on the ocean after she has once got out of sight. Nelson himself passed many months trying to find a fleet of 500 sail going from France to Egypt. You may find a vessel in a harbour, just as Nelson found the French fleet at the Nile; but even if you should find an American cruiser in a harbour, by your own rules you must allow her to escape, because you say she must have a start of twenty-four hours. It appears to me, on the whole, that the only thing remaining that you can do to conciliate the American people under the cruel losses they have undergone at your hand is to say that henceforth you will deny hospitality to vessels that have been built in your ports, that have clandestinely left your ports, that have been manned and armed from your ports, because you are convinced that to allow such ships to come back here after committing havoc upon a friendly nation would be not only to fail in your duty towards others, but to pursue the course most likely to injure yourselves and endanger your own best interests in the future.

Lord ROBERT CECIL: The present hour and the present state of the House, do not invite discussion, but the speech we have just heard contained a fallacy which I cannot allow to pass without notice. The hon. Member for Rochdale has drawn a powerful picture of the evils to which England will be exposed in any war in which she may be engaged hereafter. I do not think he has exaggerated those evils, for I am afraid that, in the event of war, we must reckon upon seeing our mercantile marine harassed on the ocean by swarms of hostile privateers. But the point which the hon. Member seems to have overlooked, is the impossibility of our avoiding the evils in store for us, by any action we could take now. If by sending the *Alabama* or the *Georgia* away we could insure ourselves against the risks which the hon. Member has so eloquently painted, I should at once admit that there was great cogency in his arguments; but I cannot conceive how anybody can imagine that, by refusing hospitality to a Confederate ship, we could add one iota to the safety of our mercantile marine in any future war. You say that you desire to set the Americans a good example. Do you mean seriously to tell me that when hostile passions are aroused, when men are driven by their feelings, or still more by what they consider an overwhelming interest, towards a particular line of conduct, they will care about imitating your example? Do you mean to say that the Americans who, whatever have been their merits or demerits, have never been very particular as to how they contend with other nations, who certainly were not very particular in their dealings with us in Canada—do you mean to say that they will care two straws whether we did or did not, at some previous period, act in a manner which they deemed hostile to themselves? But I will remove the question from this American dispute. Look at what has happened between other nations. Are France and Russia any the less likely to unite now, because they hated each other bitterly in 1853 and 1854? Are England and Denmark who hated each other bitterly during the great war, on that account less sympathetic or friendly now? Nations in selecting their policy, are not affected by events which may have taken place five, ten, or fifteen years before. Gratitude or indignation may last in the breasts of individuals for so long a period, though even that is a rare phenomenon; but I am quite sure that you can find in the history of the world no instance in which those feelings have endured so long in the breasts of nations. To go from example to precedent. We have heard a great deal about precedent from both the hon. Member for Bradford and the hon. Member for Rochdale. They say that we ought to set up a precedent which shall change International Law. I confess that sounds to me very strange language. We heard from the Attorney General, stated with the greatest eloquence and clearness, what International Law is. You say to us, "Don't keep to that, don't keep International Law as it is, but by the process of breaking it, make it something else, and your reward for so breaking it shall be that other nations, instead of breaking it, will keep it, and keep it in the way which will be advantageous to you in future wars." I confess that that is a process which I do not think that other nations are very likely to go through. At all events, if they follow our example in nothing else, they will follow our example in the convenient plan of amending International Law by the process of breaking it. But there is something more to be said. You profess neutrality, and I presume that you intend that neutrality to be honest. I presume that even the hon. Member for Birmingham (Mr. Bright), strongly as he feels upon the subject, will not recommend us to depart from strict neutrality. But can there be a greater breach of neutrality than that you should break International Law on the one side and not on the other—that you should alter International Law by so breaking it, and that entirely in favour of one belligerent? And what adds to the peculiar baseness of such a proceeding is, that you are asked to take this course, not because you believe that one side is right and the other wrong, but solely that it may give you an advantage in some future war. I confess that such a mode of dealing with International Law appears to me more dishonest and more immoral than anything I ever before heard proposed in this House. The hon. Member for Rochdale told us a great deal about the bitter feelings of the inhabitants of the Federal States at the losses they have endured. He counted up those losses, and asked us to believe, as we well could, that a race come of the same stock as ourselves would be operated upon more strongly by the bitterness of feeling occasioned by these losses than by any other motive. I thoroughly believe it. I dare say that for many years those nations will feel bitterness towards the nation through whose instrumentality they believe that they have been inflicted. But have there been losses only on one side? Has there been suffering only on one side? And has British aid been given only to one side? I have in my hand a paper which tells a different story, and to the tale which it tells I invite the attention of the House. In the course of the year 1862 there were exported to the Federal States rifles and muskets of the value of £546,000, besides 11,947,000, or in round numbers 12,000,000, percussion caps. What the Americans have done with all those caps I cannot imagine. I believe that, according to the most recent authority, they have killed 200,000 Confederates. That allows sixty shots for each man killed, which undoubtedly is not very good practice. [Lord Robert Montagu: Yes, it is.] My noble Friend says that it is. I trust that in any war in which we may be engaged he will wield his weapon with more effect. I cannot pass over the fact which has been stated in this House, and is well known, that the mercantile house which has been mainly instrumental in conveying this enormous assistance to the Federals, and effecting this fearful injury upon the Confederates, is the house of Baring and Co. Now, I want you to consider the feelings with which the Confederates regard these enormous reinforcements, which have been conveyed by the English people through the hands of Messrs. Baring and Co., in violation of Her Majesty's proclamation of neutrality. [Mr. Cobden: Not in violation of the law.] The Attorney General is not here to inform us as to the law, and I will adhere to my statement until it is contradicted by some more competent authority. Whether contrary to law or not, it is an enormous assistance conveyed through the house of Messrs. Baring and Co. by the English people to the Federals. You have been considering the feelings of the Federals. Do you suppose the Confederates have no feelings? Do you suppose they do not feel for their rich country desolated, for the enormous injury which has been inflicted upon their industry, for their towns bombarded, for their population slaughtered, and for the fearful trials to which every class of their people have been exposed; and do you suppose that when they learn that all this havoc has been committed through the instrumentality of munitions of war conveyed by English merchants, the bitterness on one side will not be as great as that on the other? If our neutrality is honest, we must regard the bitterness on one side as much as that of the other. I am sure that, considering what in the future are likely to be the opportunities of greatness offered to the two divisions into which the American republic is fast dividing, that we shall have as much cause for regret if we permanently alienate from England the inhabitants of that vast country which lies to the south of the Potomac as we shall have if we alienate those who inhabit the smaller country which lies to the north of that river. We cannot give too much praise to the very learned and moderate speech of the Attorney General. It seemed to me to give an exhaustive and complete statement of the law, comprehensible by the least instructed intellect; and I hope that it will be accepted as an official reply to many fallacies upon this subject which have been current in this country. I will only express my regret that after that speech the hon. Member for Rochdale should have repeated the statement that it was proved that the *Georgia* came out in violation of our neutrality. Why, you have not even got a verdict. It will be time enough to talk about the law being broken when you have got any court of law to pronounce in your favour. The only court which pronounces in your favour is that which sits in your own brains. There is not a ghost of a justification for saying that the *Georgia* has broken our Foreign Enlistment Act. All the facts are against you. It is probably well known to the hon. Member for Rochdale, that it is quite as much within the International Law to sell ships of war to another nation as it is to sell any munitions of war. There seems, therefore, to be no ground for the statement that the *Georgia* has invaded our ports in defiance of our neutrality, and we should ourselves be guilty of a clear breach of neutrality if we shaped our policy on an assumption which cannot be proved either in law or in fact.

MR. SHAW LEFEVRE said, that the noble Lord, in admitting the novelty in war of such cases as the *Georgia* and the *Alabama*, had conceded the very basis of the argument of the hon. Member for Huntingdon. It was to prevent such cases becoming a recognized usage of war for the future that he ventured to urge upon the House and the Government the importance of all that we now could do to remedy the evil effects of them, and to prevent their recurrence. He had listened with great regret to the speech of the hon. and learned Attorney General, and especially to his statement that he was not prepared to recommend Her Majesty's Government to take either of the courses suggested by the hon. Member for Huntingdon. Probably, if the hon. and learned Gentleman had paid more attention to the history of America and less to their law cases, he would have come to a different conclusion. When in 1793 we remonstrated with the American Government against the fitting out of privateers in their ports, they did not say that they had no municipal law to meet the case, and were not bound by International Law, but at once passed an Act to meet our complaints. The Act of 1794 was for a time sufficient for its purpose. He could not find that it was evaded by a single privateer issuing from the ports of America to prey upon British commerce during the long course of the French war. Shortly after the close of that war, however, the Spanish and Portuguese colonies in South America revolted from their parent countries. Great sympathy was felt in the United States for the independence of these colonies, and their lawyers were not long in discovering a flaw in the Foreign Enlistment Act, just as lawyers had done in ours, which was almost identical. In evasion of the law, privateers were despatched from American ports. The course adopted was much the same as that taken by those who, in our own day, fitted out the *Alabama*, *Georgia*, and *Florida*. The vessels were chartered as traders, and received guns and ammunition under the disguise of cargoes of merchandise. When they got out to sea they hoisted their guns out of their holds, mounted them on deck, and displayed the flag of one of the South American Republics. The American Government, he was bound to say, did all they could to enforce the law against these cruisers. There were numerous cases in which they were seized and condemned, and there were also cases of prosecution for infringement of the Foreign Enlistment Act. Those measures, however, were not sufficient to repress the evil. Spain and Portugal both remonstrated with the United States for allowing cruisers to be fitted out in their ports; and the complaints which were made bore a striking resemblance to some of those which the Federal Government had lately addressed to us. The Portuguese Government pointed out that the fault was entirely in the insufficient state of the existing law, and urged its amendment. Similar representations were made by the Spanish Minister; and even this country and France joined in the remonstrances. What was the reply of the United States? They did not say that they had a municipal law, and that no international obligation required them to go beyond it. On the contrary, the President immediately sent a message to Congress, in which, after pointing out the evasions of their law, he said—

> "It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it to compromise the interest and the honour of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws with a view to this desirable result."

He thought this message was most honourable to American statesmanship, and he should like to see Her Majesty's Government in the present juncture adopt the same policy as the Government of the United States in 1817. In accordance with the President's Message an Act of Congress was proposed, containing two clauses not in the original Act, and, he might observe, wanting to our statute, the one giving collectors of Customs authority to detain vessels under suspicion of being intended for hostilities till inquiry should be made, the other giving the State officers power to exact bonds from vessels suspected, that they would not be used hostilely against an ally of the States. There was then, it should be remembered, quite as strong a sympathy in the United States for the South American colonies as prevailed among hon. Gentlemen opposite for the Southern States of North America; and, of course, there was strong opposition to the proposed Act during its progress through Congress. It was said that it had been brought forward under pressure from foreign Powers, and that traders had a right to sell ships if they chose. The Government replied that they had duties to perform, not to one nation, but to all; that they had listened to the representations of foreign Powers only because they deemed them reasonable, and that traders must take care that in their mercantile dealings they did not do anything which was incompatible with the higher interests of the country. He did not hesitate to say that such cases as had occurred in this country could not have taken place under the law of the United States; and he held that our honour and our interest required that we should adopt the clauses which had been added to the original American Act. In so doing, we should, he thought, prevent the repetition of such unfortunate cases for the future. As regards those cases which had already occurred, he thought the least we could do was to prohibit absolutely such vessels from entrance to our ports. We had precedent for such course in the conduct of the American Government, in 1793, who, not content with passing their Foreign Enlistment Act at our instance, had also dismissed from their ports those vessels which had previously been fitted out in them. But there was yet an earlier precedent, arising out of the American war of Independence. Gibbon, in his well known memoir in justification of the war with France in 1779, told us that when privateers were fitted out in French ports for the service of the American Government, the British Government strongly protested against it, and offered France the alternative of checking the practice or going to war. France chose peace, and undertook to dismiss all the privateers from her ports at once. Therefore, there were two precedents directly in point, showing what ought to be done in regard to these vessels. It was said that there had been no judicial investigation in connection with the Southern cruisers, but that was because they escaped from this country before any trial could be instituted. He did not suppose that any one could doubt that these vessels were built in violation of our neutrality, and he hoped the Government would entertain the proposals suggested by the hon. Member for Huntingdon.

Lord ROBERT MONTAGU said, there could be no doubt either as to the bias of the hon. Member's sympathies or the source of his inspiration. Instead of availing himself of the authentic sources of information in this country he had evidently gone for facts to the American papers laid on the table of Congress, and for arguments to the debates in their chambers. The hon. Member for Rochdale had proved conclusively that the trade of the Northern States had been considerably diminished; but he had failed to show how we had been the cause of the destruction of their commerce. His speech was like a bridge without a keystone. His facts and premises were established, but his conclusion was illogical. The hon. Gentleman had entirely omitted to show how we were responsible for the injury which American commerce had sustained since the war began. "Yes, I did," he says; "you admitted the vessels of the Southern States into your ports, and these damaged the commerce of the Northern's. He (Lord Robert Montagu) had thought that the Southern States were not yet ripe for recognition. But the hon. Member had shown that they not only had held their ground against the North, but had actually destroyed their commerce; and that, too, in the face of a navy which had come victorious out of many a battle, and prided itself upon being the strongest in the world. Not only had the Southern States manufactured a navy, but they had beaten the Federal ships which had long ridden the sea in triumph, so that the latter were now fain to avoid the conflict. How were we to blame for that? Should we have done anything to prevent the South from sending their ships to sea, or have refused to them that hospitality which our neutrality bound us to concede equally to both sides? The hon. Member had also drawn a case which he had said was analogous, of a friend who was suspected of an act derogatory to his honour, although nothing had actually been proved against him, and had said that in such a case we should refuse to have any more dealings with our friend until he had succeeded in clearing his character. So, he said, we should act by the Southern States who were suspected of fitting out ships in this country. But the Attorney General had pointed out that as yet the Southern States were not recognized by us, and that, consequently, we had no legal channel for those communications which might otherwise have been addressed to them. The Federal Government had themselves prevented us from communicating with the South by blockading their ports, and had declined to permit a British man-of-war to proceed to one of the Southern ports for that purpose. The hon. Member said the *Florida* was a privateer, and had grounded his assertion upon the fact that she had not fought men-of-war, but preyed upon the trade of her enemy. This was a very mistaken definition of a privateer. A privateer was an armed merchant vessel, which, whenever opportunity offered, plundered enemy's property; but the *Florida* carried no cargo, and had actually proved her commission as a man-of-war. Neither did he think, as the hon. Member seemed to believe, that if England altered her law, Russia would refrain from sending privateers to sea to plunder English property in case of war with this country. For these reasons he could not concur with the otherwise eloquent speech of the hon. Member for Rochdale. He (Lord Robert Montagu) did not attribute the decline of trade, and the rise in freightage in America to any illegal action or violation of neutrality on our part; it was the inevitable result of a war which diverted the energy of the capital in other directions, and absorbed a great deal of the capital which would otherwise be employed in promoting commerce.

Mr. Alderman ROSE said, he believed the country would endorse the definition of the law of neutrality as laid down by the Attorney General, and carried out by the Administration. He denied that the opinions of the hon. Members for Rochdale and Bradford were shared by the people at large. The hon. Member for Rochdale had given the House a list of the losses which had occurred to the United States navy, but he had not alluded to the other losses of that country — its loss of liberty, of credit, of everything which a country should hold dear. The South had, no doubt, the blot of slavery to contend against; but had the North nothing to do with that? He contended that all the evils of the slave trade were owing to the mode in which the Federal States had formerly dealt with it. The whole system of Government in the Northern States was false, rotten, and corrupt, while the South was making for themselves a great name and a glorious history. He believed the day was not distant when the Confederacy would be an independent nation recognized by the nations of Europe.

Motion *agreed to.*

House at rising to adjourn till *Thursday* next.

SUPPLY—THE MALT DUTY.

RESOLUTION.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. MORRITT said, he had it at last in his power to bring before the House the Motion which had stood for such a length of time upon the paper. The delay had not by any means been owing to him —quite the contrary. What had caused the delay it was needless to inquire, but as far as he was concerned he thought he was only placed in a better position, and he did not regret what had occurred. There was one thing, however, which he did regret, and that was the extremely empty state of the House—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Nine o'clock, till Thursday next.

HOUSE OF COMMONS,

Thursday, May 19, 1864.

MINUTES.] — Supply — *considered in Committee—Resolutions* [May 12] *reported.*

Public Bills — *Ordered* — County Voters (England and Wales)*; Highways Act Amendment.

First Reading — County Voters (England and Wales* [Bill 112]; Highways Act Amendment* [Bill 113].

Second Reading—Limited Penalties* [Bill 94].

Select Committee—On Thames Conservancy, Mr J. Ewart *discharged*, Mr. Ayrton *added.*

Committee—Union Assessment Committee Act Amendment [Bill 83]; Railway Companies' Powers* [Bill 30]; *and* Railways Construction Facilities* [Bill 29] (*by same Committee*).
Report — Union Assessment Committee Act Amendment*; Railway Companies' Powers*; Railways Construction Facilities*.
Third Reading — Summary Procedure (Scotland)* [Bill 76]; Admiralty Lands and Works [Bill 88], and *passed.*

MR. HERBERT, R.A.—PERSONAL EXPLANATION.

Sir STAFFORD NORTHCOTE said, he would request permission to be allowed to make a personal explanation respecting something which fell from him on Friday before the adjournment of the House for the recess, and which had, he believed, caused some annoyance to his hon. Friend (Mr. Cavendish Bentinck). His hon. Friend was hurt, first, at a statement which, as he thought, implied that he had spoken of Mr. Herbert's charge for the fresco in the House of Lords without that gentleman's authority; and secondly, because he had received no notice as to this statement. The facts were these:—In coming down to the House early on Friday morning to attend a Committee, he (Sir Stafford Northcote) met Mr. Herbert, who seemed much distressed at the newspaper report of what his (Sir Stafford Northcote's) hon. Friend had stated, and said he was most anxious it should be understood that he had uttered nothing that could be considered disrespectful either to the House or the Government. Mr. Herbert asked his advice, and he recommended him to communicate with his hon. Friend, who might then make a statement to the House; and he added, that if Mr. Herbert could not find his hon. Friend, he would then himself make such a statement. On coming into the House that evening, he did not find his hon. Friend present, and he, therefore, said what he did. He had apologized to his hon. Friend for not having given him notice, but he had fully understood that Mr. Herbert would do so. He had since heard that Mr. Herbert did see his hon. Friend, and it was arranged between them that nothing should be said on the subject; but as Mr. Herbert did not let him (Sir Stafford Northcote) know this, he had heard nothing about the matter. He had had a full account of the conversation which had taken place between his hon. Friend and Mr. Herbert, and though he would not trouble the House with the details of the conversation, he might say, and Mr. Herbert himself admitted, that the inference drawn by his hon. Friend from what passed was not an unnatural one, and that his hon. Friend might consider he was fairly justified in stating what he did. Mr. Herbert, however, positively maintained that nothing was further from his thought than to appear to dictate terms to the Government or the House. All he meant to say was, that it would be impossible for him to continue his work in the House unless he received such a remuneration as would justify him in doing so.

Mr. CAVENDISH BENTINCK said, it was unnecessary for him after the explanation just made to assert that he had, as he thought, sufficient authority for the statement which he had addressed to the House on Thursday, and that he had not absented himself on the Friday from any wish to evade responsibility. Not only did he feel a great admiration for Mr. Herbert as an artist, but he entertained a sincere regard for him as a friend, and he would not, therefore, have said anything which he thought likely to distress him or prejudice his interest. At the same time, after the statement of the Chancellor of the Exchequer, he considered it his duty to express his view as strongly as he could that Mr. Herbert was entitled to £5,000, not as a matter of justice, but of right.

DENMARK AND GERMANY—PRUSSIAN EXACTIONS IN JUTLAND.

QUESTION.

Mr. WHITESIDE: I wish, Sir, to ask the Under Secretary of State for Foreign Affairs, Whether he or the Government have received information that contributions or exactions have been demanded by the Prussian Army from the people of Denmark; and whether it is in accordance with the terms settled at the Conference that, during the armistice, the Prussian Army should be at liberty to levy these exactions?

Mr. LAYARD: Sir, as was stated the other evening, undoubtedly the understanding of the Conference was, that after the suspension of arms which was agreed upon no more forced contributions should be raised in Jutland, and, on the contrary, that all provisions should be paid for. I see by statements in the newspapers that forced contributions have been raised, but the Government have received no information on the subject.

DENMARK AND GERMANY.
THE AUSTRIAN SQUADRON.—QUESTION.

SIR **JOHN PAKINGTON**: I see, Sir, in the newspapers a statement that an Austrian squadron has proceeded to the Baltic. Has the Government any information on this subject?

SIR **GEORGE GREY**: I have not seen the statement, or even heard of it.

MR. **LAYARD**: Part of the Austrian squadron remained behind at Lisbon, and I presume it has gone to rejoin the other vessels, not, however, in the Baltic, but in the North Sea.

RUSSIA — EMIGRATION OF THE CIRCASSIANS.—QUESTION.

MR. **HENNESSY** said, he rose to ask, Whether the Government have received from their Agents abroad any information touching the conduct of the Russian Government in Circassia; and, if so, whether they will lay the Papers upon the table?

MR. **LAYARD**: Sir, the Government have received despatches both from Constantinople and from our Consuls on the shores of the Black Sea, stating that a large emigration has taken place from Circassia. [MR. HENNESSY: A forced emigration.] It is so far forced that these Circassians, having been subdued by the Russian army, consider it impossible to live under the dominion of Russia, and have taken refuge in Turkey. I may add that the utmost efforts are being made there to provide for these poor people, and the Sultan has subscribed a large sum towards furnishing them with provisions and shelter. At the same time, I believe a great mortality has taken place among them. I will look at the despatches which we have received on this subject, and, if possible, will produce them.

SUPPLY.

Resolutions [May 12] *reported.*

MR. DYCE, R.A.—QUESTION.

MR. **CAVENDISH BENTINCK**, with reference to the contract entered into between the Government and Mr. Dyce, asked, Whether the whole of the sum agreed upon had been paid, and what proportion of the paintings had been executed? In the event of the agreement not having been completed according to contract, he thought, under the circumstances, it would not be right to exact the return of the money from Mr. Dyce's representatives.

MR. **COWPER** said, Mr. Dyce had received the whole sum agreed upon in advance, and had completed six panels, two remaining unfinished. He thought it was well understood that the price which was fixed so many years ago was very inadequate to the amount of labour and skill that Mr. Dyce bestowed upon his work. No decision had been come to with respect to the work which remained to be executed. [MR. CAVENDISH BENTINCK: With regard to the money?] No decision had been come to upon the subject; but the fullest consideration would be given to it, and he appreciated the feelings of the hon. Gentleman in wishing that nothing illiberal should be done by the Government.

Resolutions *agreed to.*

UNION ASSESSMENT COMMITTEE ACT AMENDMENT BILL—[BILL 83.]
COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Notice of Appeal to be given to the Assessment Committee).

MR. **DODSON** called attention to the fact that, if this clause passed in its present shape it would make the Bill inconsistent with the principal Act passed in 1862, which provided that in case the valuation list was appealed against, the Board of Guardians should be the parties to defend it; whereas this clause proposed that the assessment committees should defend the rate appearing on that list against which an appeal should be made. The inference, therefore, would be that the assessment committee was a body having a corporate existence; whereas, in reality, it was only a portion of the Board of Guardians dealing with the funds of the Board. He proposed, therefore, to omit from the clause the words "assessment committee," in order to insert "Boards of Guardians."

MR. **C. P. VILLIERS** said, he preferred the words which it was proposed to strike out.

Amendment, by leave, *withdrawn.*

SIR **WILLIAM JOLLIFFE** moved, at the end of the clause, to add,

> "Provided always, That no ratepayer shall have a right of appeal under the existing law to the special sessions or quarter sessions unless his objections to the valuation list shall have been made before the meeting or meetings of the assessment committee appointed under the Act to hear such objections."

MR. C. P. VILLIERS said, he had no objection to the principle of the addition proposed by the right hon. Baronet; but he would prepare a clause which would carry out his object in a manner more consonant with the other portions of the Bill.

SIR WILLIAM JOLLIFFE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 2 *agreed to.*

Clause 3 (Provision for Costs of Committee on Appeals).

MR. DODSON moved to leave out "committee," and insert "Board of Guardians." The object of his Amendment was to make what he understood to be the object of the clause more clear—namely, that the costs of respondents in appeals should be paid out of the common fund of the union.

MR. C. P. VILLIERS agreed to the Amendment.

Clause, as amended, *agreed to.*

Clauses 4 to 7 *agreed to.*

MR. JOHN PEEL moved to insert new clause after Clause 5 (Provision for new maps, plans, and books of reference).

MR. NEWDEGATE supported the clause.

MR. C. P. VILLIERS said, he would agree to the clause if the words "or without" the valuation were omitted.

MR. JOHN PEEL objected to the omission of the words, because he wanted to have the maps without a new survey or valuation. Why should they go to the expense of a new survey and valuation without any necessity for incurring it?

SIR WILLIAM JOLLIFFE hoped the right hon. Gentleman would carefully consider the clause and the expense which it would throw upon the parishes.

LORD HARRY VANE concurred with the right hon. Baronet in thinking that the right hon. Gentleman ought not readily to assent to the clause.

MR. NEWDEGATE said, that if the House would insist upon a map and a valuation, great expense must be incurred. But if a map were permitted, the guardians themselves would make the valuation, and no correct valuation could be made until a map was provided.

MR. C. P. VILLIERS said, that if the hon. Gentleman (Mr. John Peel) would withdraw the clause, he would himself bring up another one on the bringing up of the Report.

Clause, by leave, *withdrawn.*

MR. WENTWORTH BEAUMONT, for Mr. H. Fenwick, who had given notice of new clauses (Abolishing deductions from rental in ascertaining value), (Deduction where rate of an exhaustible nature), (Provision in cases of small tenements rated instead of occupiers), (Rates may be amended in certain cases), moved the first of these clauses.

MR. C. P. VILLIERS opposed the clause, but promised that he would consider the subjects referred to in the other Amendments before next Session.

MR. NEWDEGATE said, he was rejoiced that the right hon. Gentleman was about to consider the gross injustice of assessing the royalty of mines as income.

MR. LIDDELL was anxious to know whether the right hon. Gentleman approved the principle of the second clause of which notice had been given by the hon. Member for Sunderland (Mr. Fenwick)—that wherever the rateable hereditaments were of an exhaustible nature a deduction should be made from the rateable value sufficient to reproduce the capital value of the exhaustible portion at the termination of the estimated period of exhaustion.

MR. C. P. VILLIERS said, that he had not pledged himself to that principle, but the whole subject of deduction and exemption should receive his attentive consideration, with a view to legislation next Session.

MR. WENTWORTH BEAUMONT said, he would withdraw the clause.

Clause, by leave, *withdrawn.*

MR. HOWES called attention to a doubt which had lately arisen, whether magistrates individually interested as ratepayers were entitled to sit and hear appeals.

MR. C. P. VILLIERS said, it was not very clear how existing Acts affected magistrates in the case referred to. He had, therefore, determined to frame a clause removing all doubt on the subject.

Remaining clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

HIGHWAYS ACT AMENDMENT BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY moved for leave to bring in a Bill to amend the Act for the better management of highways in England. The present Bill was intended to amend in some respects the Bill passed a short time since, which, on the whole, had operated most satisfactorily. A Return lately presented to the House showed that the Act had been brought into operation in thirty-three or thirty-four counties, and in the great majority of cases throughout the entire extent of those counties, though in some it had only been adopted in part. But, although the Bill generally worked well, numerous suggestions of a practical character had been received from persons concerned in working the Act, and the present Bill was intended to give effect to the more important of those suggestions, avoiding any which were likely to excite prolonged discussion. There were certain cases in which the Act at present was not applicable to the formation of highway districts, and others in which the mode of defraying the expenses of highway boards required amendment. In many instances, also, the highway and Poor Law districts were not conterminous, and matters relating to the audit were capable of improvement. The Bill would also confer powers for appointing additional surveyors. It was now in print, and would be delivered immediately to hon. Members. He proposed to fix an early day for the second reading, after which, in accordance with the wishes of hon. Gentlemen, he should move that it be referred to a Select Committee.

Motion *agreed to.*

Bill to amend the Act for the better management of Highways in England, *ordered* to be brought in by Sir George Grey and Mr. Baring.

Bill *presented,* and read 1°. [Bill 113.]

House adjourned at Six o'clock.

HOUSE OF COMMONS,

Friday, May 20, 1864.

MINUTES.] — New Writ Issued — For Gloucester City *v.* J. J. Powell, esquire, Recorder of Wolverhampton.
Supply — *considered in Committee* — Civil Service Estimates.

NAVY—THE GUNS OF THE "ROYAL SOVEREIGN."—QUESTION.

Colonel C. P. **LESLIE** said, he wished to ask the Secretary to the Admiralty, Whether it is true that the *Royal Sovereign,* cupola ship, is to be armed with smooth-bore guns; and, if so, what reason there is, after the decided superiority of rifle guns has been recognized, that a smooth-bore armament should have been decided upon?

Mr. **CHILDERS**, in reply, said, the *Royal Sovereign* was at present armed with five twelve-ton 150-pounder guns of the smooth-bore, but as soon as the best system of rifling was decided upon she would be armed with 300-pounder rifled-bore guns. At present that system had not been finally decided upon, and until that time the guns in use would be exclusively of smooth-bore.

DENMARK AND GERMANY—PRUSSIAN EXACTIONS IN JUTLAND.—QUESTION.

Mr. **WHITESIDE**: Sir, seeing the noble Viscount in his place, I beg to repeat a Question which I put to the Under Secretary of State for Foreign Affairs yesterday. I wish to know, Whether the Government have received communications to the effect that exactions and contributions have been levied by the Prussian army pending the armistice; and whether it is in accordance with the terms of the armistice, as defined by the Conference, that these contributions or exactions should be levied?

Viscount **PALMERSTON**: Sir, the conditions of the armistice were quite clear as to this—that no fresh contributions should be levied. There is some ambiguity as to the understanding between the parties, whether contributions which were ordered before the armistice were to continue to be levied. But my noble Friend at the head of the Foreign Office is in communication with the Prussian Government on the subject.

Sir **MINTO FARQUHAR**: Was it not understood that provisions were to be paid for during the armistice?

Viscount **PALMERSTON** said, Yes, clearly.

ARMY—THE GUARDS IN CANADA.

QUESTION.

Major **KNOX** said, he wished to ask, Whether it is true that the Guards have been ordered home from Canada, and whether other troops have been ordered out in their place?

The Marquess of **HARTINGTON**: Sir, it has been decided that two battalions of Guards and one battalion of the Military Train should come home from Canada without relief.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—CAPTAIN GRANT'S SYSTEM OF COOKING.—ADDRESS MOVED.

COLONEL **NORTH**, in calling attention to the services of Captain Grant, and moving an Address to Her Majesty praying for the grant of some suitable reward, complained that the Board which had been appointed to inquire into the merits of Captain Grant's invention had not been fairly constituted. Captain Grant's apparatus had been spoken of in terms of approval by several distinguished general officers, by official Boards, and by two Secretaries of State. It was now said that improvements had been made in the apparatus; but he should like to know the invention in which improvements had not been made. The man who originated the principle ought to be rewarded; and Captain Grant said that his principle had been adopted, though there were alterations in the details. His noble Friend the Secretary for War had spoken of the great reduction caused in one item of the Army Estimates by the saving in the consumption of fuel. As Captain Grant's apparatus had been in use for the last eight years, there could be no doubt that much of the saving was to be attributed to the invention for which the gallant captain claimed remuneration. His hon. and gallant Friend (General Lindsay) had proposed that the remuneration to Captain Grant should be equal to the amount saved in one year's consumption of fuel. In reply to that proposition, the late Sir George Lewis said there was no precedent for making a grant of £25,000 or £30,000 for services like those of Captain Grant; thereby acknowledging that by Captain Grant's invention from £25,000 to £30,000 had been saved in the annual consumption of coal. He wanted to know whether Captain Grant himself had been shelved, although the service and the public had the advantage of his invention. Only two years ago, when a force of 12,000 was sent to Canada, Captain Grant was sent for to know if he could prepare cooking apparatus for the force; and within one month he prepared the necessary kitchens for that number of men. Sir Rowland Hill had been rewarded, and properly so, for his improvement in the postal system; and within the last two or three years Parliament had voted a sum of £5,000 to the gentleman who had enabled us to separate our postage stamps without tearing them. We were spending millions sterling for improving the arms used in the destruction of our enemies; and he thought the House ought not to refuse a fair recompense to a man who had contributed so much to the comfort of the soldier, and effected such a saving in our army service. Under these circumstances, he begged to move that this House would, on Monday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to consider the services of Captain Grant, and order him some suitable reward for his services in improving the system of Cooking in the Army, and effecting a considerable saving in the Public Expenditure for Fuel,"—(*Colonel North*,)

—instead thereof.

THE MARQUESS OF **HARTINGTON** said, this question had been before the House for a long time, and the House had on a previous occasion come to a decision after full discussion and consideration; and he did hope that if his hon. and gallant Friend divided on the present occasion the House would come to a final conclusion on the subject. He hoped they would pronounce an opinion that would be decisive, and would show they were not willing that Captain Grant's claims should be perpetually coming before them. The question was originally brought forward on a Motion by the hon. and gallant Gentleman the Member for Wigan (General Lindsay) declaring that Captain Grant ought to receive remuneration. That Motion was negatived, but only by a narrow majority; and on subsequent occasions in the same Session the subject was brought before the House. Later in the Session, the hon. and gallant Member for Wigan again asked Sir George Lewis whether, considering the narrow majority against his Motion, the case ought not to be deemed one for a Commission? Sir George Lewis promised that an inquiry by Commission should take place. A Commission was appointed; and the Commissioners came to the conclusion that no further remuneration ought to be given to Captain Grant. Again, last Session, the hon. and gallant Member for Wigan brought the subject forward; and his noble Friend (Lord De Grey) and himself having considered the case, came to the conclusion that although Captain Grant had received all he was entitled to under the conditions upon which he had offered his services, although he had been allowed his expenses, and although different sums of money had been paid to him which were intended by the Government of the day to be payment in full for his services, still as he had devoted a good deal of time to the public service his case was one which might be inquired into with the view of seeing whether Government would be justified in offering him further remuneration. His hon. and gallant Friend (Colonel North) had criticized the constitution of the Board to which this last inquiry had been intrusted; but, as he understood, General Lindsay before he went to Canada expressed himself satisfied with its constitution. Captain Grant did not say he asked remuneration for any benefit or increase of comfort he had conferred on the soldier—he said he rested his claim on one point—namely, that he was entitled to compensation for the annual saving in the consumption of fuel which had been effected by his apparatus. Now the Commission had examined into that point; and they said in their Report they were unable conscientiously to declare that any saving of fuel was to be attributed to Captain Grant's apparatus independently of other causes. He rested his claim on a Report of 1856 received from the garrison of Woolwich, by which it appeared that a very large consumption of fuel had taken place there. The quantity stated in the Report as to what had been consumed was in excess of the regulations; and if it had been used, the excess must have been paid for by the men and not by the Government. Other reports were made from other stations; and at Brompton Barracks, for instance, it was found that under the old system 80 lb. of fuel was sufficient to cook for eighty men, being 1 lb. per man, which was under the allowance given for Captain Grant's system. The saving of fuel was not due so much to any particular apparatus as to the men being instructed in the economical use of fuel. It was admitted that Captain Grant deserved great credit for having called attention to the defective state of the arrangements formerly existing; but in 1858 the Commission on the Sanitary Condition of the Army went fully into all questions of this sort, and it was absurd to suppose that if Captain Grant had not called attention before to the subject, the attention of the Commission would not have been directed to it, and that all the improvements subsequently made would not have been made in 1858, even if Captain Grant had not brought forward his apparatus. Captain Grant's system was merely an adaptation of a system formerly known, and there was no inherent saving of fuel in it. It was not placed in any new barrack now erected. A system was now in use much more like the old one, by which steel boilers were substituted for the old cast iron ones; and the consumption of fuel did not exceed from ½lb. to ¾lb. daily per man. It was quite understood by the hon. and gallant Member for Wigan last year that the Commission was to settle the question, and he was surprised that the hon. and gallant Gentleman should have brought it forward again. Any hon. Gentleman who would take the trouble to read through the evidence would see that the case on which Captain Grant claimed so large a remuneration had not been made out. The Commission, however, took into consideration that, for several years, Captain Grant's suggestions had been encouraged by Lord Panmure and other Secretaries for War, and that he had been employed, with little intermission, for several years, and they were of opinion that though no engagement had been made with Captain Grant, and though it was never understood that he should be entitled to anything beyond the expenses he incurred, still there was no reason why he should not be remunerated for his services. If Captain Grant had asked for any such remuneration the War Office would probably have given him the full pay of his rank, which was that of a captain of artillery, while he was employed on his experiments. It was thought now that £1,000 would be a fair sum to offer him, and that sum had been offered to him. Whether that offer had been accepted by him he was not aware; but he submitted that Captain Grant's own claim, founded on a supposed saving of fuel, had not been made out by him.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 104; Noes 70: Majority 34.

AFFAIRS OF CHINA.—OBSERVATIONS.

Mr. BAXTER, in rising to call attention to the state of affairs in China, and to put a Question to the First Lord of the Treasury on the subject, said, he was unwilling to take any course which might be considered unfriendly to Her Majesty's Government. He did not share in the general dissatisfaction which had been expressed by hon. Gentlemen opposite with respect to their recent management of our foreign policy; on the contrary, he entirely approved of the course Her Majesty's Ministers had pursued in Europe and America, and which had ensured the continuance of our peaceful relations with those countries. But it was because he approved of their policy of peace and non-interference in Europe and America, that he disapproved of their policy of war and interference in China. He believed the time had come when a stop ought to be put to a course of proceeding which was not creditable to British arms, and which, if it were much longer persisted in, might lead us into difficulties, the importance of which it would be hardly possible to exaggerate. He objected to the policy of assisting the Imperial Government in China for two reasons: in the first place, because he believed that in doing so we were acting on a bad principle; and, in the second place, because he did not think our efforts in that direction were likely to be attended with success. He did not, however, deem it necessary, after the exhaustive speeches which had been made on the subject by the hon. Member for Northumberland (Mr. Liddell) and the noble Lord the Member for Cockermouth (Lord Naas), to enter very largely into details on the present occasion. As a merchant owning goods in the treaty ports of China, he did not hesitate to confess that he naturally wished those goods to be protected; but it was, he admitted, a doubtful question whether he was justified in calling upon the general body of the taxpayers of this country to contribute their money with that object, under the exceptional circumstances in which China was placed. Be that, however, as it might, he felt perfectly convinced that he was not, as a representative of the people, justified in voting away their money to assist a dynasty in that country which he looked upon as utterly effete and tottering to its fall. He should, no doubt, be met at the outset by the argument, that Her Majesty's Government had done nothing more than defend the treaty ports; and the Under Secretary of State, indeed, had over and over again maintained that we had been guilty in China of no breach of neutrality; but if the hon. Gentleman would read the speeches which he had made on the subject, he would find that while seeking to justify everything that had been done there, and everybody by whom it had been done, and doing so with great ability, he had admitted more than once that our policy in China had been neither impartial nor uniform. The papers which had been laid on the table of the House did not, at all events, bear out the statement that we had been guilty in that country of no breach of neutrality. In the first despatch of Mr. Hammond to Sir Edward Lugard, in April 1863, he found it stated that Earl Russell did not deny that there was inconvenience in the state of things pointed out by the Commander-in-Chief, but that Her Majesty's Government could not allow British officers who were only temporarily detached from their regiments to be making war on the Taepings all over China. Again, in March of the same year, Sir Frederick Bruce wrote to General Stavely to the effect, that he was very anxious it should be borne in mind that we were not making war on the Taepings; while, in the month of June, the Secretary for the Admiralty, in writing to Mr. Hammond, said he was commanded by the Lords Commissioners of the Admiralty to send for the information of Earl Russell a copy of a letter dated 14th of the previous April from Admiral Kuper, respecting the proceedings of Captain Dew, of the *Encounter*, at Show-Shing, and to state that the Admiral had been instructed to inform Captain Dew that he had exceeded his instructions in taking part in hostilities beyond the prescribed limit of thirty miles. Now, these instructions were all very well; but there were unfortunately other letters of the noble Lord which have a different aspect, as well as two letters from the Foreign Office, in the latter of which Mr. Hammond stated that he was directed by Earl Russell to say that, during the then existing state of affairs in the neighbourhood of Shanghai, British officers on full pay should be allowed to join the force under Major Gordon's command, and to serve beyond the thirty miles' radius. There was, besides, among the papers for 1862, a curious despatch setting forth the opinions of the noble Lord with respect to the discipline to be observed in the British contingent in China. So that the instructions given on the one side of the question might, he thought, very well be set off against those given on the other. He would, however, appeal from the instructions to the facts, and he believed the facts justified him in saying that, if the instructions enjoined upon our officers a policy of neutrality, those instructions had been violated times without number; and whatever might have been our professions, our policy had been one of actual co-operation with the cruel and corrupt Government of the Mantchou Tartars. We had broken our neutrality by our early operations within the thirty miles' radius round Shanghai, and subsequently by our operations at Ningpo, which was taken by a force commanded by Captain Dew. Our neutrality was again broken when the Commander-in-Chief of the British forces at Shanghai appointed Major Gordon to the command of the Chinese auxiliaries. What was the character of these allies of ours, and what had been the proceedings of the men with whom it had been thought right to associate the soldiers of a Christian nation? The barbarities which were committed at Soochow were a sufficient answer to this question; but the blue-books were full of instances of the cruelty and perfidy of the Imperialists, and Sir Frederick Bruce had over and over again remonstrated with the Chinese Government upon the subject of the barbarous cruelties committed by their soldiers, which cruelties were defended by Prince Kung, the very man who was held up in that House by the Under Secretary for Foreign Affairs as a man of humanity and enlightenment. He now came to his second objection to the policy of upholding the Tartar dynasty—that it was not likely to succeed. In point of fact, we had been endeavouring to uphold a foreign dynasty which had never established itself in the affections of the people, and which those who had travelled in China told us would have fallen long ago if it had not been for foreign interference. This was a fact which had a strong bearing on the policy pursued by Her Majesty's Government. Abbé Huc, a French missionary who had long resided in China, wrote that of late years morality, arts, and industry had decayed, that poverty and destitution were making rapid progress, and that since the accession of the Mantchou dynasty Chinese society had undergone a great alteration for the worse. Captain Blakiston, in his work entitled *Five Years on the Yang-tze*, declared that since the accession of the Tartar dynasty everything in the empire had fallen into a languishing and expiring condition, and that the rebellion against the Government was by no means confined to the Taepings, but extended very generally over the population; and he protested against the British Government making this confusion worse confounded by interference in their internal affairs. He had rather accept this testimony, agreeing as it did with the evidence of all missionaries and travellers, than the statements of the Under Secretary of State for Foreign Affairs, who represented everything as *couleur de rose.* Sir Frederick Bruce and our Consul at Shanghai told a very similar tale. It had been asked, How it was that if the Mantchou dynasty was so weak it had held power so long? The answer was, that it was a noticeable fact that no revolution had ever been accomplished in China until after years of convulsion, insurrection, and civil war; and he, in his turn, might ask how it happened, if the Taepings were so universally detested as had been represented in that House, that fears were so generally entertained lest the Imperialist troops and the auxiliary forces themselves should go over to the rebels. He had observed with regret the support given by the Government to the expedition sent out under Captain Sherard Osborn, and more particularly the parting benediction of the Chancellor of the Exchequer; and he rejoiced at its failure because it opened to us an escape from a situation of great embarrassment and difficulty. He hoped that we should date from that event a total change in British policy in China. Our whole policy with reference to China had for many years past been not a "comedy of errors," but a "tragedy of errors." He freely admitted that the whole blame did not rest with the present Government or the late Government, but must be shared by both Houses of Parliament and by the country; and his object was not to cast reproaches upon anyone for what had been done in the past, but to provide security for the future. In the last sentence of a despatch written in June, 1860, Sir Frederick Bruce said—

> "No course could be so well calculated to lower our national character as to yield our materia support to a Government the corruption of whose authorities is only checked by its weakness."

That was what we had been doing, and our Ambassador still adhered to his opinion of the impolicy of our conduct. Only the other day his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) brought out the fact that in June, 1863, Sir Frederick Bruce, in concert with the other Ambassadors at Pekin, signed a memorandum in which he expressed these same views, and complained of the employment of British officers in the Imperial service. That memorandum had been presented to the American Congress; but it had been suppressed by our Foreign Office, because if it had been produced the House would have seen the difference between the course recommended by our Minister in China and the Government at home, and the Government would have been forced to change their policy. In June or July last year, the noble Lord at the head of the Government, in replying to the noble Lord the Member for Cockermouth (Lord Naas), entreated the House to wait for one year and see the result of the policy which was then being pursued. They had waited a year—they had seen the result of that policy—and every word of warning which was spoken by the noble Lord the Member for Cockermouth had been proved to be true. Therefore, the Question which he had to ask the noble Viscount at the head of the Government—whom he was sure that they were all delighted to see again in his place—was, whether the Government meant in future to adhere strictly and honourably to the defence of British property in the treaty ports, refusing every kind of aid, direct or indirect, to the Imperialists, and abandoning altogether the attempt to bolster up and support the Government of Pekin? He should also like to know what instructions, if any, had been sent to Her Majesty's servants in China with reference to this important Question; and whether they had been enjoined for the future, not only not to accept employment under the Imperial dynasty, but to take no step, however indirect, to support the Government of the Emperor? Every one acquainted with the history of India must be struck with the remarkable analogy between the position of that country when English merchants resorted to it in the time of Hastings and Clive, and our present position in China. We had only just begun to develop the civilization of India, which had so recently been transferred to the Government of Her Majesty, and we ought to beware of increasing our responsibilities by mixing up ourselves in the internal affairs of so vast a country as China.

Viscount PALMERSTON: I am quite ready to answer the Question of my hon. Friend, but I must be allowed to say I regret, that though my hon. Friend says that he has studied with great attention all the blue-books on the subject of China that have been presented to Parliament, and notwithstanding the acuteness of his mind and the ability which he shows on all occasions, he has come to conclusions which are not supported by the materials which he says he has searched and digested. My hon. Friend started with a general theory; but nothing is so liable to mislead as a general theory. My hon. Friend said that the principle upon which the British Government ought to act is that of non-intervention in the affairs of other States; a very plausible principle, and one which in many cases ought to be strictly adhered to; but my hon. Friend forgets that there are cases in which we have treaty rights—that there are cases in which we have national interests—and if his doctrine were to be applied rigidly and in every case, our treaty rights would be abandoned and our national interests would be sacrificed. It is not true that non-intervention is the principle invariably acted on by the British Government. We have interfered with great success in the affairs of other countries, and with great benefit to the countries concerned. We so interfered, for instance, in the affairs of Greece, and we established the independence of that State. We interfered in the affairs of Belgium, and we established the independence of Belgium as a separate State. We interfered in the affairs of Portugal, and enabled Portugal to obtain a free and Parliamentary constitution. We interfered in the affairs of Spain with like success and with a similar result. We interfered in the affairs of Turkey, of Syria, and of Egypt, and we maintained the integrity of the Turkish empire. We interfered in the Crimean war, and I do not think any man in this House will say that in that struggle we were unsuccessful. We have interfered in the affairs of China. Why? Because our treaty rights were endangered and our national interests were at stake. See how inconsistent my hon. Friend was at the beginning of his speech and in its conclusion. At the beginning he said he would never, as a Member of this House, consent to throw on the taxpayers of this country burdens for the sake of protecting his own individual interests in China.

Mr. BAXTER said, the noble Lord had not properly caught his meaning. His observations referred to upholding the Imperial dynasty in China.

Viscount PALMERSTON: My hon. Friend said it was quite true he had merchandise and interests in China, and that he would not call on the taxpayers of this country to protect them.

Mr. BAXTER: I said that might be an open question.

Viscount PALMERSTON: My hon. Friend now says that would be an open question. But, at all events, in the question which he put to me at the conclusion of his speech, there was no uncertainty whatever; because he asked whether the Government would confine themselves to maintaining the security of our establishments in the treaty ports, in one of which I suppose his property must lie. I am bound to say that I quite concur in the propriety of maintaining and defending the security of British interests in the treaty ports. But what has been the history of our interference in China? See the inconsistency of these mercantile gentlemen. They are constantly urging the Government to make treaties of commerce with foreign countries, and to extend the range of our commercial intercourse. Only the other day I received a deputation from the manufacturing districts urging that a re-organization of the Foreign Office and the Board of Trade should take place, for the purpose of enabling the Government more adequately to extend the commercial relations of this country. And the feeling no doubt was honestly entertained, because everybody must know that on the extension of our commerce depends, in a very great degree, the prosperity of our country, the accumulation of our capital, the abundance of our revenue, and the strength and prosperity of the nation. Any measure, therefore, calculated to increase the commercial relations of the country, so far from meriting the censure which my hon. Friend, as a commercial man, thought fit to pass upon it, is deserving of praise, because it accords with the wishes and interests of the country. It was long felt that trade with China would open a vast field of commercial enterprise to us; and there can be no doubt that, among other things, the great expansion of commerce with that empire has contributed to enable us to meet without disaster the unfortunate obstructions to our commerce and manufactures occasioned by events still going on in America. My hon. Friend says that the Chinese, especially the Imperialists, are a cruel people. Well, I have myself said in this House, and I repeat it, that the characteristics of the Chinese population are cruelty and perfidy. But those qualities are not confined to Imperialists — they are shared in a far higher degree by the Taepings, who are peculiar objects of interest to some hon. Members of this House. My hon. Friend talks of a massacre at Soochow. There was no massacre. ["Oh, oh!"] There was a very treacherous act committed towards the Whangs, who were decoyed into the power of the Tartar commander, the Footai, who revenged upon them what he stated to have been an act of great barbarity committed by them on a former occasion. I will not justify in any degree what the Footai did. I am merely stating the extenuation put forward by him. But what happened the other day? — and this is a specimen of the acts of which Taepings are capable—there was a little steamer called the *Firefly*, which they seized and carried off, and it was stated and not contradicted, that four or five unhappy persons who were on board the vessel, were roasted to death.

Colonel SYKES: By whom?

Viscount PALMERSTON: By the Taepings.

Colonel SYKES: No, no!

Viscount PALMERSTON: I believe their bodies were found in a charred state, but there is no other proof of the fact. Of course persons in the interest of these people—who like to carry on a contraband trade with the Taepings, and to make a profit by supplying them with arms and ammunition—send home to their acquaintances high-flown panegyrics on the Taepings; but every impartial person writing from China, bears witness to the desolation marking the track of the Taepings. The districts which they occupy are laid waste, the people reduced to starvation; and only the other day we heard of a place in which the people were obliged to eat human flesh as a last resource. Is that a state of things conducive to British commerce? Is that a state of things the extension of which to the immediate neighbourhood of our treaty ports we ought to permit? My hon. Friend does not deny that as far as the radius of thirty miles from these ports extends, we are justified in what we have done, and that it is our duty to keep these marauding Taepings from making piratical incursions within those limits. But my hon. Friend who says he has carefully studied the blue-books, has not studied with equal care the history of China. He talked of the present dynasty as a foreign dynasty; and though he did not say, he certainly implied that it had been recently established in a conquered country, and, therefore, had no root in the affections of the population. If I am not misinformed, I rather think the dynasty has been the best part of 500 years in possession of the throne. [Colonel SYKES: No, 250 or 260 years.] Well, when a dynasty has been established in a country for 250 years, I think that we, in England at least, ought to admit that it is well rooted, has a good hold on the population of the country, and is no longer entitled to be called a foreign dynasty. I say that it is greatly to the interest of this country to maintain those commercial rights which the treaty concluded with China assured to us. When first the war with China began, Sir James Graham, a sagacious man, warned this House of the danger that must arise from entering into war with a third portion of the human race. I return that argument to my hon. Friend, and I say what must be the commercial advantages to this country if it can have an unimpeded, uninterrupted commerce with one-third of the human race? It is, therefore, for our interests that tranquillity should be restored in China. My hon. Friend says that the Mantchoo dynasty is tottering to its fall. I can only judge from what reports reach us; but I should rather be inclined to say that the rebellion is more likely to end than the dynasty to be overthrown. No doubt in so large an empire as China there are parts which are always threatened or disturbed by rebellion more or less violent, but that, I am sorry to say, is the normal state of many of those Oriental Governments which lack the organization and energy necessary to maintain order throughout their entire dominions. Such has been the condition of Turkey; such has been peculiarly the condition of China, whose central government has always had the greatest difficulty in maintaining order in its remoter provinces. But I can assure my hon. Friend that, as far as we can trust the accounts which reach us, the Taeping rebellion has been narrowed to a much more restricted circle than it occupied some years ago; and that if we are to speculate on the future it will be safer to reckon that the rebellion is tending towards extinction, than that the Imperial dynasty is tottering to its fall. Besides, what must happen if the Imperial Government be overthrown? You would have nothing but extensive anarchy. The Taepings are perfectly incapable of ruling the empire, and if they attempted to do so there would soon be fresh rebellions against them. In reply to my hon. Friend, I have stated that our interference as a direct interference has been limited to the treaty ports; but we certainly did give to the Chinese Government the assistance of British advice and arrangement in collecting their Customs and improving their revenue, and great benefits have resulted to the Chinese Government from that assistance. Last year we issued an order authorizing Captain Osborn and others acting under Mr. Lay to raise a squadron for the purpose of restoring order in the waters of China, and getting rid of the pirates who endanger navigation. My hon. Friend says that when the expedition started he foretold its failure. Perhaps in that respect he was a better judge of Chinese character than we were. It certainly did fail, owing to the jealousies which existed between the central and provincial Governments, and to their desire to subject Captain Osborn to restraints and restrictions which he felt it would not be for his honour or for the advantage of this country that he should submit to. I regret very much that the expedition of Captain Sherard Osborn did not succeed, because I believe that if it had gone on, and if Captain Osborn had been allowed to direct it according to his views, it would have put an end to that piracy which is now desolating all the coasts of China. That Order in Council has been revoked, and there is no intention on the part of Her Majesty's Government to issue such an Order again. Then there was another Order in Council, authorizing British subjects to enter into the service of China. Major Gordon was one of those who took advantage of that Order in Council. It has, however, been revoked, and there is no intention of renewing it. Major Gordon, I am sorry to see by the last accounts, has sustained a check, and has been wounded—I hope not severely. He is a most able and distinguished officer, and one who has performed great services for the Imperial Government. My conviction is that if the Imperial Government could by his or any other means put down the rebellion, not only would they gain a great advantage for themselves, but they would confer an immense advantage upon the commercial interests of this country. All I can say is that it is not our intention to authorize any direct interference in the military or naval service of China as between the Imperial Government and the Taepings, beyond the protection to be afforded within a radius around our treaty ports. That is a duty which Her Majesty's Government owe to the commercial interests of this country, and I am quite convinced that if the commercial interests were assembled and were asked their opinion, they would say, "For Heaven's sake protect our commerce in China in the treaty ports." That commerce is daily assuming more and more importance, and is one of the means by which this country has weathered the difficulty arising out of the diminished supply of cotton from America. I trust my hon. Friend will be satisfied with what I have stated, although I cannot agree with him in the conclusions he draws or the objects he desires to attain. My opinion is that the country at large will be of opinion that the Government are doing their duty in protecting the commercial interests of this country in China, as defined by the treaty with China; and so far is it from being desirable that the Tartar dynasty—that is, the Imperial Government—should be overthrown, and that these ragamuffin Taepings should get the advantage, I am convinced that those who know anything about China will feel it to be an object of immense importance that order and tranquillity should be restored in a country in which our commercial relations are so extensive.

MR. LIDDELL said, the noble Lord had expressed a hope that his hon. Friend the Member for Montrose (Mr. Baxter) would be satisfied with the explanation which he had given to his statement. He (Mr. Liddell) trusted that the House of Commons would not express themselves contented with the answer just given by the noble Lord, for a more unsatisfactory answer than that of the noble Lord he had never heard. He (Mr. Liddell) felt himself compelled to offer a few observations in reply to some of the most glaring inconsistencies it had ever been his lot to listen to from a responsible Minister of the Crown. The noble Lord spoke with the natural pride of an Englishman of the extension of our trade in China, which extension, the noble Lord said, was due to the policy of Her Majesty's Government; and in the very next sentence the noble Lord spoke of the desolation of the country, owing to what he called the inroads of the rebels. But he (Mr. Liddell) would ask, in whose hands had been the great producing districts of China? When the noble Lord accused his hon. Friend behind him of not having read the despatches, he (Mr. Liddell) must, with great deference, accuse the noble Lord of not having studied the question himself, for if he had he must have known that the great producing districts from which there had been that increase of trade, in which the noble Lord took such natural pride, had been in the hands of the rebels for many years. The hon. Under Secretary for Foreign Affairs shook his head at the statement. Did he mean to deny it? If the hon. Gentleman did mean to deny it, he would find it a matter of great difficulty to prove the contrary of what he (Mr. Liddell) had just asserted. Then the noble Lord told the House that the rebellion was waning; and in the next sentence he said that our disciplined troops headed by a distinguished English officer had received a severe check, and that that officer had been wounded. He (Mr. Liddell) learned from the last accounts that the French contingent had also received a check; and in the opinion of persons on the spot there was a great probability of Major Gordon being cut off with his whole force. Now, it did so happen that the successes of the rebels had been very considerable of late, and had followed each other in rapid succession, even since the last debate in that House. Those were facts which went to prove that at any rate the rebellion was not now in so waning a state as the noble Lord appeared to suppose. The noble Lord had defended the policy of the Government in China, and said it was intended to continue it. He (Mr. Liddell) wished to ask the noble Lord whether he had studied the advice given him by his own Envoy? because, if he had, he would find that the Government policy on many important points had been absolutely disapproved by his own Envoy. Sir Frederick Bruce was opposed on many material points to the whole of the Government policy in China. He desired to ask the noble Viscount whether he had or had not confidence in his own Envoy? Did he intend to abide by his advice or to recall him? Sir Frederick Bruce was the representative of British interests in China, and seemed to have omitted no opportunity of expressing his objections to the policy of the Government. Now it behoved the Government to do one of two things—either to listen to the despatches of their own Ambassador, or to recall him in consequence of the advice which he had given. There was one sentence in the noble Lord's speech which was particularly significant. The noble Lord began by saying that general theories were likely to mislead. He (Mr. Liddell) did not know whether that observation of the noble Lord was applicable to the speech made the other night from the Treasury benches in his absence. If it were, he ventured to express his belief that if the noble Lord had been present those very misleading general theories, which had been uttered very recently by the right hon. Gentleman the Chancellor of the Exchequer, would very possibly not have been heard in that House. [The CHANCELLOR of the EXCHEQUER: Question, question.] Well, he (Mr. Liddell) admitted that that reference did not bear precisely upon the immediate question before the House. He must, however, say that he was disposed to agree in opinion with the noble Lord, that general theories were very apt to mislead. He thought after what had passed—after the experience they had had of the working of the Government policy in China—that they had a right to expect from the lips of the Government a more complete enunciation of their policy in the interest of the trade which they professed to protect. Now, it had been over and over again stated in China, as well as in this country, that the policy pursued by the Government in China was prejudicial to the interests of our trade in that part of the world. The noble Viscount said that the Government interfered because our treaty rights were in danger. He wanted to know in what single instance had our treaty rights or our trade been endangered? He had asked that question before, and he now repeated it. He wished to know any instance in which either the property or the life of a British subject had been placed in danger, except on the recent occasion of the reprisals in the case of certain persons taken on board the *Firefly*. But the House should recollect that those reprisals were in consequence of the murders committed in Soochow. Those were the sort of acts which civil war naturally gave rise to, and in China the civil war had been pushed beyond its limits by our unhappy interference.

LORD NAAS said, he was unwilling to go at any length into this subject, because he could not do so without interfering with the discussion which must come on upon the Motion of the hon. Member for Rochdale (Mr. Cobden); and at present there was no Question before the House except that the Speaker leave the Chair, and, therefore, it was impossible to ask the House to give an opinion on the subject.

But though he should limit his observations on the present occasion, he was, nevertheless, fully alive to the importance of the Question. He could not, however, refrain from entering his protest against some of the assertions made by the noble Lord (Viscount Palmerston). He confessed he felt disappointed at finding that the events of the last year had made no impression upon the minds of Her Majesty's Government. When he heard the Question put by the hon. Member for Montrose (Mr. Baxter), he was in hopes that the noble Lord would have informed the House that the new policy inaugurated in China was a failure, and would be given up, and that the Government intended to return to the policy followed about two years and a half ago. But the noble Lord, so far from making such a statement, had defended the policy of the Government, and actually told the House that they were determined to walk in the same path which they had been pursuing for the last eighteen or twenty months, observing, at the same time, that they were bound to protect our treaty rights as well as the property of British subjects in China. But what he (Lord Naas) said was, the policy of the Government went far beyond that. It was a policy calculated rather to endanger our treaty rights than to maintain them. Her Majesty's Government were interfering in every way in China and against the interests of the country. When the noble Lord talked of maintaining our treaty rights, he entirely misapprehended the question and the objects which those who took a comprehensive view of those subjects had really at heart. The object of those with whom he (Lord Naas) acted was to maintain and protect the treaty rights, but, at the same time, not to interfere in the internal or domestic affairs of the country. Now, Her Majesty's Government had interfered very actively in those affairs—had fitted out a fleet for the Imperial Government, and had lent them upwards of 100 officers to command the forces, not of the Emperor, but of the local and provincial authorities. It was an utter fallacy to say that those with whom he (Lord Naas) acted objected to the maintenance of treaty rights. He should be able to show on a future occasion that the Government had actually endangered those treaty rights, and that our merchants themselves were of opinion that our policy in China had risked the security of our trade in that quarter; and that our policy had been in direct contradiction to the opinion not only of our naval commanders, but of many of our most eminent representatives. No one acquainted with the affairs of China but must see the danger of the course which the Government were now pursuing; and all who were competent to give an opinion on the matter were anxious that we should go back to the principles laid down by Earl Russell in his despatch immediately after the Treaty of Tien-tsin—those principles being in favour of non-interference in any way in the internal affairs of the empire. As he thought it quite impossible to go at length into the Question at that moment, he had only to express a hope that an early opportunity would be given to the House for a more general discussion upon the subject. It was one of the most important Questions that could be considered, and he believed when the time came for its calm consideration, both the country and the House would be made fully aware of the enormous danger of the policy which the Government were now pursuing in China.

COLONEL SYKES said, as there was a prospect of a full discussion upon this subject, he would limit himself to a few remarks. The noble Viscount justified his interference in China by saying that he had interfered in other countries, but he had overlooked the motives for interference, on those occasions. In Europe we had interfered to protect the rights of the people against oppressive Governments, and that interference was to our honour in the cases of Belgium, Portugal, and, to some extent, Spain; but in China we had interfered in behalf of a Government which had been described by Sir Frederick Bruce and others of our representatives there, as the most corrupt, treacherous, and cruel Government on the face of the earth. He held in his hand extracts from a despatch of the American Minister at Pekin, which contained the real views of the representatives of the four great European Powers in China, namely Russia, France, America, and England—and which despatch had been presented as an official communication by the American Secretary of State to Congress. He (Colonel Sykes) came to a knowledge of the existence of Mr. Burlinghame's despatch in this wise. The Under Secretary for Foreign Affairs on a recent occasion had quoted a passage from Mr. Burlinghame's despatch to the American Secretary of State. To verify that quotation he (Colonel Sykes) consulted the despatch in the library, and to his amazement found reports of lengthened conversations between Mr. Burlinghame and Sir Frederick Bruce on the desirableness of the great European Powers pursuing a neutral policy in China—Russia and France entertained the same views. Mr. Burlinghame asked, whether Sir Frederick Bruce would inform the British Government of the views held in common, and his reply was, that he would not only do so, but give Mr. Burlinghame a copy of the despatch on the sole condition that it was not published in America until it had been published in England. It was for this despatch, part of which had been quoted for his own purposes by the Under Secretary of State for Foreign Affairs, and the rest suppressed, that he Colonel Sykes had asked and was told that it could not be produced without injury to the public service, although Congress had been informed of Sir Frederick Bruce's despatch and of its contents. He (Colonel Sykes) would read to the House some passages in Mr. Burlinghame's despatch of the 20th of June, 1863, and the House would then see, that the policy proposed was that which he (Colonel Sykes) and other Members had advocated in the House of Commons for the last four years. Mr. Burlinghame says—

"I expressed a warm desire that he (Sir Frederick Bruce) would present them (his views) to his Government, that they might become the basis of our future co-operation."

Mr. Burlinghame went on to say—

" He accordingly wrote the powerful despatch marked A, which he communicated to me for my private use, and which, with his permission, I send to you confidentially, with the most positive request that it is not to appear until it is first published in England. The three Ministers hailed with delight this frank avowal. The policy upon which we are agreed is briefly this, ' That while we claim our treaty right to buy and sell and hire in the treaty ports, subject, in respect to our rights of property and person, to the jurisdiction of our own Government, we will not ask for, nor take concessions of territory in the treaty ports, nor in any way interfere with the jurisdiction of the Chinese Government over its own people, nor ever menace the territorial integrity of the Chinese Empire. That we will not take part in the internal struggles in China, beyond what is necessary to maintain our treaty rights. That the latter we will unitedly sustain against all who may violate them.'. To this end we are now clear in the policy of defending the treaty ports against the Taepings or rebels, but in such a way as not to make war upon that considerable portion of the Chinese people by following them into the interior of their country. In this connection, while we feel desirous from what we know of it to have the rebellion put down, still we have come to question

> the policy of lending Government officers to lead the Chinese in the field, for fear of complication among ourselves growing out of the relations to the employed, &c. That while we wish to give our moral support to the Government at the present time, the power in the country which seems disposed to maintain order and our treaty rights, we should prefer that it would organize its own people as far as possible for its own defence, taking only foreigners for instruction in the arts of peace or war, and these as far as possible from the smaller Treaty Powers."

Other parts of the despatch are worthy of the attention of the House; and it is to be lamented that with a knowledge of its contents the noble Viscount should justify our breaches of neutrality. It was stated by the noble Lord at the head of the Government that the Taepings had roasted four Europeans; but there was testimony from a person in China to the effect that those four persons said to have been roasted in December were alive in January. In contrast with the assertions made of the desolation which accompanied the march of the Taepings, he directed the attention of the House to the following description by Dr. Legg of the proceedings of the Imperialists. Dr. Legg is a most highly respected Missionary, who has been many years in China, and his letter is dated 1st October, 1862. He says—

> "It behoves the British Parliament—the British people—to look to the new complication of affairs in China, to look it fully in the face. If we are to pacify the Empire, we shall require 50,000 troops, and may then find again that we have undertaken more than we are equal to. But, I ask, in whose interest are we to put down the rebellion? Hitherto, Admiral Hope has been acting in the interest of the Imperial Government. Now, I protest against our putting down the rebellion on behalf of the Imperial Government on two grounds. The first is, the ground of its cruelty. I have read harrowing accounts of the devastations of the rebels—how the country is blasted by their march. The accounts are, no doubt, true. But I have seen also the ways of the Imperial braves, and kept company with them for hours together. Their march over the country was like the progress of locusts and caterpillars. Their thirst for blood was quenchless; their outrages on the young and old were indescribable. On the score of cruelty the case must be about equal, inclining to the Imperialist side, if we may judge on the principle that the more cowardly are the more cruel."

Well, but the noble Viscount and others assert that the Taepings are desolators. Now I would make an appeal to the common sense of the House. If they were the desolators described, alighting like a swarm of locusts, and having destroyed the country taking a new flight and only alighting for more desolation, surely a most important article of export from China—namely, silk, could not have increased. There is, probably, no article of produce that requires more careful, persevering, and peaceful manipulation than the whole processes of silk production, from the hatching of the eggs, rearing of the worms, cultivation of the mulberry tree, and winding of the silk, to the bale packing; and yet the silk districts since they fell into the hands of the Taepings on the 26th of May, 1860, by the capture of Soochow, have annually sent an increasing amount to the Shanghai market, for I hold in my hand not only the annual Returns of the export of silk from Shanghai, but the monthly Returns. I will not enter into details, but give the general results for a few years past. In 1853, when the Taepings captured Nankin, the export from Canton and Shanghai was 25,571 bales, in 113 vessels. In the year 1851-2, the year before the Taepings captured Nankin, the export of silk from Canton and Shanghai was 23,040 bales, in 117 vessels. In 1857-8 the export from Canton and Shanghai was 60,736 bales, in 149 vessels. In 1860, when Soochow was taken by the Taepings, the export from Shanghai alone had risen to 69,137 bales; and, in the year 1862-3, to the 31st of May, the export was 83,264 bales; and for the last and present year, since Soochow was treacherously obtained from the Taepings by Major Gordon, the export of silk has fallen off to 44,000 bales, owing to the plunder of the country by the Imperialists, by the aid of Gordon and the British authorities; and yet, in the face of these facts, the friends of the Imperialists have the hardihood to assert that the Taepings are only hordes of banditti and ruthless desolators.

MR. GREGSON said, he was satisfied with the noble Lord's declaration, that the Order in Council had been withdrawn, and that the policy of the British Government would be confined to defending the treaty ports and defending British life and property, and would not be in any way directed to hostilities against either party in China. The expedition of Captain Osborn had, as stated by the hon. Member for Montrose, failed; but he regretted that that was the case, for its purpose was a noble one. The Chinese Government were very sincere in their application for that force, and promptly remitted the whole of the money to pay for the ships; but afterwards some interference took place on the part of the officers of the Chinese Government, and Captain Osborn would not submit to be placed under any Chinese authority. He must say that he regretted that the Chinese Government had not acted more consistently with their first intentions; for he believed that the valuable assistance which Captain Osborn's expedition might have afforded would have been of the greatest benefit to China. With regard to the silk districts, to which the hon. and gallant Member had just alluded, it was his opinion that they had been destroyed by the Taepings.

MR. KINNAIRD believed that Admiral Hope had the utmost desire to act with perfect good faith towards the Taepings, but experience showed that those people would not keep faith themselves. He concurred in thinking that Captain Osborn's expedition would have been of great benefit to the Imperial Government, and of great advantage to our trade in clearing the rivers of pirates; but, under the circumstances, Captain Osborn acted with great discretion in withdrawing his ships, though that step was a great loss to the Imperial Government in China.

THE ASHANTEE WAR.

QUESTION.

SIR JOHN PAKINGTON: According to my notice, I rise to ask from Her Majesty's Government some explanation with regard to the war in which this country is engaged with the King of Ashantee—a subject which requires explanation no less than the more important question of the state of our relations with China which has just now been under discussion. I very much doubt if many hon. Members were aware of the fact that we are at this time engaged in a war with Ashantee, until a question relative to it was put the other night by the hon. and gallant Baronet the Member for Wakefield (Sir John Hay). At that time I did not consider the answer of the right hon. Gentleman the Colonial Secretary was quite satisfactory; and since that time I have not only seen some very interesting and remarkable letters and statements in the public papers, but I have myself received private communications relative to the subject, and I have also had an opportunity of reading some private letters, which have convinced me that the time is come when the serious attention of Her Majesty's Government ought to be directed to this subject, and when Parliament has a right to expect that some information should be given regarding it. I want to ask, what are the causes and what are the objects of this war—if war it can be called—in which, according to the information which I have received, our brave countrymen are being sent to die, not by the hands of the enemy—for an enemy they have never seen—but through the effects of exposure to the deadly and pestilential climate of that country? Statements have reached me, which I hope will be contradicted, that it is the intention of Her Majesty's Government—or I might say of the Government of Cape Coast Castle rather than of Her Majesty's Government, for I almost doubt if Her Majesty's Government are very fully informed of what is going on in that country—I understand it is the intention of the local Government to invade the territory of the King of Ashantee, a prince who, I believe, has always evinced a friendly disposition towards the people of this country, for the purpose of taking possession of his capital. If this be a true story, I think that of all the wild visionary schemes I ever heard of this seems one of the most hopeless and impossible. I have heard that the King of Ashantee has at his disposal a very considerable army; but whether he has or not, I believe his natural position makes him entirely independent of the services of any army—at all events, to resist our attack; for he can have no army so strong nor any fortress so impregnable as the dreadful climate and the pernicious atmosphere that prevail over the 150 miles which lie between his capital and the sea coast. The accounts which have reached me—I may be told the facts are exaggerated, but of that I cannot judge; I can only give them as I have them—are that the effects of this climate on the European constitution are of a most peculiar and painful kind. Life appears to be worth in the interior of the country not more than three weeks' purchase. When the dreadful disease of the country attacks an European the too deplorable consequence is loss of life. And another most painful peculiarity is, that in those cases in which life is not sacrificed reason very often is sacrificed, and many of our officers are said to have left that country in a state of idiotcy the most painful and depressing. Another peculiar fact is, that the negroes who have been bred and reared in the West Indies appear to suffer as much from the effects of the climate as Europeans. I have seen a gentleman who lately left that country, who informed me that the wing of a negro West India regiment taken there in order to aid in the prosecution of this distressing war, numbering 700 strong, was landed on the Gold Coast, and five days after no fewer than 120 of these 700 negroes were *hors de combat.* I will only mention one other fact to illustrate the hopeless circumstances under which this war must be carried on. It is well known that the interior of the country is still more pestiferous and deadly than the coast; but in order to prosecute their idea of invading the territory of the King of Ashantee, I am told that a force of 400 men was sent 100 miles up country, and encamped on the banks of the river Prah. Out of that number, when the accounts I received left, 200 of these troops were *hors de combat,* and there were not, I was assured, more than eighty who could, in case of an action coming on, carry a musket into the field; out of nineteen field officers fifteen were disabled. These are most painful facts, and it is obviously the duty of the Government to take some steps in the matter. Brave men ought not to be exposed to such a dreadful fate. The letters I have seen have been written by officers attached to our forces, and more touching—more distressing letters I have never read—letters written by men with a spirit of endurance and calm resignation honourable to our army, but by men who felt they were sent to die an inglorious death. One officer, in writing to his family, said that he almost wished he could be exposed to a volley from his own company, for he should then know the worst; but no man could anticipate the horrors of being quartered in this deadly climate for an indefinite period. And then let me ask what is the expense of this war? I have heard it calculated that the military expenses of this absurd expedition is not less than £1,000 a day, and from reliable information I have received I should say the outlay must be at any rate from £12,000 to £14,000 per month. I hope the Government will be able to give a satisfactory explanation in regard to this subject; and to offer some assurance that this folly—I may say worse than folly—will be put a stop to. I trust the language of the right hon. Gentleman may afford some comfort to the many unhappy persons in this country who are daily expecting to hear of the sacrifice of dear friends or relatives in Africa, who have perished not like soldiers in the field, but under the fatal effects of a horrible climate.

Mr. CARDWELL: I entirely recognize the justice of the appeal which has been made to me, that I should state fully and frankly to the House all that I know on this subject. I am also glad that the right hon. Baronet has taken the opportunity of introducing the topic on the Question of the Motion for Supply rather than by a Question in the usual form, because I am thereby enabled to give a fuller explanation than I could have given to a Question to which the rules of the House permit only a categorical answer. The state of the case is as follows: As hon. Members are aware, the British forts on the Gold Coast constitute the whole of the actual possessions of the British Crown in those parts; but there is a wide territory, extending for some seventy miles up the river Prah, which separates what is called the British Protectorate from the territory of the King of Ashantee. In December, 1862, the Governor of the Gold Coast wrote to the Duke of Newcastle that the King of Ashantee had demanded the surrender of two persons fugitives from his dominions. One was a boy—an escaped slave—and the other was an older person, charged with having misappropriated a piece of rock gold, which by the law of Ashantee is the property of the Sovereign, and has to be accounted for to the King of Ashantee. The Governor of the Gold Coast examined into the allegations against the two fugitives, and found that there was not a tittle of evidence that either had been guilty of any crime which would justify his being given up to the King of Ashantee. There was, on the contrary, abundant reason to know that death was the fate that awaited them should they be surrendered. He accordingly declined to surrender these fugitives, saying that if he did so their blood would be on his head—a feeling in which I believe every Member of this House will sympathize, for no one would wish to see fugitives who have sheltered themselves under the protection of the British flag surrendered under such circumstances. The conduct of the Governor received the approval of the Duke of Newcastle. In the spring of 1863 a force of the King of Ashantee invaded the protected territory. They were met by forces partly organized and commanded by British officers and partly consisting of Native troops. The army of the King of Ashantee extended its ravages to within forty miles of the British possessions on the Gold Coast. About thirty towns or villages, as they are there called, consisting of Native settlements, some very small, and others comprising several hundred families, were destroyed. Many lives were sacrificed, and much agricultural produce was carried off. In the autumn of 1863 the Governor announced that the Ashantee forces had retired, threatening, however, to renew their incursions into the British territory as soon as they had planted their own crops. As a measure of defence the Governor suggested to my noble Friend that he should be authorized to carry on war, if necessary, across the river Prah, and attack the territory of the King of Ashantee. To this request my noble Friend gave his assent in terms which I will read to the House—

> "The principle of all military proceedings on the West Coast of Africa should be that of defence, and not of aggression. It is upon this principle alone that the Governors are authorized to make war, and no invasion of neighbouring territories can be sanctioned, unless it can be shown that it is really a defensive measure, safer, less costly in blood and money, and more likely to be decisive in its results than waiting for an attack which is being prepared. . . . His Grace feels, therefore, that he cannot refuse to Governor Pine a conditional authority to strike a blow within the Ashantee territory, if such a blow can be struck without making any other or further advance than, in his own opinion and that of the officer in command, may be consistent with the utmost consideration for the safety of the troops."

I am prepared to lay the whole document on the table, but I have read that passage in order that it may be seen that the principle authorized by my noble Friend was defence not aggression, and that no aggression on the territory of the King of Ashantee was contemplated by him. Re-inforcements were ordered to be sent from the West Indies to assist the Governor of Cape Coast Castle in the proposed expedition, and every precaution was taken to secure the health and wellbeing of the troops, so far as having a first-rate commissariat, medical aid, and proper means of transport was concerned. When a Question was put to me the other night by the hon. and gallant Member for Wakefield (Sir John Hay) this was the amount of the information which had reached the Colonial Office—that our military commander was on the Prah, waiting for re-inforcements, which he expected, but which had not reached him, from the West Indies, and that on their arrival he intended to begin the operations authorized by the Duke of Newcastle. Since that time, however, we have received another mail from the West Coast of Africa; and now I have to relate the story up to the latest advices. Last year the rains were unusually light, but whereas they commonly begin in May, this year they set in with unusual violence and severity in March, and the consequence was that the transports with re-inforcements from the West Indies had not reached the Gold Coast when the rains began. With the rains came sickness, and with sickness came the necessity for sending back to the coast all the troops which had been gathered upon the Prah for the purpose of making the intended expedition into Ashantee, excepting those companies—three in number—which were left to protect the stores and provisions collected upon the banks of the river. The last despatch I received from Governor Pine, dated April 5, contains a statement to the effect that he was afraid it would not be practicable to leave those companies upon the Prah, and the last despatch of all that has reached me, written only two days later, was not from Mr. Pine himself, but from an acting Governor, and it informed me that the Governor not having been able to carry into effect his purpose of having a personal conference with the military commander as to the state of affairs and the proper measures to be taken, had been compelled to take a cruise in the *Rattlesnake* for the restoration of his health. Such is the state of information in which we find ourselves placed by the last mail. I may be fairly asked what is the course we intend to take in these circumstances? The last mail, as I have said, has only reached me within the last few days; but since its arrival I have been in communication with my noble Friend at the head of the War Department, and also with his Royal Highness the Commander-in-Chief, as to what ought to be done in the present state of affairs; and now I have to inform the House that the determination at which we have arrived, and which I propose to announce to the authorities on the spot by the mail which leaves England on Monday next, is this—that transports shall be immediately despatched to remove from the Coast troops to the amount of those who have recently been sent there, so that the number may be reduced to that which can be accommodated with the means ordinarily available upon the Gold Coast, due regard being had to health and comfort; that the forces shall be altogether removed from the interior; that the stockades which have been erected shall be handed over to the Native chiefs interested in the protection of the country; and that the stores shall be removed so far as the circumstances of the case may render it practicable to do so. I believe, however, it will not be any considerable pecuniary sacrifice to give those which cannot be removed to the friendly Native forces which may be told off to garrison the stockades erected on the banks of the river. But even if such an act did involve a considerable pecuniary sacrifice, I am sure the feeling of the House will be that a sense of duty would compel us to incur it rather than to put in peril the lives of our officers and men in such a climate. I have stated what was the origin of the war. I have stated what were the views and objects with which my noble Friend the Duke of Newcastle sanctioned an incursion on our part into the territory of the King of Ashantee, and that it was not any aggression upon the territory of the King of Ashantee. I have stated that he had no intention to undertake any war of conquest or of vengeance; that his only desire was to ward off a threatened attack, and that no measures have been taken except with that view. With respect to what has occurred since I have had the honour of filling the office I now hold, I have stated the contents of the mail received only a few days ago, and have informed the House that, in conjunction with the War Office and the Horse Guards, I have taken measures for withdrawing our troops from the interior of the country and placing the defence of the Prah in the hands of those Native chiefs whose duty and interest it is to protect their own territories from hostile incursions. We also propose, as far as possible, to provide for the safety, health, and well-being of our troops on the Gold Coast. Though it is impossible to speak with any certainty as to unknown and unforeseen occurrences, I entirely sympathize with the feeling that it is not our duty to make expeditions into the interior in such a climate as that of Africa. We have no desire whatever for any extension of territory; we have no wish to make wars of conquests or of vengeance; and as the rains have put an end to the late warlike preparations, so it is not our intention to renew them for the purpose of invading the territory of the King of Ashantee. I have already presented a Return, which, so far as I know, will give the information asked for by the right hon. Gentleman, but if any further information is required I shall be most happy to furnish it.

Sir JOHN HAY said, he was sure it would be extremely satisfactory to the House to know that the war with the King of Ashantee was about to terminate. He was afraid, however, it would not terminate with either honour or advantage to our arms. It appeared to him that some blame attached to the Government for the want of provision for the troops sent to the hot climate of the Gold Coast. The Colonial Secretary had talked of having sent an excellent commissariat officer to Cape Coast; but it was not possible to provide supplies for British troops in such a country, and the excellence of the officer would hardly make up for the want of food. He knew from personal experience that cattle could not live on the Gold Coast, and that it was necessary to kill and salt them as soon as landed. In that hot climate, where a fourth of our men were within a short period laid up with dysentery, how was it possible to feed them with salted provisions? He trusted measures would immediately be taken to remove our officers and men to some climate in which they would have a chance of being restored to an effective state. There was one point upon which the Colonial Secretary had not touched. At present the friendly Native forces were subsidized to assist us in the Ashantee war. He was informed, however, by persons recently returned from the spot, that the chiefs never expressed any desire for the protection we were affording them, and that they were only induced to aid us by liberal pay. He was also informed that the value of all the villages destroyed by the Ashantee forces, which appeared so formidable to English notions, did not exceed £400, and that the friendly Native chiefs would rather have that sum paid in money than the defence and protection of our arms. If that information were correct, the House would probably agree with him that the payment of £400 would be far more economical than either the prolongation of the war or the continuance of the subsidy to the Native chiefs.

Main Question put, and *agreed to.*

SUPPLY — CIVIL SERVICE ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

The following Votes were *agreed to:*—

(1.) £517, to complete the sum for Embassy Houses, &c., at Paris and Madrid.

(2.) £3,201, Embassy Houses, &c., at Constantinople.

(3.) £75,000, New Foreign Office.

Mr. AUGUSTUS SMITH said, in the present thin state of the House, he doubted whether it was proper to proceed with the discussion of the Estimates, that the Estimate for this work had been increased since last year from £200,000 to £228,000, and there was an extra item of £4,899 now brought forward for the first time for abortive designs. He supposed that those designs had been prepared on the sole authority of the Board of Works.

Mr. COWPER said, that last year, when the Estimate for the new Foreign Office was brought forward, he stated to the House that the sum of £200,000 was the total amount which Mr. Scott, the architect, reckoned the erection of the building would cost. Since then, however, tenders had been received, the lowest of which amounted to £223,516. He stated at the time that the sum he named was the best estimate which Mr. Scott could furnish, but that the only real test would be the tenders. He did not now think that they had any reason to find fault with Mr. Scott's estimate, which he believed would have turned out correct if the work had been executed at the time it was made. But since then the price of labour and materials had risen in the market, and that fact accounted for the tender being higher than the estimate. The item of £4,899 charged for "preliminary expenses of designs for a Foreign Office which were not adopted" was not submitted to Parliament before because Mr. Scott abstained from sending in his claim until a final decision had been come to with regard to the Foreign Office. In that item was included the charge for the designs prepared by the direction of his predecessor the noble Lord opposite (Lord John Manners) in the Gothic style, which style the House, after full consideration, deliberately determined to reject. That rejection, however, did not deprive Mr. Scott of his right to fair remuneration for his labour, because his designs enabled the House to judge of what would have been the character of the building in case they had adopted the Gothic style.

Mr. W. WILLIAMS asked when it was likely the new Foreign Office would be finished, and the enormous cost of hiring temporary accommodation put an end to?

Mr. AUGUSTUS SMITH wished to know whether he was to understand that £5,000, in round numbers, had been expended without any previous sanction from that House, in preparing designs that were not adopted. That mode of bringing forward items of charge incurred four or five years ago was highly objectionable. There was very little check or control exercised by the Treasury over the expenditure of the offices immediately subject to it, and more particularly of the Board of Works. Indeed, as a check in these matters, the Treasury seemed of very little use. He thought that it would be extremely improper to proceed with the Estimates in so thin a House, and moved that the House be counted.

Notice taken that 40 Members were not present; Committee counted, and 40 Members not being present,

Mr. Speaker resumed the Chair.

House counted, and 40 Members not being present,

House adjourned at half after Seven o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 23, 1864.

MINUTES.]—Public Bills — *First Reading—* Admiralty Lands and Works * (No. 88); Summary Procedure (Scotland) * (No. 89).

Second Reading— County Courts Act Amendment (No. 70).

*Third Reading—*Under Secretaries Indemnity * (No. 77); Common Law Procedure (Ireland) Act (1853) Amendment * (No. 51).

THE REGIUS PROFESSORSHIP AT OXFORD.—OBSERVATIONS.

The Earl of DERBY:—My Lords, when a charge has been made in your Lordships' House affecting an individual or a public body, your Lordships are always willing to afford an opportunity of explanation. If it be true that the greater the authority from which the attack proceeds the greater is the injury done, I feel certain that I need not further apologize for adverting to a statement which was made in this House, by no less an authority than the noble and learned Lord on the Woolsack, with reference to a breach of faith alleged to have been committed by the University with which I have the honour of being closely connected—the University of Oxford. I am quite aware, and the University gratefully acknowledges, that the noble and learned Lord has been, on all occasions, actuated by the kindest feeling towards the University, and they recognize this feeling in the effort he has made to provide for the endowment of the Regius Professorship of Greek, and thus relieving the University from an embarrassing difficulty. For that reason I the more regret that the noble and learned Lord should have let fall expressions which went further than the impression he intended to convey, and which were certainly highly disparaging to the University of Oxford. The noble and learned Lord's words were—

> "The best mode would undoubtedly be for the University to do that which justice and reason pointed out, and which, in fact, good faith dmanded, for the University had received great gifts from the Crown, with the understanding that the duty of endowing public Professorships should be fulfilled on their part."

On the second reading of the Bill, the noble and learned Lord is reported to have said—

> "The University of Oxford had received certain pecuniary exemptions on the understanding that it would make proper provision for its Professors. It had got an exemption from stamp-duties on its degrees; it had got an exemption with regard to patent fees to the amount of £12,000 or £14,000 a year."

Now the latter part of that paragraph is a manifest error, and upon referring to *The Standard* of the same date I find the following passage:—

> "Their Lordships were aware that the University had received great pecuniary benefits on the understanding that they would make proper provision for the Professors. First of all, they enjoyed an exemption from stamp duties on degrees; the University was also exempted from the patent of the Queen's Printer—a benefit amounting in value, he was informed, to £12,000 or £14,000 a year."

I think the noble and learned Lord is mistaken as to the amount, though there is no doubt that the privilege of being exempt from the patent of the Queen's Printer has been very valuable. The question is whether the grants which have been made to the University have been made on the understanding or for the purpose of empowering the University to endow Professorships and pay salaries. I may remind the House that it is only within a comparatively recent period that the professorial system has come into actual operation. When I was an undergraduate, although there were Professors for various branches of education, the whole business of the University was carried on by the tutorial and not by the professorial system, and I will undertake to say that at that time not one undergraduate out of a hundred was aware of the existence of a Greek or Latin Professor. I do not deny that the Universities have accepted great emolument from the Crown; but what I complain of is that they have been charged with not fulfilling the engagement or understanding upon which they accepted that emolument. The noble and learned Lord certainly gave an explanation which could not be offensive to the University; but certainly it was not the impression made on your Lordships and on the public; and in order to show the impression produced elsewhere, I will, with your Lordships' permission, quote an extract from an article which appeared in *The Times*—

> "It is scarcely sufficiently remembered in discussing the question that the University is actually bound as a mere matter of good faith, as it has been put by the Lord Chancellor without contradiction, to provide the endowment for this Regius Professorship. The Crown some few years ago abandoned stamp duties on giving degrees and other occasions to the amount of more than £12,000 a year, and the reduction was made on the clear understanding that the University would undertake the endowment of the Regius Professorships still insufficiently paid. . . . The Crown, in point of fact, has given the University a large sum of money on the understanding that a portion of it shall be applied to this purpose; and to refuse to supply it is, to say the least of it, a breach of faith."

I do not complain of this article, provided the facts are correctly set forth; but I deny that they are correctly stated, and with your Lordships' permission, I will proceed for a very few moments to point out how the case actually stands, and what are the engagements which were entered into by the Universities in consequence of the endowments from the Crown. The exemption was originally made in the time of Charles I., and has continued ever since in both the Universities. Up to this hour, however, I have never understood that the grant was made subject to any obligation for the endowment of any Professorship whatever. That disposes of the largest part of the charge of the noble and learned Lord. By confounding two things, the noble and learned Lord has given a colour to the charge—that, inasmuch as the University has not endowed a certain

Professorship, therefore they are liable to the imputation of breach of faith, because in the cases of other endowments where there has been a distinct engagement, that engagement has been acted upon. The facts as to the remission of the tax upon matriculations and degrees are these. In 1815, when every possible subject for taxation was eagerly sought after, a stamp duty was for the first time imposed upon matriculations and degrees. After enduring for forty years, the tax was remitted in 1854, upon the recommendation of the University Commissioners. The tax only produced about £2,400 a year, and it was then remitted. But there was a great difference between presenting to the University a sum of £2,400 a year, and simply taking off a tax with which the University had been burdened for forty years. This remission of taxation has been put forward as a gift to the University, in consequence of which that body undertook to perform certain engagements. It is quite true that when that tax was taken off, the University did accept certain conditions, and did consent to be charged again with certain fees. The University was to pay certain sums to certain Professors. Those sums were originally charged upon the Civil List, but were subsequently placed in the annual Votes made by Parliament. The total sum voted by Parliament for those Professors was £953 a year. The first act of the University after the remission of the stamp duty, was to make a corresponding reduction in the amount of fees payable upon matriculations and degrees, thus deriving for itself no benefit from the remission of the tax. But the University also undertook the duty of providing the £953 a year to the Professors, and in the Act of Parliament passed in 1854, it was provided that the stamp duties should be remitted as soon as due provision had been made for the payment of the Professors of the University. That was a distinct obligation, subject to which the stamp duty was given up. The University in fulfilment of that obligation, has, in addition to the £953 which it undertook to provide, actually paid to the Professors a sum of £1,250 a year, thus more than doubling the contribution they had undertaken to make. The University has also endowed other Professorships to the extent of £1,750 a year. We have the clearest evidence, that of Parliament, that the University has fulfilled the obligation which it took upon itself. In the preamble to the Act of the 18 & 19 *Vict.* c. 36 it is declared—

> "And whereas by a statute of the said University adopted by Convocation the 31st day of May, 1855, provision has been made for the payment out of the University chest, of the salaries and allowances to certain Professors of the said University, mentioned in the schedule to this Act (being the same salaries and allowances as were heretofore annually voted by Parliament to the same Professors), and the Commissioners of Her Majesty's Treasury are satisfied that such statute is a due provision in lieu of the moneys heretofore voted annually by Parliament, as intended by the said Act; be it enacted," &c.

I think I have shown your Lordships that there was no understanding, engagement, or condition as to the endowment of this, that, or the other Professorship—that there was never any obligation, except the generally implied obligation of supplying a University education. I have shown that when the stamp duty was remitted, the duty which the University took upon itself has been more than fulfilled. It is, therefore, hard upon the University that the noble and learned Lord, with his high position and great authority, should have used expressions—stronger, perhaps, than he intended, but which conveyed a wrong impression to the House, and to the public through the columns of the newspapers, and especially of that journal which I believe has a wider circulation than any other in the world; and this has given to *The Times* ground for introducing into a leading article a specific charge against the University of having received money upon the promise of performing certain acts, which acts they have not performed. If such a charge could be substantiated, I should not be so proud as I am now of my connection with that University; but I think your Lordships will agree that the statement I have made relieves that body of an imputation of bad faith which, coming from so important a source, could not fail to produce a very bad impression upon the public mind.

The LORD CHANCELLOR: My Lords, I would be the last person to desire to bring any charge against the University of Oxford. Even if a charge were well founded, I would rather cast a veil over the offence than expose it to the public view. I am sorry that the noble Earl has entered into this matter at such length, because it might have been sufficient to have withdrawn the words attributed to me — I cannot tell why or wherefore—as imputing to the University of Oxford that they had violated a distinct understanding. I certainly did not use any such words. It is difficult to rely upon words spoken in debate; but, subject to correction of the noble Earl's recollection and the reports in the newspapers, I may say that it never entered into my mind that in respect to any of the gifts to the University there had been anything like a distinct understanding or compact with the Government or with Parliament. But if the noble Earl means to put it that because there was no understanding therefore there was no obligation, I must take the liberty of saying that a greater error cannot exist. The understanding in these matters would be the obligation to do that which it is the duty of the University to do. I speak upon this matter with some anxiety, and desire, if possible, to speak with the same care as though I were speaking from the bench of the Court of Chancery. The nature of the obligation, and the manner in which it has been carried out by the University, can be gathered from the statement of the noble Earl. The University has fulfilled its duty by endowing every Professorship but one — the Professorship of Greek. Has the University recognized no duty in making those endowments? Has the University any justification for not endowing that Professorship? and, if so, on what does that justification rest? Is it a right thing to have a Professor performing his duties in an eminently satisfactory manner, and yet to endeavour to starve him out of the University? Is it a becoming thing in the University to say we will punish you for your heterodoxy by refusing you a just remuneration for your labour? Is it a becoming thing in the University to take advantage of the labours of a Professor in instructing the youth committed to its care, and be obliged to acknowledge that those labours are performed in a manner unexampled for industry, care, and success, and yet to refuse him the common rewards of his toil? Now, let me show your Lordships what is the nature of the obligation into which the University has entered. The noble Earl has stated quite correctly, that the original gift to the University was by patent enabling them to print every description of book, and that this has been considered by courts of justice to operate as an exception to the patent of the Queen's Printer, and to give the University the power of printing the Bible and Prayer Book. By the law as it now stands for the general security of the commonwealth and for the security of religion, what I may denominate the copyright of the Old and New Testament is vested in the Crown. The Crown is in the habit of granting it to the Queen's Printer; but in the time of Elizabeth a grant was made to the University of the right of printing and publishing every description of book. I think the words used are, *omnimodum librum.* A Question subsequently arose between the Queen's Printer and the University of Cambridge, as to whether the antecedent patent to the University was overruled by the patent of the Queen's Printer, and there was a remarkable letter in the first volume of *Burns' Ecclesiastical Law* from Mr. Justice Foster, one of the Justices of the King's Bench, to Sir William Blackstone, who was then Vinerian Professor of Common Law at Oxford, in which he explained the reason of the decision then given. He says—

> "I thought it would be agreeable to you to know the issue of the cause. The word 'intrusted' was inserted by way of intimation to the University, that we consider the power given by the letters patent as a trust reposed in that learned body for public benefit, for the advancement of literature, and not to be transferred upon lucrative views to other hands."

Now, if the University has received what the noble Earl states to be £12,000 a year—

THE EARL OF DERBY: I said, on the contrary, that the amount had been exaggerated.

THE LORD CHANCELLOR: I beg pardon. I do not mean to fasten anything on the noble Earl; but the amount is generally supposed to be £12,000. But we will take it at £10,000. If the University has received £10,000 a year for the advancement of literature upon trust for the public benefit, and refuses to remunerate the labours of a Professor in order to starve him out of his heterodoxy, as it is called—that heterodoxy not at all interfering with his appointment — is it to be said that injustice has been done to a public body acting thus? I grieve to say so—because it was stated that what it had done was inconsistent with good faith, with justice, and with reason. Now, let us examine this a little. If you violate a trust, do you act with good faith? Will the noble Earl give an answer to that question? If the trust which attaches itself to all these benefits be violated, has the University preserved good faith? Are we to have the University vindicated on the special plea that there was no understanding?

If I receive money for performing a duty and say nothing, am I exempted from duty on the special plea that there was no understanding? Is that the language, feeling, and conduct of a man of honour? Is this the ethical lesson to be taught by the University charged with the duty of educating and instructing the youth of England? Is that to be the doctrine held up for the sanction of this House, the great court of appeal of the nation? I am sorry the defence of the University rests on no better ground. There is an old proverb that we should abstain from stirring up *quod non bene olet.* I wish the University had thought of this before they came here with such a defence. There is no greater duty of the University than that they should so conduct themselves as to impress those who come to them for instruction with a sense of their justice and their earnest desire to reward the instructors of youth. There is not a single Professor who is not endowed except this. There is not one who has so great a claim. And yet what does the University do? It drives young men in crowds to the chambers of this Professor, who are all most deservedly attached to him, and one of the greatest bonds of union between them is the sense of injustice with which he has been treated by the University. Is that consistent with reason? Let me for one moment call your attention to the manner in which this matter was put to the University itself. I have here an argument used before it, and with your Lordships' permission I will adopt a few words of it as a portion of my answer to the noble Earl. "But if we are told," says the speaker, "that a person who takes an office, ill paid (or rather not paid at all), yet having attached to it great, useful, and important functions (as a Professorship of Greek in this University has, for it is a disgrace and a blot on the University that it has never yet had a properly endowed chair of Greek); if we are told that such a person undertaking and discharging those functions and doing us thereby great, useful, and important services, doing for the University that which is really necessary should be done, has no claim on us whatever—if that is justice, I say that it is a kind of justice which may do for an attorney's office perhaps, or for a Government Department, but which is so narrow, so technical, I must add so ungenerous, that any man would be ashamed to act on it in private life, and I hope we should be ashamed to insist upon it here." And that is good faith. You would be ashamed to refuse a man the reward for his labour, and take shelter in this, that you had employed him, but there was no understanding between you. That is what the University has done. Now, I leave the issue to your Lordships. But of this I am confident, that we do no injustice to the University in holding it up in its proper colours; because I am sure there are within and without the University faithful and devoted sons, who will see her rescued from this reproach. The noble Earl will permit one word more, and that is, to do an act of ordinary justice. When I brought forward this measure, let me assure you, I had no communication whatever with the Professor of Greek. I go farther—when that learned gentleman saw the Bill after it was brought in he wrote, through the medium of a friend, to me; and said, "I do not desire that this measure should be prosecuted. I would rather trust the University. I am content to go on labouring as I now labour; and I will trust to the University doing me justice in the end." The right rev. Bench will tell me whether that is not language conceived in a more Christian spirit than the proceedings on the part of the University. I am happy to add this remark to the unanimous testimony which is borne to the excellence of the learned Gentleman. I have thought it right to mention this, in order that your Lordships should not suppose that a measure, intended for the good of the University, had been brought forward on the authority, or with the sanction and for the benefit of that individual Professor.

THE EARL OF DERBY: I did not state that the measure was not introduced for the advantage of the University. I did not enter into the question how far it was desirable that the University should make a grant to the present Professor of Greek. I only said it was quite sufficiently known on what grounds they had, whether wisely or not, decided. But what I did complain of was the statement made by the noble and learned Lord; and though he says he did not make use of the expression, it is singular that, in the reports of two successive debates, papers not at all connected with each other should have attributed it to the noble and learned Lord — namely, that there had been a distinct understanding on this subject, which had been violated by the University.

THE LORD CHANCELLOR: If I made use of the words I decidedly withdraw them.

THE EARL OF DERBY: I am quite satisfied now that the noble and learned Lord has withdrawn the words as publicly as he made the charge. I only regret that he should have taken the occasion of the University wishing to protect themselves against what they felt to be a most unjust imputation, to make a fresh attack, and by implication repeating the charge which he in so many words repudiated. I cannot help thinking that the noble and learned Lord would have done better if he had frankly stated that he had not charged the University with any violation of an engagement or understanding.

THE LORD CHANCELLOR: The noble Earl will pardon me for a moment. I distinctly charged the University with a violation of trust, but I certainly did not use the word "understanding."

THE EARL OF DERBY: With all respect, I must say that the noble and learned Lord has failed to show that the University has been guilty of any violation of trust. The words which the noble and learned Lord read to the House specified what was the kind of trust in question, and then the noble and learned Lord assumed, that because for particular reasons a certain Professorship has not been endowed, therefore the University has violated the general conditions of that trust, which referred to the promotion of literature and science, and the education of the young men committed to its care. I say the trust was so general in its terms, and the University has carried out its conditions so fully and literally, that the University ought to have been free from the censure which the noble and learned Lord has thought himself justified in passing upon it while professing to withdraw words which have naturally given great dissatisfaction, and which have led to representations in the public press that I hope the present conversation will satisfy the country at large were unfounded, and that certainly exaggerated even the view expressed by the noble and learned Lord, and, still more, I am willing to believe the real opinion entertained by him.

EARL GRANVILLE: My Lords, I entirely dissent from the rebuke which the noble Earl has thought fit to bestow upon the noble and learned Lord on the Woolsack. In the opinion expressed by the noble and learned Lord, that the obligations of justice have not been fulfilled by the University, I am sure most of your Lordships will concur. I think that this debate will lead to some practical benefit. My noble and learned Friend brought forward a measure which your Lordships have decided to postpone; but I am glad to perceive that the debates which took place upon it have encouraged the University authorities to make a further attempt, which I hope will be successful, to do a mere act of justice to a very learned and eminent man, the present Professor of Greek. How does the case stand? Here is a distinguished Greek scholar, teaching, with singular energy and industry, and in a manner peculiar to himself, nearly all the ablest young men at the University; and while other Professorships are largely endowed—some with £600 a year, some with £900, and some even with £1,000—none with less than £300 a year, the amount of the remuneration granted to the Professor of Greek does not exceed £40 per annum. Several efforts have been made to increase that remuneration, and have been supported by the great majority of the teaching and intellectual residents at the University; but, nevertheless, up to the present moment, they have been unsuccessful. What are the reasons urged—most conscientiously, no doubt—by the majority of the University against increasing the endowment of the Greek Professorship? One is that Professor Jowett is supposed to hold certain opinions on doctrinal matters which are not the opinions of the majority of the Oxford constituency. It appears to me that, as a matter of policy, it would be advisable for the University to hold itself neutral in these discussions on doctrinal points; but, apart from that, I cannot help thinking that the line adopted by the University is the most inconvenient and illogical that any learned body could assume. In the first place the University has not exercised the powers which it has of depriving Professor Jowett of the degrees which alone enable him to teach Greek; and, in the next place, not a single head of a College has ventured to prohibit any of his students from regularly attending the lectures of a man whose influence has naturally been increased by the students rightly thinking that he has been subjected to an unjust persecution. The University, while not prohibiting its students from receiving anything baneful which Professor Jowett may be thought capable of imparting to them, and while enjoying the great advantage of having its ablest young men taught in the best possible manner a critical knowledge of Greek, tries, forsooth, to save its conscience by refusing a modest remuneration to the Professor. It appears to me impossible to stand upon that plea. There is another reason, which seems at first sight much more plausible; it is that the Greek Professor being nominated by the Crown, it is the business of the Crown, and not of the University, to find funds for his remuneration. That plea also cannot hold water. There are other Professorships which, if not wholly, are partially endowed by the University, and the endowments of which have been recently increased by the University; and yet the Professors are nominated by the Crown. Besides, I utterly dissent from the principle that the right of nomination or of election should necessarily, and, under all circumstances, rest with whoever supplies the endowment. In considering this question as between the Crown and the University I think the noble and learned Lord on the Woolsack was justified in pointing to some of the pecuniary advantages which have recently been conferred upon the latter. I am not sure of the amount derived by the University from the privilege of printing the Bible and Prayer Book, but I know that in 1852 the average sum was about £11,000, and I should be surprised to hear that it is less in 1864. A considerable sum—£500 a year—was also granted to the University by the State as compensation for the abandonment of the monopoly of printing the Almanacs, and your Lordships will recollect that the University has been relieved when purchasing land from the provisions of the Mortmain Act. Within a comparatively short period, in fact, a large addition has been made to the income of the University.

The Earl of DERBY: There was a remission in 1854 of a tax imposed on the University in 1815, in the shape of a stamp on matriculations.

Earl GRANVILLE: And that amounted to £2,400 a year; and when it was remitted it improved the income of the University by that amount. When it was made, the endowment of the Professorships was in contemplation, and I cannot help thinking that at a time when the University was increasing the endowment of Professorships it should not have entirely passed over one of the most successful, most eminent, and most deserving of its Professors. I should be sorry to say anything that might irritate or offend, and I have made these observations, not with any wish to wound the feelings of any man, but because I think they relate to matters that ought to be taken into consideration when this subject is next discussed at Oxford itself. The feeling of your Lordships undoubtedly is that the Greek Professorship should be properly endowed, and one of the reasons which induced a majority of your number to vote against the Bill of my noble and learned Friend was that it was clearly the duty of the University itself to provide the requisite funds. I trust that deliberately expressed opinion of your Lordships will have its due weight at Oxford and elsewhere.

COUNTY COURTS ACT AMENDMENT BILL.—(No. 70.)

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2ª.—(*The Lord Chancellor.*)

Lord BROUGHAM said, he was glad that in this country we had to discuss only the question of the County Courts, at a time when, in almost every other part of the world, affairs were in so unsatisfactory, not to say deplorable, a state. In the New World, a portentous indifference to human life and public credit; in the Old a frightful triumph of cruelty, fraud, and pillage, by the strong against the weak—a triumph at once inglorious and disgraceful. In regard to the measure before them, it could not be overlooked that there was an almost unanimous opinion on the part of the County Court Judges against the Bill. Of sixty of these Judges who had considered and given their opinions upon it, not less than fifty-eight were clearly and decidedly opposed to it, or at least to one of the most important parts—that with reference to imprisonment for debt. There was, it seemed to him, some misapprehension as to the proportion of judgment summonses. In the course of the year, 900,000 plaints were brought in the County Courts, of which, not above 9,000 ended in judgment summonses, or, in other words, not 1 per cent of the whole number. Moreover, of these judgment summonses—which were not committals, but possibilities of committals—a very small proportion resulted in actual committals. This was a smaller proportion than in the superior courts—the Queen's Bench, the Common Pleas, and the Exchequer—where the proportion of writs of *fi. fa.* to actions brought was 8 per cent. There were some provisions of the Bill of which he highly approved — for instance, those clauses which gave to these Courts an equitable jurisdiction. He had himself endeavoured to procure an extension of equitable jurisdiction to the County Courts, bu thad not succeeded, for neither of his Bills on that subject in 1851 and 1852 had been passed. He trusted, however, that his noble and learned Friend on the Woolsack might be more successful in that respect. He thought, however, that if the Legislature should give their sanction to the proposition it would be necessary to increase the number of Judges, as the present staff would scarcely be able to overtake the additional labour. Another proposition of the Bill was that with respect to the limitation of actions. No doubt the present period was too long; but he thought that it would be inexpedient to restrict the period within which a small debt was recoverable to one year, and that two years would be a preferable limit. He thought it desirable that there should be some provision imposing some check in regard to summonses, which ought not to be issued as a matter of course; but that was a detail which could be considered afterwards. The optional clause of the existing Act as to bringing suits for sums above £50 in the County Courts had proved ineffective. He thought a better plan would be to give the power to bring the suit, and to leave it to the other party to object to its being tried in the lower Court. On the whole, he approved of the Bill, except the provision as to commitment for debt, and hoped his noble and learned Friend would be able to pass it.

Lord ST. LEONARDS said, that he could not support the Bill as it now stood. The Bill proposed to reduce the time under which small debts should be recoverable to one year. The matter was of very great social importance though it lay in a very small compass. By the law as it now stood if a man contracted a debt by simple contract, or acknowledged an existing debt and promised to pay it, or paid a sum on account of it, he could be sued for it any time within six years. But by the Bill of the noble and learned Lord this period as regarded debts under £20, would be limited to one year. He could see no reason for so great a reduction. He thought the very shortest limitation should be three years. This was a question of very great importance to the working classes, for credit was their capital. Speaking generally the classes of persons sued in the county courts were manufacturing and agricultural labourers; and if they took away credit they practically took away the only capital these poor men had. Most of them had scarcely any money, and lived in lodgings; and the furniture they had was so small that the bailiff who was sent to execute the summons did not think it worth while to take the chattels, as he knew there would be no return beyond the expense of the execution. More injury would be done in carrying out such an execution than if the person were to be taken. Suppose the goods of a labourer were worth £10; they would not in a forced sale bring more than 10*s.*, and the poor labourer without furniture would find it hard to recover his position. Let their Lordships consider the case of the ordinary agricultural labourer. He might earn in summer 12*s.* or 14*s.* a week, and so long as he could earn his wages he got along very well. But in the severe winter the farmer declined his labourer's services. What was he then to do? As he had no money, and this Bill would destroy his chance of obtaining credit with the small shopkeeper, he must go to the workhouse. At present he went to the grocer or the baker with whom he had dealt in summer, and whom he had paid when in receipt of wages; and the grocer or baker, knowing that if he did not give him credit in winter, he could not have his custom in summer, supplied him with goods. But by this Bill he could not give this credit with safety. The existing law worked well both for the shopkeeper and the labourer, and he trusted their Lordships would do nothing to destroy the credit given to the working man. Again, the sympathies of their Lordships ought not to be solely with the debtor; the creditor, the small shopkeeper with a small capital, was entitled to a share of them. The small shopkeeper ought to have the power of enforcing his demands. The amount of debts represented by the 900,000 plaints which were issued out of these Courts represented a large sum of money. At present the County Court Judge, after ascertaining that the debtor might pay his debt by instalments, made an order directing him to do so, and if the debtor then made a default in the payment of the instalments a judgment summons issued, and the debtor might be committed to prison. Imprisonment sometimes took place more than once for the same debt, and he was of opinion that in this respect the law might well be corrected; but the noble and learned Lord on the Woolsack desired to do away entirely with the power of imprisonment, except for fraud, false pretences, and acts of that description; and the imprisonment for such offences the noble and learned Lord extended to two months, in lieu of the forty days, which the law at present allowed as the maximum term. As the law at present stood, if a man had means to pay a debt and would not pay it he might be sent to prison; but the Bill before the House proposed to take away the power of sending to prison altogether except in cases of fraud. And then there was this extraordinary provision in the Bill, that a judgment debtor might be punished if he wilfully wasted his income or earnings by unjustifiable extravagance or conduct. So that the creditor would have to prove that the judgment debtor had wilfully wasted his income in that way, and, therefore, he would have to follow the debtor about in order to find out how he spent his time. But, supposing the debtor was not guilty of this wasteful extravagance, then he could not be compelled to pay. He might have the means, he might have the money in his pocket, and yet refuse to pay, and in that case he could not be sent to prison. There was one portion of this Bill which, when it became known, would certainly excite general opposition, and that was that as soon as there was a judgment the Judge should have power to make an order, directed to the employer, commanding him to appropriate a certain portion of the wages of the debtor, and to pay them to the bailiff towards the liquidation of the debt. But was such a provision to be carried into effect? Suppose that there were a million of suits in the Courts throughout England, and that in a large proportion of them orders of this kind were made upon employers—how could they give effect to those orders? At a public meeting a manufacturer had recently stated that he employed 2,500 persons. Let their Lordships imagine a manufacturer of this magnitude whose workpeople were remiss in paying their debts. He would be constantly served with notices to appropriate portions of his workmen's wages towards the payment of their debts—how would he be able to carry on his business? The noble and learned Lord would find it impossible to carry the clause into effect. But let this clause be struck out, and there would be no provision in the Bill for compelling a labouring man to pay his debts. He might be punished for fraud, but that was the case under the present law. A person of no means was not committed under the law as it now stood, but if he had means he was compelled to pay, and if he had no goods that could be come at he had to answer in his person. A man might have incurred a debt very lightly and very willingly; well, then, let him pay like an honest man, as willingly as he had incurred the debt. This Bill was one which would have as wide an operation as it was possible to conceive, and, if passed into law, it might fairly be called a Bill for stopping the credit of the labouring classes. The Bill had been called one in favour of the labouring classes, but as it stood it would exonerate not only the labouring classes, but everybody else from the payment of debts under £20 after the lapse of a year; and this without any of those safeguards which should appertain to a statute of limitations. Referring to the Return made by the County Court Judges, it would appear that the Bill dealt with public-house debts, but not with some other kinds of debts which those Judges referred to. They said that there was an extensive system of selling goods, chiefly wearing apparel, by travelling packmen, upon the terms of paying 1*s.* 6*d.* or some other small sum a month; and that these sales were almost always made without the knowledge of the husband. Such creditors obtained judgments in large numbers; and in the great majority of cases no defendant appeared, so that the Judge was obliged to make orders of commitment. The Judges also drew attention to a system of sales by auction in some counties in Wales, the intending purchasers being largely supplied with beer, and third parties being sureties for payment. These cases produced many judgment summonses; and, indeed, the County Courts were used to collect the debts of such persons. He desired also to say that in his opinion it would be most objectionable to transfer to the County Courts the powers of the Courts of Equity, and, indeed, that a greater curse could not be inflicted upon the country. When a man possessed of small property died, the course was now for the parties interested to come to some arrangement and dispose of their claims amicably; but if this Bill passed, each such case would give rise to an equitable suit in the County Court, and the whole country would soon be overrun with litigation. Beyond this power of appeal was given from these new Equity Courts to the original Court of Equity. For the reasons which he had stated he thought that there were many objections to the measure which was then before their Lordships.

Lord CHELMSFORD said, that the noble and learned Lord in introducing the Bill, had stated very fairly that the subject was of great interest and importance to the people, relating, as it did, to the law of debtor and creditor, and its administration as it affected the humbler classes of society. He was most anxious that the question involved in the Bill should not be regarded simply as one of a legal character. It was a social question of the highest importance, and one which involved not only the welfare of the labouring classes, but their independence of character and integrity, and uprightness of dealing. It was a question, moreover, which appeared to him to require the most cautious deliberation, for it was one round which it was very easy to raise a mist of prejudice, through which things would be viewed in a false light. His noble and learned Friend on the Woolsack must forgive him for saying that in the able speech with which he introduced the Bill he permitted their Lordships to see only one side of the case. It would be his humble task to endeavour to call attention to other considerations which were necessary to do complete justice to the subject. The Bill of his noble and learned Friend might be divided into two general heads. First, the mode of enforcing payment of debts in County Courts; and second, conferring upon those Courts an equitable jurisdiction. As to the latter object, he had no objection to it in principle, and, therefore, he should confine all he had to say at present to the former—and certainly the most important portion of the Bill. The principal feature of this portion might be described to be a proposal to take away from the Judges of County Courts the power they now possessed of imprisoning for a limited time persons of ability to pay the amount imposed by judgment of the Court, and who neglected or refused to do so. It was important that their Lordships should bear in mind the circumstances under which this power originated. Prior to 1844 there were numerous Courts of Request for the recovery of small debts, which all possessed the power of enforcing their judgment by imprisonment. In 1844 the Legislature thought it expedient to abolish arrest upon final process for debts under the amount of £20. But the mischievous consequences of this enactment both to debtor and creditor were soon discovered, and the very next year the 8 & 9 *Vict.* c. 127 was passed, giving to the Small Debts Courts the power of imprisonment, which has since been exercised by the County Courts. In 1846 County Courts were established, and from that time to the present the power of commitment which it was now proposed to interfere with had been exercised by them. In 1853 a Royal Commission was appointed to inquire into the working of these Courts; in their Report made in 1855, they recommended certain alterations, but carefully abstained from suggesting the removal of this power from the Judges. In consequence of a Return to the House of Commons of the number of persons imprisoned by the County Courts, the Treasury issued a circular in 1858 to the Judges of these Courts on the subject, and, as far as he remembered, they uniformly expressed their opinion as to the desirability of retaining the power of commitment. By an Act passed in 1859, the power of commitment was placed on the footing on which it now stands. The Legislature took away from the Judges the power of committing where defendants did not appear, except in cases of fraud, or where it appeared to the satisfaction of the Judge that the defendant had had, since the judgment, sufficient means to pay the instalments ordered by the Court, and had refused or neglected to pay them. He would call their attention to what had been said by one of the Judges—

> "A great fact in reference to this question of imprisonment has been sadly overlooked by persons generally. No man is, or ought, at all events in accordance with the law, to be imprisoned simply because he has money and does not comply with the order of the Court, but because the Judge is satisfied by evidence that he is able to comply with the order and obstinately refuses so to do."

In the month of March last a circular was sent to the County Court Judges by his noble and learned Friend, evidently with a view to this measure, asking their opinion as to the abolition or modification of the power of imprisonment. The result of that letter was, that the opinion of fifty-seven out of sixty was in favour of the retention of the power. He regarded that Return as being important, because it contained the opinions of men who, from their position, were brought into continual contact with the class of debtor and creditor, whose interests were affected by the Bill, and who had the largest experience on the subject. It did not appear to have been the intention of his noble and learned Friend to place the answers of the Judges to his circular upon the table, and they had only been obtained by the Motion of his noble and learned Friend (Lord Cranworth). These were the circumstances under which his noble and learned Friend introduced the present Bill. He could not help admiring the address with which his noble and learned Friend enlisted their Lordships' sympathies in favour of the Bill, by describing the misery to which the unhappy debtor was exposed under the system of imprisonment for debt now in practice. It was absolutely necessary, however, to put their Lordships upon their guard by describing the difference between the commitment by the County Court Judges and the old law of imprisonment for debt. The two things were perfectly distinct. By the old law, imprisonment for debt was the act of the creditor as a satisfaction for his debt, the power proposed to be affected by the Bill was the act of the Judge in consequence of disobedience to his order. Under the old law, imprisonment for debt was enforced whether the debtor had the means of paying or not; but in the County Court the power of commitment was only exercised where the debtor had the ability to pay, and refused to do so. The term of imprisonment, too, under the old law was indefinite, while the maximum term of commitment by the County Court was forty, and did not generally exceed seven or ten days. He did not know why his noble and learned Friend should have taken the Returns of the commitments for two years, unless it were for the purpose of having a greater range of figures, and so to produce a greater impression. He was certain that that statement had given rise to much misapprehension. His noble and learned Friend stated that in the two years ending December, 1863, no less than 17,797 persons were committed, and that the number of days' imprisonment to which they were sentenced was 309,777, and the number of days actually spent in prison was 253,860. He then assumed that on the average these persons earned *3s.* a day each, and then multiplied the number of days spent in prison by that sum, and thus arrived at a sum of £43,434 as the value of the labour which was lost to the country to obtain the payment of £62,480. But there was a great fallacy in assuming that the persons committed were all in full work. As far as he (Lord Chelmsford) could make out, it very rarely happened that a man in full work was committed. The fact was that the debtor class was as easily recognizable as the criminal class, and it was not the honest hard working labouring man who was committed to prison, but the profligate idle man who worked only three days in the week and drank for the remainder. Nor was it fair to look at the absolute number of persons committed without noticing also the number of plaints out of which those committals arose. According to his noble and learned Friend's statement, the number of commitments was about 9,000 per annum. But the number of plaints issued annually was upwards of 900,000, representing a sum of more than £2,000,000. Of these, more than half were settled before judgment; and there remained 400,000 judgments issued, representing a sum of about a million for debts and £40,000 for costs. In one-third of the cases in which commitments were ordered the debt was paid before the debtor was actually sent to prison, and therefore the 9,000 ought to be reduced to 6,000 as the number of persons actually sent to prison, which, upon 400,000 judgments, amounted to only 1½ per cent. The argument derived from the loss of labour to the public would apply equally to summary convictions, of which there were upwards of 113,000, and to imprisonments for assault, of which there were as many as 40,000 annually. With reference to the smallness of the proportion borne by the commitments to the plaints, the Judge of the Preston Court stated that in the Leeds district during six months ending April 30, 1862, out of 6,500 cases only 63 individuals were imprisoned, although 625 commitment summonses were taken out—nine-tenths of the debtors under the pressure of a commitment summons thus settling with their creditors. This was the benefit derived from the power of imprisonment; it was the imprisonment of one individual in a hundred which forced the majority of the remaining 99 to settle with their creditors. His noble and learned Friend referred to instances in which persons had been imprisoned for non-payment of very small sums, such as 3*s.*, 2*s.*, and, in one instance, 9*d.* But, in order that their Lordships might judge fairly of these cases, he ought to have informed them of the circumstances under which these commitments took place. They must bear in mind that the County Court Judges had the power of commitment only in cases where they were satisfied that the debtor had the ability to pay but refused to do so. He (Lord Chelmsford) had been made acquainted with two cases in which commitments might have been ordered for only 3*d.*, but in which he was sure that every one of their Lordships would have approved the committal of the debtors. The first was the case of an attorney who was constantly in the habit of paying the clerk in the Registrar's office 6*d.* or 3*d.* short, and who was summoned for the latter amount. The other was a more remarkable case. An attorney's clerk who was summoned for the price of a bottle of whisky admitted that he had purchased and drank it, adding that it was very good, but set up as a defence the Tippling Act, passed in the reign of *Geo.* II. The Judge, pretending to have heard of this Act for the first time, looked at it very carefully, and then said, "I cannot order you to pay for the whisky, but, of course, you returned the bottle?" "No," said the defendant, "I did not." "Well, then," said the Judge, "I find nothing in the Act with regard to bottles, and therefore I shall award 3*d.* for the bottle, 7*s.* 6*d.* for the costs of the poor man whom you have compelled to attend here to-day, and 2*s.* 6*d.* for his witness." The attorney's clerk did not resist payment of the sums ordered, but if he had he was sure that not one of their Lordships would deny that he ought to have been sent to prison even for so small a sum as 3*d.* The fact was the smaller the sum the more reason there was for assuming that the debtor must have the means of paying it, and that therefore his imprisonment was due to his own obstinacy, and not to the oppressive character of the system. The noble and learned Lord (the Lord Chancellor) then went on to refer to instances in which there had been repeated commitments to prison for the same debt, and he said that a person might be committed fifty times for the same cause. Without dwelling upon the words "for the same cause," he ventured to ask his noble and learned Friend whether he knew of any instance in which a person had been committed not fifty times but five times for the same debt? In the papers which were before their Lordships, one of the Judges stated that out of 316 commitments in six months, only three were commitments for a second time; and another said that of 4,425 in six months, only about 300 were second commitments. Therefore, although it might be right that some modification should be introduced into the power of repeated imprisonment, they ought to be careful not to do anything even with regard to it which might create prejudice or excite any feeling upon a matter which required the most cautious and deliberate treatment. He did not think his noble and learned Friend had done justice to the County Court Judges. He would call their Lordships' attention to the mode in which his noble and learned Friend had availed himself of the opinions of some of those Judges, who would be astonished to find themselves enlisted in support of this measure. The noble and learned Lord quoted the opinion of Chief Justice Montague in 1551, and of Chief Justice Hyde in 1630, who in almost identical words declared that if a debtor had no goods he must live upon charity, and if no one would relieve him, let him die in in the name of God. The noble and learned Lord referred to these statements to illustrate his declaration that Judges almost invariably looked upon these matters from a creditor's point of view. In the Return of Mr. Falconer those statements were to be found; but that gentleman did not quote them to prove the tendency of Judges to regard questions of imprisonment from a creditor's point of view, but to show how the efforts of the Legislature in modern times to prevent commitments were a strong contrast to the practice of ancient times. He therefore referred to these passages for a totally different purpose to that for which they were employed by the noble and learned Lord. The care and diligence shown by the County Court Judges had been admitted by the noble and learned Lord, but he imputed to them a partiality for retaining the powers of commitment conferred upon them by the existing law. That was hardly just towards the County Court Judges, whose answers showed that they were not at all enamoured of the powers which they now possessed. The Judges at Liverpool said that no part of their duty was so irksome, or caused them greater anxiety, than the dealing with judgment summonses. Another Judge said he would be delighted if he could be relieved of the disagreeable duty now imposed upon him; while others thought the abolition of the power of commitment would be a gain to the Judges, although it might not be beneficial to either creditors or debtors. The noble and learned Lord said that his object in introducing this Bill was to put an end to the present mischievous and dangerous facilities for obtaining credit by the labouring classes; and, in illustration of the evils of the present system, he read two passages from the answers of County Court Judges relating to tallymen and Scotch pedlars. After reading those passages the noble and learned Lord said that that was the nature of the cases which most frequently arise under the present law. He hoped his noble and learned Friend would not give the sanction of his high authority to an opinion that any liability could arise in such cases as those referred to. In one case credit was given to a daughter without the knowledge of her father and mother; and in the other case credit was given to a wife for useless finery without the knowledge of her husband. He ventured to say that any County Court Judge who committed a father or husband under such circumstances would not understand his duty, nor the law he was administering. The noble and learned Lord who had just spoken (Lord St. Leonards) seemed to consider that an alteration of the law was necessary with regard to such cases; but that was not so; and he ventured to state that the present law was sufficient to protect husbands and fathers under such circumstances. The chief force of the Bill, according to the noble and learned Lord, appeared to be to get rid of tallymen or itinerant drapers, who were supposed to be perpetually travelling about the country forcing their goods on people upon credit; and the noble and learned Lord reminded the House that in all villages there were small shopkeepers who gave credit. It was not, however, quite clear that something was not to be said for the tallymen. He (Lord Chelmsford) believed that in some places the visits of the tallyman were absolutely necessary to enable the wife and children of the labouring man to obtain decent and even necessary clothing; for in some of the retired rural districts wives could not leave their families to go to a distance to purchase apparel. He was also informed that County Court Judges almost invariably refused to make a husband liable for articles ordered by the wife unless they were of absolute necessity, and in the majority of cases the Judges refused to make a man liable unless his signature was to be found in the tallyman's book. The noble and learned Lord proposed to prevent credit being given to the labouring classes by taking away the power of commitment, he therefore admits that if that power did not exist credit would not be given. In other words, this power over him is the only security which he has to offer. If you propose this out of kindness to him, take care that you do not thereby visit him with a greater evil by preventing him from obtaining credit at times when it becomes an absolute necessity. What is he to do in times of sickness and slackness of work, when his family are ill, and a doctor is to be paid, or when death is in his house, and the undertaker is required, and mourning to be provided. What is to be done in cases of occupations where the labourer is not equally employed throughout the year, such as brickmakers who earn large wages in summer, and none in winter. What as to the large classes of labouring men who only received their wages at long intervals. In the case of miners, some receive their wages monthly, others once in two months. Were they not to obtain credit at a time when they had no means of paying ready money for the very necessaries of life? They could not—or at least should not—prevent voluntary credit. If they did so they would pauperize not only debtors but also a large number of creditors, (small shopkeepers), and send them by scores and hundreds to the parish. To show what a narrow view had been taken of this great question, he must observe that every case had been treated as if it were a case of voluntary credit. But there were multitudes of cases where credit was involuntary. The petition he had presented from several societies for the Protection of Trade showed that the effect of the Bill would be to destroy the legitimate business of nearly every retail trader in the kingdom. One of the County Court Judges had furnished him with a description of the business which came before him in three days, and of 100 cases there were on one day twenty-nine, on another thirty-three, and on another thirty-four of involuntary credit. In all these cases if this Bill passed, the creditor would be deprived of the means of enforcing his just demands. What was proposed to be substituted? First of all, there was to be the power of execution against goods beyond the value of £4. Then there was the power of arrestment of wages and punishment for fraud. With regard to the arrestment of wages, his noble and learned Friend (Lord St. Leonards) had shown what difficulties would attend the measure. It seemed to be thought that the remedy by execution on the goods would not only be more merciful, but equally efficacious. Now, with regard to the compassionate view of the subject, he ventured to doubt whether it was not an infinitely less evil to a labouring man to suffer imprisonment for a short time than to have an execution put on his goods, which would probably be the ruin of his wife and family. He referred to the opinions given by the County Court Judges, one of whom, at page 41 of the printed papers, said that the remedy by execution against the goods, where the sole remedy given, was the most cruel, as well as the most inefficacious remedy. The goods seized would probably, under a forced sale, realize only a few shillings, while they could not be replaced for as many pounds. There was a very numerous class too who had no goods to seize and who would never pay their debts when sued for, however trifling they might be, unless under the pressure of the power of imprisonment. That pressure taken off, one-half of the judgments obtained in the County Courts would be worthless. The County Court, certainly a very expensive establishment, would then exist merely for the purpose of ascertaining, not of enforcing debts, and the sooner they were done away with the better for the country. With regard to the second section of the Bill—that which limited the time within which actions for sums under £20 could be brought—he admitted it would be desirable that a general measure should be introduced, not altering the law in regard to the Statute of Limitations, further than by abridging the period within which actions might be brought. But he did not see the ground on which a distinction was to be drawn between debts above and those under £20. There was no principle in it, for £20 to persons in the position of their Lordships was a very small sum, while to a labouring man it was a very large one. It surprised him to hear his noble and learned Friend (Lord Cranworth), whose judgment was usually so sound, entertain the visionary idea that debts below a certain amount should be regarded as debts of honour. The limitation of one year would work injustice to creditors and operate harshly upon debtors. It would compel creditors who now forbear where the circumstances of the debtor call for forbearance to enforce payment for fear of losing the debt. If the clause passed, a medical man who now sent in his accounts yearly would be obliged not only to furnish them more frequently, but to press his debtor in the very cases where, from illness and want of employment, pressure would fall most injuriously upon him. While he admitted that it might be desirable to introduce an Amendment limiting the period for recovering small debts, he believed his noble and learned Friend, when he came to consider the point, would find that the limit proposed was inexpedient, and not practical. Another proposal, which was exceedingly plausible, but to which strong objections might likewise be urged, was that for taking away the concurrent jurisdiction of the superior courts in cases under £20. No doubt it was desirable to limit the costs of actions under £20; but in a variety of cases debts of £20 were incurred, not by labourers and mechanics to retail traders and tallymen, but by retail shopkeepers to wholesale merchants and warehousemen. These wholesale houses were, at present, enabled to sue out a writ in one of the superior courts, which was generally effective to produce payment. To take away in such instances the jurisdiction of the superior courts, and to compel the London, Glasgow, or Manchester merchant to send his travellers and books to these County Courts all over the country, would be a very serious hardship, and would, in many cases, amount to a denial of justice. The debtor, moreover, would have a direct inducement to carry the matter into the County Courts, as thereby he would obtain a little longer time, with the ultimate chance of being allowed to pay off the debt by instalments. The effect of passing such a measure would be to put a stop to, or at least to restrict credit to retail dealers under £20, being the amount of the larger proportion of book debts incurred to the wholesale houses, by which the honest and the dishonest would alike suffer. He was aware that he had trespassed at great length on their Lordships, but he scarcely felt that any apology was necessary for doing so, because the subject was one earnestly demanding their most careful consideration, and he was anxious that their attention should be directed to those points which seemed to him material in determining the propriety of the measure. It would be prudent, he thought, to withdraw from the Bill those clauses which proposed to take away from the County Court Judges the power of imprisonment, and to confine its operation to the introduction of equitable jurisdiction, in favour of which there was much to be said. Of course, he could not expect his noble and learned Friend, after taking so much pains with the measure, all at once to adopt that suggestion; but he trusted it would, nevertheless, engage his attention. To the second reading of the Bill he should offer no opposition; but its future progress required to be watched very narrowly, and the course he should feel it his duty to adopt would be governed by the declarations which the noble and learned Lord might feel it his duty to make.

LORD LYVEDEN said, he desired to present the proposition to their Lordships in its social bearing, the debate up to that moment having been conducted exclusively by noble and learned Lords. It was his conviction that to the agricultural districts no greater boon could be offered than the abolition of the pernicious system of credit by which they were at present weighed down; and the noble and learned Lord on the Woolsack, if he relieved them from this great embarrassment, would entitle himself to their lasting gratitude. He therefore rejoiced that this Bill had been introduced, for it would cut at the root of an evil that was so mischievous. The system of large credits, moreover, was opposed to the spirit of modern legislation, which taught the working classes to hoard their earnings and invest their money to meet a time when their wages might be less. The noble and learned Lord who had just sat down (Lord Chelmsford) had talked about bricklayers and other labourers, whose work was principally in the summer, and asked what they were to do if they could not get credit in the winter. Why it was the credit system which was directly responsible for all the frauds practised on the poor, the rotten garments sold for them to wear, and the miserable food palmed off upon them to eat. They felt themselves dependent on the tradesmen, and went on running into debt with them to an amount greater than their circumstances warranted, under the belief that if they gave their creditors cause for offence they could be sent to prison. The present measure, if passed into law, would have the effect of delivering the agricultural districts from what he knew in practice to be one of the most odious tyrannies. In his belief the measure was calculated to prove highly beneficial, not only to the labouring classes, but to the community at large, for whom he thought a long retail credit of no advantage.

LORD CRANWORTH said, he approved the material features of the Bill, and especially of those clauses which limited in a great degree the power of imprisonment. In his opinion, there was a great fallacy in supposing there was an indispensable necessity for giving credit, at all events among the non-commercial classes. Credit, no doubt, was important in the mercantile world among those who had transactions abroad, among manufacturers, and among wholesale and even retail dealers; that is, among those who possess and those who employ capital; but what imaginable advantage was there in a system of credit among the poorer classes? The question was asked what the poor man was to do when he was out of employment. But the question really was whether it was desirable to encourage the working man to spend by anticipation wages which he had not yet earned, or to live upon that which he had put by for such an occasion. The former practice had been too much sanctioned by the operation of the County Courts, which, as at present constituted, had created a vicious system of credit among the poorer classes. It might be difficult to wean the labouring classes from the habit of living upon the anticipation of future wages, but legislation ought to be directed to this end. If the sole object of their legislation was to enable small traders to recover debts of £1 or £2, he did not believe that any means could be devised that would be half so effectual as the power of committal to prison. But in a social point of view it was better to go further back and consider whether these debts ought to be recoverable at all. He did not think that the clauses of this Bill were framed with the accuracy and clearness that generally belonged to his noble and learned Friend's measures. There was, however, nothing new in seizing property, because that could be done now. The Bill proposed to divide what a man had among his creditors, within certain limitations, and then to make the debtor as clear from future liability as if he had obtained a certificate in bankruptcy.

This was, he thought, the correct principle. It might work hardships at first, before the public got into the more wholesome system he had described; but that was an incident common to all salutary changes. He had not said that small debts ought to be regarded as debts of honour, but that they should be no more recoverable at law than debts of honour. Such a principle, if established, would, he believed, be for the advantage of society. Meanwhile he should give his cordial assent to the second reading of this Bill.

THE LORD CHANCELLOR said, he must express his regret that the discussion of so important a measure, involving a great social question on which every one of their Lordships was competent to form a most able and useful opinion, could not attract a greater assemblage of their Lordships than he saw around him. He could not but think that if their Lordships were habitually to neglect discussions of so much importance, it would be impossible that their House should retain the high position which it now held in public estimation. This Bill was intended to improve the position of the lower classes. He feared that the preceding legislation of Parliament had been in a great degree the cause of much demoralization, and that the system of credit that had grown up under the County Courts Acts had been a very great social evil. It was with this evil that he desired to induce their Lordships to grapple. He must beg their Lordships to remember that there were two or three positions which the opponents of this measure took for granted, but which he could by no means admit. The first was that it was good and expedient in the interests of the poor man that he should retain the facilities of credit he now enjoyed. But these facilities of credit were a constant temptation to the labouring man to live beyond his means and to make him familiar with the inside of a prison. For what was the consequence? A man who was committed to gaol for debt lost his self-respect, and came out a degraded man in his own estimation. The second proposition that was assumed for granted, was that a creditor had a moral right to imprison a debtor until he had obtained payment of his debt. This he denied *in toto.* When the creditor came to him to ask for the imprisonment of his debtor he thought he had a right to ask him under what circumstances he had given him credit. Did he know the position of the debtor—that he was a working man dependent on weekly wages? Did he know anything of his habits of life—that he was suffering under the exigency of sickness or any other calamity? Did he give him credit without inquiry, and merely that he might involve him in his books, charging him in many cases 100 per cent for the articles supplied over and above what he need have paid if he had gone with ready money in his hand? It was the creditor who was able to undergo such an examination satisfactorily to whom he should alone be willing to give the power of pursuing the debtor to a prison. Another argument against his Bill was, that a debtor who owed £10 or £20 stood on the same footing as the man who owed £500 or £1,000. But what distinguished the case of a poor debtor from that of a rich debtor under the existing law was, that the future property of the rich debtor was not held liable for the payment of his debts, while the poor debtor was compelled to mortgage the labour of his hands for ever until he had satisfied the debt, and the law called his future earnings "ability to pay." The result was that, under the fear of imprisonment, the poor debtor was frequently obliged, when pressed by one tradesman, to run up a debt with another, in order that he might wipe off the score contracted with the first; and thus he was always under a cloud, and always on the verge of ruin. A County Court Judge wrote as follows:—

> "The poor man or his wife goes to the shop, and asks for a few things, promising to pay when the weekly wages shall have been received. On the Saturday night the money is taken, and the goods are paid for; but then more goods are had; and very soon a back reckoning is left unsatisfied, the man being frequently in full employ, and with no prospect of improving his means. He is thus induced to live beyond them, and he becomes practically insolvent. Then follows the County Court summons, and the order to pay, usually by monthly instalments—say at the rate of 1*s.* a week. Now, consider his position. He has been accustomed to spend 1*s.* or 2*s.* a week above his income; he is now called upon, not unfrequently with an increasing family, to apply a portion of his earnings to discharge the past debt. Some few, no doubt, may extricate themselves, and wisely see the propriety of living in future within their means. Others run into debt at another shop, while the judgment debt is discharged. Others wait till the creditor takes out a judgment summons, and then comes the usual question for the Judge of the County Court, 'Has the defendant brought himself within the penal provisions of the County Court Acts?'"

Such was the legitimate effect of the

measure for the speedy recovery of small debts, with its notoriously oppressive power of imprisonment. He would trouble their Lordships with one more illustration in regard to the case of the tallymen. In the first place, however, he wished to say that he did not mean to be indiscriminate in his remarks. Soon after the introduction of his Bill, a general meeting of dealers was held in London, at which a resolution was unanimously passed in favour of the abolition of imprisonment for debt; and he had no doubt that the main provision of the Bill was similarly approved by large numbers of the same class throughout the country. After speaking of the tallymen, the same County Court Judge from whom he had already quoted proceeded to say—

> "So much in justice to the men. Of their system of trading, however, I must speak very differently. The enormous number of poor men that it brings before the County Court is its simplest and most evident condemnation. A Return to Parliament of the number of plaints levied by this class of traders would astound the public. I have known an instance where a single hawker has taken out more than fifty summonses from one Court for the same day of hearing. They make the Court their 'debt collector,' thereby saving themselves the trouble of going for the fortnightly or monthly 6*d.* or 1*s.* to the poor man's cottage. And then, what has been so often objected to the system, their visit is usually made when the husband or father is absent at his work."

It was not the case, as their Lordships had been told, that a husband or father was liable to pay only when he had consented to the order being given. If a dealer left goods in a house, although without the knowledge of the master, and those goods were used and worn by the wife or daughter, the man became liable notwithstanding he was no party to the ordering of them.

LORD CHELMSFORD said, the man must have seen his wife or daughter using the goods. There were other cases, however, in which the husband or father might have no knowledge whatever of the existence of the goods.

THE LORD CHANCELLOR wished to confine his remark to the cases mentioned in the Returns of the County Court Judges. A recent number of *The Solicitors' Journal* gave a long list of cases decided in one day in a County Court, when, although it was proved that in many instances the goods had been left during the absence of the master of the house, and in some even without the consent of the wife, defendant after defendant was ordered to pay the debt with costs. There could be no doubt whatever that the law as it now existed was a source of much mischief, and it was idle to attempt to defend it on the ground that imprisonment was necessary for the recovery of debts. He granted that if these small debts should be encouraged, and if the creditor should have a right under every set of circumstances to put his debtor in prison, then the law should be preserved in its present condition. But he desired to know what right a man who gave credit wantonly and recklessly had to inflict injury upon society by requiring it to furnish him with the means of keeping his debtor in gaol. Under the existing system, not only was the poor debtor demoralized, but his family were pauperized, and heavy burdens were thrown upon the public. Let their Lordships consider these things, and then let them ask themselves whether it was just, moral, or expedient that such a state of things should be permitted to continue any longer. The noble and learned Lord concluded by expressing his desire that all the details of the Bill should be patiently and anxiously investigated in Committee.

THE EARL OF DERBY remarked that the noble and learned Lord had directed his observations mainly to the encouragement given by the existing law to the system of reckless credit. It was, however, under a state of law which previously existed, but which had now been abolished, that reckless credit was accompanied by the power of imprisonment. Imprisonment was at present limited to cases where the creditor was not reckless in giving credit. There were many persons who, although possessed of the means, refused to satisfy the demands of their creditors, and to whom therefore it could not be said to have been recklessly given; and these persons were justly liable to imprisonment. He believed that the power which the County Court Judges had of inflicting that penalty had had a good effect in the vast majority of cases where persons behaved in that manner, not denying their obligation, but declining to pay. He had heard of a man coming before a County Court Judge, not disputing the debt, but setting the law at defiance by a refusal to pay, while all the time he was chinking the money in his pocket. The noble and learned Lord had laid great stress on the hardship to the debtor of requiring him to pay weekly instalments out of scanty earnings; but he proposed an attachment for the wages, which operated practically in the same way on the debtor, but was further open to the objection that, as the employer would certainly refuse to incur the trouble which such an arrangement would impose upon him, and would dismiss the debtor from his service, so that the creditor would, in fact, lose his best chance of payment.

Lord WENSLEYDALE said, that he had not been able to make up his mind that imprisonment could be dispensed with to the extent proposed by the noble and learned Lord. He could not think it desirable to abolish imprisonment in the case of a man who had the means of paying his debts and refused to do so.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at nine o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 23, 1864.

MINUTES.]—Select Committee— On Patent Office Library and Museum *nominated**; and, on May 27, Mr. Halford *discharged*, and Mr. Humphrey *added.*

Public Bills—*Resolutions in Committee*—Chief Rents (Ireland) [Stamps] *re-committed**; Bank of England Notes (Scotland); Bank Acts.

Ordered—Game (Ireland)*.

First Reading—Bank of England Notes (Scotland)* [Bill 115]; Game (Ireland) [Bill 116].

Second Reading—Vacating of Seats (House of Commons) [Bill 107]; Army Prize (Shares of Deceased)* [Bill 105]; Beer Houses (Ireland) [Bill 109].

Referred to Select Committee—Pier and Harbour Orders Confirmation* [Bill 91], as to Carlingford, Lough, Oban, and Rhyl.

Committee—Limited Penalties* [Bill 94]; Chain Cables and Anchors* [Bill 103] *re-committed;* Chief Rents (Ireland) [*Lords*] [Bill 117].

Report—Government Annuities, &c.,* [Bill 114]; and *re-committed;* Limited Penalties* [Bill 94]; Chain Cables and Anchors* [Bill 103]; Chief Rents (Ireland)* [Bill 117].

OUR RELATIONS WITH THE UNITED STATES.—QUESTION.

Mr. WATKIN said, he wished to ask the Under Secretary of State for Foreign Affairs, To state the present position of Negotiations with the Government of the United States in reference to the proposed

termination or repeal by the United States of the "Reciprocity Treaty" and of the "Bonding Act," under which instruments facilities for mutual commercial interchange have been afforded, and a large and increasing trade has grown up with the Colonies of British North America?

Mr. LAYARD, in reply, said, there were no negotiations pending with regard to the suspension or repeal of the "Reciprocity Treaty;" and the Government had received no official information upon the subject of the "Bonding Act."

BRITISH SUBJECTS IN CHINA.
QUESTION.

Colonel SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Under what Rule, Ordinance, or Law, British subjects in China are subject to trial in the Consular Courts for breaches of neutrality in the present Civil War in China?

Mr. LAYARD, in reply, said, he had not been able to obtain any information with regard to the trial of any persons for a breach of neutrality in China. But the jurisdiction which was exercised by the British Consular Courts in that country was exercised under three Orders in Council, dated the 13th of June, 1853, the 2nd of February, 1857, and the 12th of September, 1863.

CONVICTS (IRELAND).—QUESTION.

Captain STACPOOLE said, he would beg to ask the Chief Secretary for Ireland, Why the long sentenced Convicts in Ireland from seven years and upwards are not sent to Western Australia in the same manner as the long sentenced English Convicts?

Sir ROBERT PEEL said, in reply, that in Ireland since 1853 the practice of sending Convicts to Australia or other Colonies had been discontinued. The Irish Convict system enabled the authorities to dispose of their criminals at home. Transportation had been found to be productive of very great mischief, and it was also attended with considerable expense. The present system worked satisfactorily, and the whole expense of a Convict was not more than about £20 a year.

NAVY—THE "RESEARCH" AND THE "ENTERPRISE."—QUESTION.

Sir JOHN HAY said, he would beg to put a question to the noble Lord the

Secretary to the Admiralty respecting the damaging Report of the result of the recent firing aboard the *Research.* He held in his hand a letter which contained this passage—

> "I suppose you have heard that the *Research* has turned out a perfect failure. The Commander-in-Chief inspected her last Saturday and had her guns fired with blank. The first discharge brought down all the bulkheads like a house of cards, jumped the pinnace nine or ten inches out of her crutches, and broke her back. Nearly all the glass on board was broken and the stanchion bolts underneath the battery were snapped short off by the concussion. I went aboard next day and saw the extent of the damage."

He hoped the noble Lord would state, Whether the arrangement in the *Research* contrived by Mr. Reed for carrying heavy ordnance is satisfactory, or whether the firing had not been found very destructive to the ship herself?

LORD CLARENCE PAGET said, in reply, that the trial of the guns on board the *Research,* which took place a few days ago, was the cause of the loss of a considerable amount of crockery, and had also been attended with some damage to the bulkheads of the vessel, because she had not been prepared for action by taking down certain moveable bulkheads on deck, and by removing glass skylights before the firing had commenced. But there was no reason to suppose that the arrangement for firing the guns was unsatisfactory, or that there had taken place any explosion very destructive to the ship itself.

SIR JAMES ELPHINSTONE said, that with a view to put himself in order he would move the adjournment of the House. He considered the Question to be one of great importance, and it was most desirable that the real facts should be brought under the notice of the House. The answer of the noble Lord did not, according to his information, give the true facts of the case. He held in his hand a communication from an officer of high rank, in which he described the ship as having become a complete wreck. The Commander-in-Chief at Plymouth had ordered her out of the Sound for the purpose of firing five rounds from each of her guns, which consisted of 100-pounders and 68-pounders; the former to be fired with 16 lb. of powder, and the other with 12 lb., by no means excessive charges. The result of the experiment was to send the pinnace three feet out of her "crutches," to break her back, to break the bolts of the stanchions, to destroy the whole of the standing bulkheads, to smash every atom of crockery, and to send glass flying about the lower deck, which might have killed a number of men, and which had actually wounded the carpenter, who was the only person on that deck. His informant further stated, that independently of that the ship was totally unfit to go to sea, that she was only three feet and a half or four feet out of water, that she could not possibly rise to the sea, and that if she went to sea she would absolutely and certainly be lost. That was the first-fruit of the exercise of the powers of the Constructor of the Navy. The sister ship, the *Enterprise,* had not as yet been tried, but from her they could but anticipate similar results. There were besides a number of ships drawn by the same gentleman, which were at present in course of construction; and under those circumstances that was a matter of very great gravity, and one which the House ought at once to take up and investigate, for the purpose of ascertaining whether they were to go on with the construction of those ships without having the opinion of those constructors who had been educated at the expense of the State, but who had been superseded by a man who had been only partially instructed, and who, although favoured by the press and the Government, had in that his first essay turned out a vessel that was absolutely useless to the country. He would ask the noble Lord whether the statement he (Sir James Elphinstone) had just made was not substantially correct, and whether the vessel in question was not an unmitigated failure? In conclusion he begged leave to move the adjournment of the House.

LORD CLARENCE PAGET said, he could not help thinking that his hon. Friend the Member for Portsmouth, had received a very one-sided and exaggerated statement of what had occurred on board the *Research.* He (Lord Clarence Paget) had that day seen a list of "the defects" caused by the firing of the guns on board the vessel, the cost of repairing which would be somewhat under £30. The Admiral in command sent the ship out to be inspected, and the firing took place without the precaution of removing the bulkheads and skylights. The consequence was that the bulkheads went down, and glass was broken; but hon. and gallant Officers knew that if the ship had been going into action the bulkheads would have been put down, and the glass would have been removed below. As to the stanchions, he had heard no account, but he had heard that no accident whatever had occurred to the standing parts of the vessel.

SIR FREDERIC SMITH said, that the statement of the noble Lord would lead them to believe that there was no defect in the construction of the vessel. [Lord CLARENCE PAGET: Hear, hear!] But it appeared that there had been some great neglect in making the experiments, and he thought it was only right that the subject should be investigated, so that they should ascertain who was answerable for that neglect, in order that he might receive a fitting censure.

MR. DILLWYN said, he would beg to ask the noble Lord the Secretary of the Admiralty, whether the flotation of the *Enterprise* is not deeper than had been calculated, and whether she is not undergoing repairs to counteract her too great depth in the water?

LORD CLARENCE PAGET: So far from the *Enterprise* drawing one foot of water more than was intended she draws one inch less.

Motion, by leave, *withdrawn.*

DENMARK AND GERMANY—THE PRUSSIANS IN JUTLAND.

QUESTION.

VISCOUNT PALMERSTON, in moving the adjournment of the House at its rising until Thursday, said, that as to-morrow was the Queen's birthday, and on Wednesday the great bulk of the Members would wish to be elsewhere, probably there might be some difficulty in getting a sufficient attendance, and it would therefore be more generally agreeable that the House should adjourn over.

Moved, "That the House at its rising do adjourn till *Thursday.*"—(*Viscount Palmerston.*)

MR. WHITESIDE: Before the Motion is agreed to I wish to ask the noble Lord, whether he has received, in reference to what is called "the armistice" between the belligerents, any information to the effect that twenty-four hours after the truce was in operation, and three days after notice of it had reached Jutland, Major General von Bornstedt, a Prussian General, addressed the following communication to the Provision Committee of Viborg:—

> "Should these my moderate commands not be instantly and scrupulously obeyed by the Provision Committee, I would give the gentlemen upon whom the execution devolved an opportunity to consider on bread and water their stubbornness, and would take by force of arms what the usages of war allow."

I also wish to know—not by way of interfering in any way with the progress of the Conference towards a happy pacification, but simply in reference to the manner in which our own Government has adjusted the terms of the armistice—whether it is a one-sided armistice, depriving the Danes of every opportunity of asserting their power at sea, where they have many advantages, and at the same time leaving them to be annihilated upon land? I wish to know whether it is lawful for one of the belligerents to demand provisions, and whatever else he may require, without payment, pending the armistice, and to compel the inhabitants to labour in removing the fortifications of Düppel, that the Prussian guns may be able when the armistice is at an end more completely to sweep the Island of Alsen? I want to know what the terms of the armistice really are—not in the least with any desire to ask for any information as to the proceedings of the Conference, which is entirely a separate matter, and will have to be adjusted at the right time, but simply because, if a compact has been made with England such as has been described to us, it is for the honour of England, and of the Ministry, that a satisfactory answer should be given to my question?

MR. LAYARD: Perhaps I may be allowed to say that on Friday night, after a Question was put on this subject, and also after the House was counted out, and, therefore, too late to communicate it to the House, the Prussian Ambassador forwarded to us a telegram which he had received from Count Bismark, stating positively that orders had been given that after the establishment of the armistice no forced contributions should be raised, and that if any had been raised subsequently they should be returned; that any orders issued for the raising of forced contributions should be abrogated at once; and that all provisions furnished to the Prussian troops for the future should be paid for. With regard to the proclamation mentioned by the hon. and learned Gentleman, no official information has been received by Her Majesty's Government; but we have sent both to Copenhagen and Berlin for all the information that can be obtained with reference to all the proceedings of the Prussian troops in Jutland.

LORD JOHN MANNERS: Have the Government received any information whether the orders issued have been obeyed since the establishment of the armistice, and whether payment has been made for all provisions?

MR. LAYARD: I cannot answer that Question, for, as I said, we are waiting for information. All I can say is, that we have a distinct assurance from the Prussian Government that no forced contributions shall be raised after that date.

MR. WHITESIDE: Do the terms of the armistice contain that obligation?

MR. LAYARD: Undoubtedly. It has been already stated that the suspension of hostilities inferred that from the 12th instant no forced contributions should be raised, and all provisions should be paid for.

MR. WHITESIDE: Is it an instrument in writing, and will it be laid on the table?

MR. DARBY GRIFFITH said, that the Question of the hon. and learned Gentleman was addressed not to the Under Secretary but to the noble Lord at the head of the Government, and he thought that a Question of that importance ought to be answered by the noble Lord himself, whom they all rejoiced to see back among them, resuming his place in their proceedings. It was extremely unsatisfactory that, when attention had been directed to what appeared to be an infraction of a solemn engagement, they should receive merely a cursory answer, that the Question should not be treated by the highest authority, and that the House of Commons should be left to guess, to a great degree, what the proceedings really were. He wished to know from the noble Lord whether, if the provisions taken by the Prussians were to be paid for, they would be paid for in money, or in some kind of obligation invented by the Prussian authorities?

VISCOUNT PALMERSTON: My hon. Friend the Under Secretary of State answered the Question because it referred to a departmental matter, with which he was, of course, much more conversant than I. With regard to the Question now put, my hon. Friend has stated that the armistice distinctly provides that no contributions should be levied after the signature of the armistice, and that all things required and had by the Prussian and Austrian troops shall be paid for to the people who deliver them. My hon. Friend has stated that M. Bismark, the Prussian Minister, has assured Her Majesty's Government that these engagements will be fulfilled, and we cannot take upon ourselves to doubt that the Prussian Government has the power to compel its local officers to obey the orders issued in pursuance of national engagements. As to the Question of the hon. Gentleman opposite (Mr. Darby Griffith), that really is one which is beyond my power to answer. The engagement is that payment shall be made; but with regard to the mode and the time, that is a matter which depends upon the arrangements of the Prussian Government, and I am quite unable to give any answer on the matter.

Motion *agreed to.*

House at rising do adjourn till *Thursday.*

VACATING OF SEATS (HOUSE OF COMMONS) BILL—[BILL 107.]

SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read a second time."—(*Sir George Grey.*)

SIR HENRY WILLOUGHBY asked if all the Under Secretaries of State would be incapable of sitting and voting in that House, if there were one more elected at a General Election than the number generally allowed?

SIR FRANCIS GOLDSMID asked why the first clause of the Bill referred exclusively to the Principal Secretaries of State, while the second clause referred both to the Principal Secretaries and the Under Secretaries?

SIR GEORGE GREY said, that the object of the Bill was to make effective the Act of 1858. If there happened to be four Members holding the office of Under Secretary in that House and a fifth was nominated, his seat would become vacant, and he would not be capable of being elected so long as those four Gentlemen continued to hold office; but it was impossible to say which of the number ought to be excluded from voting. It was not really necessary that the Bill should be made to apply to a Principal Secretary of State, because his seat became vacant on his acceptance of office. If, however, it was thought there was any ambiguity it could be remedied in Committee.

Colonel FRENCH thought there was some irregularity connected with the acceptance of office by the Vice President of the Council for Education, inasmuch as a new writ for Merthyr Tydvil was issued, when in reality there was no vacancy created. The appointment was confined to a Privy Councillor, and as the hon. Gentleman who was selected was not at the time a Privy Councillor, there was no proper appointment, and consequently the House had no power to issue a writ. He hoped that such an irregularity would not occur again.

Mr. WALPOLE said, that as this Bill overcame the difficulty which it was intended to meet, and did not alter the law, he would not offer any opposition to the second reading; but, at the same time, he wished to guard the House against a conclusion which might be drawn from what had taken place upon this occasion. In the Committee upstairs there was a great division of opinion as to whether the fifth Under Secretary was or was not disqualified from sitting by the Statute of *Anne*, as well as by the recent Acts. His own conviction was that a new Under Secretary of State was within the Statute of *Anne*. But what he was now anxious about was that no general conclusion should be drawn from what had taken place this year with reference to seats which might be vacated, or be held to be vacated, in some future year under similar circumstances. If the Statute of *Anne* had been rigidly observed—that is to say, if it had been held that whatever the number of new Under Secretaries who were in the House, they must all go to their constituents for re-election upon accepting office —no harm could have been done, because each one must have undergone that trial which every Minister of the Crown upon accepting office was bound to submit to. But if the number of Members of that House who were entitled to hold office without going back to their constituents was not restricted, two dangers would arise, and those dangers would materially affect the independence of the House. In the first place, the number of persons who could hold office without going back to their constituents at all would be increased, which was contrary to the whole spirit and intention of the Statute of *Anne;* and in the second place, as had been pointed out already by his right hon. Friend the Member for Buckinghamshire, an inducement would be offered to the Ministry to put the Principal Secretaries of State into the other House of Parliament, and leave the Under Secretaries in the House of Commons, instead of complying with what he conceived the constitution required—namely, that those great Officers, particularly when they were connected with the principal Estimates, should be in that House, so as to be responsible for all the questions and all the discussions which arose in that House with reference to their Departments particularly, and when those questions and discussions related to matters connected with the revenue. As the Bill did not alter the law he should not oppose it, but he took that opportunity of protesting against any general conclusions being drawn from the circumstances which had taken place this year, or from the Bill itself; and he could not agree that the holders of any of these offices were to be considered as privileged to sit in that House without going back to their constituents, if the offices they held did not exist before the Statute of *Anne.* If such a conclusion were ever drawn the independence of the House would be more struck at than it had hitherto been within his recollection. He hoped the House would be careful not to consent to anything derogatory to its dignity and independence.

The ATTORNEY GENERAL said, that his right hon. Friend might safely assume that nothing which had occurred this year, and nothing contained in this Bill, could be productive of any such precedent as that of which he had justly expressed his apprehension. If he understood the view of the Select Committee correctly, it was that the office of Under Secretary was not a new office within the meaning of the Statute of *Anne.* Whatever might be the law with regard to any similar office created *de novo*, this Bill simply dealt with the particular case of the office of Under Secretary. It adhered to the limitation which recent Acts of Parliament had placed upon the number of persons holding that office who might sit in the House of Commons. It made that limitation more stringent and effective than it was, and it did not countenance the notion that any new or different offices could be created which should be exempt from the wholesome operation of the statute.

Motion *agreed to.*

Bill read 2°, and *committed* for *Thursday.*

BEER HOUSES (IRELAND) BILL.

[BILL 109.] SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read a second time."—(*Sir Robert Peel.*)

MR. HENNESSY said, he thought that the right hon. Baronet the Chief Secretary for Ireland ought to furnish to the House some explanation as to the necessity of this Bill.

MR. GATHORNE HARDY said, the Bill appeared to English Members a very extraordinary one, for it would place beer-houses in Ireland on a totally different footing to that on which beer-houses in this country were placed. In this country beer-houses sold beer to be drunk on the premises, without any interference by the police; whereas, by this Bill, beer-houses in Ireland would be subject to stringent regulations, both at the hands of the magistrates and the police. Would the Government have any objection to frame a measure extending what they now proposed for Ireland to this country.

SIR ROBERT PEEL said, that he made a statement in respect to this Bill upon moving for its introduction; but as it was at an hour of the morning when very few Members were present, he would repeat the grounds upon which this measure was introduced. In Ireland, he regretted to say, the great source of crime and disorder was the intoxication which was encouraged by the beer-houses as well as by the whisky shops. In consequence of the establishment of a great many additional beer-houses, in Dublin particularly, intoxication had increased to a frightful extent, and crime had augmented in proportion, the existing law not allowing the police to enter into those houses as they were permitted to do with regard to the houses of licensed victuallers. In 1861 there were only three regular beer-houses in Dublin; whereas now, owing to the extension of the trade, there were 270, in addition to 1,100 licensed victuallers and grocers' shops. In that state of things criminality of the worst kind existed. It further appeared that houses of ill-fame in close proximity to those beer-houses had largely increased of late. By a defect in the law the police were powerless in preventing crime which might originate in these beer-houses, as they were not authorized to enter those house. He was aware that the Bill would create certain differences between the law of the two countries, but in Dublin and other large towns, the evil had risen to such a pitch, that the Government at his suggestion, and with the approval of the inhabitants of Dublin, had thought it right to bring forward this measure. This was not a Bill that could be considered as involving a question of revenue, but solely one of policy. By the list he held in his hand it appeared that the number of convictions for drunkenness had increased to a frightful extent in Dublin within the last three years. In 1861 the total number of persons convicted for drunkenness in the Dublin metropolitan police districts was 8,561—namely, 5,305 males and 3,256 females; in 1862 the number was 11,269—namely, 7,199 males and 4,070 females; in 1863 the number augmented to 13,227—namely, 8,714 males and 4,513 females. Since the 1st of January last there were 6,341 convictions for drunkenness—namely, 4,338 males and 2,013 females. Now, if that rate were to continue throughout the year it would make a total of 16,912 convictions. In view of such a state of things it was impossible for the Government to resist the pressure put upon them for a new measure of legislation to check this rapidly increasing evil. Now, under the existing system there was not only a vast increase of crime emanating from those houses, but the beer which they sold was adulterated with a great many deleterious substances. He held in his hand a statement of the various articles with which they adulterated the beer. In answer to an inquiry, one beer-shop keeper said that he knew there was a good deal of "dash" put into his beer. On being asked what that meant, he said that a good deal of the Liffey entered into it. It appeared that the following ingredients were mixed with the beer: Cocculus Indicus, nux vomica, copperas to give it a head, vitriol to give it smartness, molasses to give it colour, and various other things. Under such circumstances he put it to the House whether it was not necessary, as a matter of public policy, to give the police the power of entering those public-houses. Those establishments were licensed to sell beer not on the premises. The proprietors, however, generally took out the three-guinea licence, and evaded the payment of the other guinea for a full licence, which would enable them to sell beer in smaller quantities out of the house. The time he thought had come when, in the interest of the poor man, that state of things should be put an end to. Those houses remained open to an early hour of the morning, and their customers during all that time were drugged by this horrid stuff which they called beer. The Bill would oblige those houses to close at certain hours, and would impose certain other restrictions which he trusted would have the effect of putting a check to the evils to which he referred.

Lord JOHN MANNERS said, it was a satisfaction to know from the right hon. Gentleman that the people of Ireland were disposed to adopt beer as a national beverage instead of whisky. He was sorry to hear that the beer in that country was mixed with so many deleterious ingredients ; but he was glad to observe that the Chancellor of the Exchequer was sitting next the Chief Secretary for Ireland when he made his important and interesting statement, and he trusted that the House would never again hear from the Chancellor of the Exchequer that Ireland was in no way interested in the repeal of the malt tax. If, however, the House should hear that argument again, he trusted that it would be vigorously combated by the Chief Secretary for Ireland, and that the right hon. Gentleman would, in the interest of the poor of that country, advocate the repeal of the malt tax, which no doubt tended to promote the evil of adulteration, which was quite as much felt in England as in Ireland. There would be no objection on the part of English Members to place the Irish beer-houses under due restrictions.

Mr. BAGWELL said, however bad the beer was which was sold in Ireland, it was nothing in comparison to the kind of spirits which the people there were obliged to drink. Those vile adulterations were caused by the higher duty which was put upon spirits, and crime and madness had increased to a frightful degree. He, however, could find nothing in the Bill of the right hon. Baronet to prevent the adulteration of the beer of which he complained.

Mr. SCLATER-BOOTH trusted that the introduction of the present measure would stimulate the Home Secretary to bring in a measure for regulating beer-shops in England. Such a measure would receive support from his (the Opposition) side, which had besieged the Home Office for the last ten years in favour of the more stringent regulation of beer-shops. These houses might be more stringently supervised, either by magisterial licence or police supervision. He thought that some simple police regulations might be introduced which would enlist the owners of beer-houses on the side of sobriety, law, and order more strongly than at present.

Sir GEORGE GREY said, that the police already had the power of entering every house for the sale of intoxicating liquors, and so far the Bill would assimilate and not separate the law of England and Ireland. Beer-shops were subject to restrictions which were not imposed upon public-houses. They were obliged to close at seven o'clock in the country, and at midnight in London and the large towns. They were not allowed to keep open all night like the public-houses. It was, however, he would admit, difficult to obtain convictions involving the forfeiture of the licence and the shutting-up of the house. He believed that it was possible on the third conviction for the magistrates to close the house for a limited period. He thought that if the police had the power of entering these public-houses and laying information, the law would not be so powerless as it was at present in Ireland to arrest disorder.

Colonel DICKSON was glad that they had found an Irish subject in which English Members seemed to take an interest, although a collateral one. He was sorry to hear the right hon. Baronet the Secretary for Ireland admit that since he went to that country the number of houses of ill-fame had increased so largely in Dublin. He (Colonel Dickson) did not wish to oppose the second reading, but he thought the measure ought to be one of a much more complex character. It appeared to him that the only effect the Bill could have would be to interfere with the drinking of beer in Ireland. Now he was of opinion that it was most desirable to encourage the use of that beverage in Ireland, instead of the much stronger liquors to which the people were so long accustomed. He concurred with the hon. Member for Clonmel (Mr. Bagwell) in thinking that there was nothing in the Bill to prevent the frightful adulterations that were going on. The whole system of licensing required alteration. The great curse of Ireland was the great number of drinking shops. He hoped that the right hon. Baronet would withdraw this Bill, and introduce one of a much wider scope.

Mr. LONGFIELD said, he saw no objection to the Bill, which aimed at the substitution of a superior class of vendors of beer. He wished he could see anything in the measure to discountenance the adulteration of beer by means of Cocculus Indicus, nux vomica, and vitriol, and to insure the sale of a more wholesome liquor. He feared that the right hon. Baronet expected too much from his Bill, and that the least injurious admixture in Irish beer was the water of the Liffey.

MR. HENLEY said, the right hon. Gentleman was greatly mistaken if he were legislating upon the notion that there were not adulterations of beer in England as well as in Ireland; because inquiries on the subject had brought to light the fact that many of those articles which he mentioned were used quite as much in adulterating the beer in this country as in Ireland. It appeared to him that there was something in the remedy suggested by the noble Lord (Lord John Manners), because if beer were made cheaper, then there would be no such temptation to adulterate. He (Mr. Henley) deprecated the principle of having a separate law for Ireland upon this subject —he thought that they ought to have only one law for both countries. He did not know precisely what was the population of Dublin, but he thought it was something about 200,000; and 13,000 convictions for drunkenness in the year was no doubt a very large proportion. In Liverpool, last year, the convictions were 12,000, out of a much larger population. He believed that if people were determined to get drunk they would effect their object in spite of all laws intended to restrain them. He was altogether averse to making the law more restrictive in Ireland than it was in England.

MR. HENNESSY asked, whether the Government contemplated including brewers, who sold beer in large quantities, which was not to be consumed upon the premises, within the operation of the 6th clause?

SIR ROBERT PEEL: Evidently not. The beer-house keeper was licensed to sell beer not to be drunk upon the premises, but in consequence of the want of police supervision it was drunk on the premises, and thus the law was evaded. It was now proposed to issue the three guinea licence and another at a guinea, and the police could then go in and see that tippling did not take place upon the premises. With regard to the observations of the hon. Member for Clonmel (Mr. Bagwell) he should be delighted if the Irish people could get good beer, but it was impossible for the House to legislate as to the quality of the article. He knew that his hon. Friend (Mr. Bass) had opened several large depôts for his ale in Ireland, and he hoped that the sale would be such as to lead to the introduction of a much better article than was now generally sold there.

MR. PEACOCKE said, he could find no clause in the Bill for the prevention of adulteration.

SIR ROBERT PEEL said, its object was not to prevent adulteration except as alluded to by the hon. and learned Member for Mallow, by raising the character of the beer-shop keeper through the supervision of the police.

MR. PEACOCKE said, he was sorry to dash that little bit of consolation from the right hon. Baronet's lips. In England police supervision had certainly not had that effect. He served on the Adulteration Committee, and the evidence given before them went to show that the beer in London was very much adulterated. One of the medical witnesses stated the effect of drinking a quart of London beer by a countryman was to produce coma, from the large quantity of Cocculus Indicus which found its way into it in spite of police supervision.

MR. HENNESSY said, that Ireland had excellent brewers of her own.

LORD CLAUD HAMILTON said, he could not understand how the police were to prevent adulteration, unless they were empowered to taste it. Did the right hon. Baronet intend that the police should go round from house to house tasting the liquor sold there. He reminded the right hon. Baronet that no steps had been taken to prevent adulteration in this country. He hoped the right hon. Baronet would not in the future stages of the Bill advertise Mr. Bass's ale at the expense of Messrs. Guinness's native production.

Motion *agreed to.*

Bill read 2°, and *committed* for *Thursday.*

BANK OF ENGLAND NOTES (SCOTLAND) BILL—LEAVE.—FIRST READING.

SIR JOHN HAY moved that the House go into Committee, in order that the Chairman might be directed to move the House, that leave be given to bring in a Bill to authorize the Governor and Company of the Bank of England to issue their notes in Scotland, and to make such notes a legal tender there.

MR. KINNAIRD said, that the mere mention of this Bill had caused much discussion in Scotland. The people were at a loss to know what it meant, and he hoped the hon. Baronet would state what was the purport of the Bill.

SIR JOHN HAY said, the object of the Bill was simply to make the Bank of England note pass current north of the Tweed, which was not the case now. It would be very convenient to all parties if they could make it a legal tender in Scotland.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it would be only courteous to the hon. Baronet, seeing that it was admitted that there were points in the banking system of Scotland which deserved the consideration of the House, to go into Committee, and give him an opportunity of submitting his plan. Further than that he could not go; because what the hon. Baronet treated as a very simple matter appeared to him to be very far from simple, and he could hardly imagine any single proposal connected with the currency that could raise a greater number of difficult questions. The hon. Baronet wished to make Bank of England notes to pass current north of the Tweed. But there was nothing to prevent Englishmen from taking Bank of England notes into Scotland or Scotchmen from receiving them. He understood that at present in Scotland paper was not a legal tender, and therefore this was a proposal to introduce it for the first time, and in favour of a note manufactured in England. They were not in a state to legislate on the Scotch bank issue this Session. There were great difficulties surrounding the proposal. It would require careful weighing, and if adopted it would have to be adopted with the general goodwill and consent of the people of Scotland, and, probably, in conjunction with many other subsidiary arrangements. He did not object to the introduction of the Bill, but he was not prepared to say he could give it his support on the second reading.

Considered in Committee.

(In the Committee.)

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to authorise the Governor and Company of the Bank of England to issue their Notes in Scotland, and to make such Notes a legal tender there.

Resolution *reported* in Committee.

Bill *ordered* to be brought in by SIR JOHN HAY, MR. BAXTER, MR. DUNLOP, and MR. CARGILL.

Bill *presented*, and read 1°. [Bill 115.]

Mr. Kinnaird

CASE OF CAPTAIN MELVILLE WHITE.

PAPER MOVED FOR.

COLONEL FRENCH moved an address for a Copy of the Award made by the Senate of Hamburgh in the case of Captain Melville White. Captain White was a gentleman who had distinguished himself for his gallantry in every country he had visited. He had saved the lives of the English and French Consuls in the Red Sea, and, in addition to that, he had succoured a great number of vessels in a sinking state; and on the breaking out of the mutiny in India he went out there at his own expense, and did his country great service. This gentleman had occasion to enter the republic of Peru, when he was seized without cause, imprisoned, and most brutally treated—so treated, in fact, that the Under Secretary for Foreign Affairs declared that it was one of the worst cases that had ever come under his observation; and the noble Earl the Foreign Secretary declared that it was a case which demanded reparation, and must be enforced by the whole power of England. The officers of the Government, on inquiry into the case, considered that £4,500 should be demanded from the Government of Peru as a requital for his sufferings. Captain White, however, considered that a disproportionate sum, and it was proposed that the decision should be left to the Senate of Hamburgh; but Captain White claimed that it should be placed under the arbitration of the Emperor of the French. The Government would not accede to his views, and the arbitration was left to the Senate of Hamburgh. They were ready to enforce the demand of £4,500, but they declined to make a demand for some £100,000, as wished by Captain White. The matter was, however, referred to the Senate of Hamburgh, who, after considerable delay, decided that Captain White was not entitled to any compensation whatever. The question, however, referred to the arbitration was between £4,500 and a larger sum. He therefore asked for a copy of the award, in order that he might be in a position to bring the subject before the House.

MR. LAYARD said, there was no objection to the production of the award, but the difficulty of getting a reliable translation of a German document of eighty pages full of technical phrases would occasion some little delay. The case of Captain White was well known. Her Majesty's

Government were under the impression that Captain White's treatment was not justified, and a demand was made for compensation. A certain sum was offered; but Captain White declined to accept it, and it was proposed to refer it to the Senate of Hamburgh for their mediation. That was accordingly done. They went through the matter most carefully, and they ultimately came to a decision adverse to Captain White. He was at a loss to know what course Her Majesty's Government could take. Captain White had submitted to the arbitration of the Senate of Hamburgh, and of course must be bound by their award.

Motion *agreed to.*

Address for "Copy of the Award made by the Senate of Hamburgh in the case of Captain Melville White." — (*Colonel French.*)

BANK ACTS.—RESOLUTION.

Considered in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER, in moving that the House resolve itself into Committee for the purpose of agreeing to the following Resolution :—

> "That it is expedient to enable certain Banking Co-partnerships which shall discontinue the issue of their own Bank Notes to sue and be sued by their Public Officer,"

said, the intention was to remedy a technical defect in the law, which had arisen out of the language of the Act of 1844. The intention of that Act was to confirm to certain banking Co-partnerships the privilege of issuing bank notes, subject to certain restraints and limitations; and it was also intended by that Act that, in case any bank should desire to surrender the power of issue, it should escape from the limitations and restraints attaching to that power of issue, without incurring any new disability. A case had lately arisen in which the National and Provincial Bank, wishing to surrender its power of issue for the purpose of commencing banking business in London, had been advised that one effect of that surrender, under the present law, would be that it would lose the privilege of suing and being sued by its public officer. That clearly was not the intention of the Act of 1844, and it was to remedy this defect that he proposed to introduce a declaratory Bill.

Resolution *agreed to.*

Resolved,

That it is expedient to enable certain Banking Co-partnerships which shall discontinue the issue of their own Bank Notes to sue and be sued by their public officer.

House *resumed.*

Resolutions to be reported on *Thursday.*

GAME (IRELAND) BILL.

On Motion of Sir HERVEY BRUCE, Bill to alter the days for shooting Game in Ireland, *ordered* to be brought in by Sir HERVEY BRUCE and Colonel FORDE.

Bill *presented,* and read 1°. [Bill 116.]

House adjourned at a quarter
before Seven o'clock,
till Thursday.

HOUSE OF LORDS,

Thursday, May 26, 1864.

MINUTES.]—PUBLIC BILLS—*First Reading*—Ecclesiastical Courts and Registries (Ireland)* (No. 96).

Second Reading—Scottish Episcopal Clergy Disabilities Removal (No. 79), and *referred* to a Select Committee; Divorce and Matrimonial Causes Amendment* (No. 75).

Committee — Mortgage Debentures* (No. 55), *reported.*

DENMARK AND GERMANY—THE PRUSSIANS IN JUTLAND.—QUESTION.

THE EARL OF ELLENBOROUGH: My Lords, I rise to put a Question to the noble Earl at the head of the Foreign Office, of which I gave him notice on Monday last. As the Conference, after a somewhat long adjournment, will meet on the 28th, it is important that we should know how far the engagements entered into by the belligerent powers on the 9th have been fulfilled; for if we should find that, in point of fact, these engagements have not been faithfully performed, we shall have but little confidence in any future promises that may be made. If I am not misinformed, the engagements entered into by the belligerent Powers on the 9th were to this effect—that they would not interfere with the commerce or with the communications of the country which they occupy, not interfere with the existing civil administration—that they would not levy any war contributions, and that they would pay for everything that their troops received. Now, unless I am greatly misinformed, it can hardly be said that any one of these five engagements has been thoroughly performed. The commerce of the country has been interrupted by impounding and placing under lock and seal large quantities of valuable goods intended for commercial purposes. The communications of the country by road are dependent entirely upon the caprice of the officers in command. The communication by telegraph has been broken entirely by the removal of the wires. I do not know for certain that any new war contributions have been imposed, but rations for men and horses have been exacted without payment, and those for the soldiers of the most extravagant kind. It was stipulated that, on the contrary, so far from exacting contributions, everything should be paid for. I understand that on the 12th an order was given for the delivery of rations, and that not one word was said about payment; and the contributions not having been delivered on the 13th, an order was given for their immediate delivery, with a threat that if the delivery did not take place, those who did not comply should be placed upon bread and water. That, I understand, is the state of things at this moment. There may have been some cases of payment, but I am informed the payments have not been made in money. The payment has only been in receipts for goods delivered, acknowledgments of indebtedness on the part of the Prussian Government; documents which, of course, are of no market value whatever. It is possible that subsequent orders may have been issued from Berlin. That may have been in consequence of the representations of the noble Earl or of the other Powers on the Continent, or in consequence of the evidently rising indignation of the people of this country. But certainly the Prussian Government did not commence the armistice by acting according to the stipulations they had agreed upon. Of that I apprehend there can be no doubt whatever. They contracted at the Conference, not with the Danish Government alone, but with all the Powers assisting in the Conference; and, therefore, in departing from their engagements, they have committed an offence, not against Denmark alone, but against every one of the contracting Powers, each of which is justified in resenting that offence by the blockade of the ports of the belligerents, or by any other suitable measure. I hope that a better state of things may now have commenced. But it is impossible for me not to feel that this state of things could not have happened had the influence of this country been what it once was. I cannot conceal from myself that there prevails in Germany an impression that, do what they may, say what we may, we shall not lift our arm for the purpose of arresting the progress of their wrong doing. My Lords, I am very ready to acknowledge the zeal, the earnestness, and the great ability of the noble Earl at the head of the Foreign Department. I think that the position of the noble Earl has been beset by difficulties of an unusual character, which, under any circumstances, would have been embarrassing; but I cannot abstain from declaring my opinion that these difficulties have been greatly increased by the conduct of the noble Earl himself. My Lords, last year, the premature and inconsiderate declaration, that under no circumstances would this country go to war for the sake of the establishment of a better state of things in Poland, deprived our diplomacy of all its efficacy, of all hope of success in the negotiations that were then being carried on. It is a vain idea indeed—it is a perfect dream—to hope that mere moral opinion can produce any effect whatever in diplomacy. The strength of diplomacy resides altogether in the force by which it is supported, and in the belief that, under the circumstances which may arise, that force may be employed for the purpose of maintaining its rightful demands. If you take away that supposition, the despatches of the Foreign Secretary can have no more weight than that which would attach to the collective opinion of any twelve or fifteen respectable gentlemen meeting in Downing Street to discuss any public matter; authority it can have none. This was the state of things so far as it affected Poland. This year what have we done? This year the noble Earl has most distinctly expressed his opinion upon the policy to be pursued. Substantially and in effect what the noble Earl said was this—

> "Hear Mr. Gladstone—'look around, see the vast progress of our prosperity and the enormous amount of our commerce. It would be a sin to risk for the defence of innocence and of weakness, and for the protection of right against might—the might of the wrong doer—any portion of that wealth which Providence has bestowed upon us for our own especial enjoyment.'"

My Lords, I differ altogether from those who can entertain that opinion. I do not hold that power, and strength, and wealth are given to a state, any more than they are given to an individual, for his own personal enjoyment and satisfaction. The

State and the individual stand under the same circumstances of responsibility. They are each subject to the obligation of doing good and of preventing evil; and we have done neither. My Lords, I cannot help feeling at the same time that there is another difficulty beyond that which has arisen out of the conduct of Her Majesty's Government. There is another difficulty of the greatest magnitude which has materially affected the influence of this country with Foreign Powers. I cannot but think there is a strong impression on the Continent, and especially in Germany—an impression which it would be contrary to constitutional principle to admit to have any real foundation—but which certainly does exist on the Continent, and is gradually pervading society in this country, that in all public questions relating to Germany Her Majesty's Ministers have as much difficulty in carrying out a purely English policy as was experienced in former times, as history teaches us, in the reigns of the two first sovereigns of the House of Hanover. When George III. came to the throne, and first met his Parliament, he declared, in his own words, that born and educated in this country, he gloried in the name of Briton. By that declaration he won the hearts and obtained the confidence of his people. He at once relieved his Government from that unpopularity and weakness which had attached to the Governments of his predecessors, from the persuasion that they were swayed by German partialities. The people believed him to be an Englishman and nothing but an Englishman—to be one of themselves—to feel as they did—to be identified in all respects with the English people. That feeling inspired the loyalty which enabled him to go through without danger the difficulties of the revolution with which he had to contend. I do trust that in this question of Denmark, Her Majesty's Ministers will so act as to show to Germany and the whole world that the policy and feelings of George III.—those truly English feelings which regarded only English objects—still animate the Government of this country, and that they will succeed in overcoming that impression which is now extending itself on the Continent, and overspreading this country, and in restoring to our diplomacy the authority and influence which it has now lost. I will ask the noble Earl whether the proceedings of the Prussians in Jutland, since the armistice has commenced, have been conformable with the engagements entered into in the Conference?

EARL RUSSELL: My Lords, the noble Earl certainly gave me notice a few days ago that he should make some inquiries as to the manner in which the engagements entered into in the Conference for the suspension of arms had been carried out in Jutland; but the noble Earl did not give me notice that he meant at the same time to make observations upon the conduct of the Government in relation to foreign affairs in matters extending far beyond Jutland—beyond the question, large, difficult, and intricate as it is—the question between Germany and Denmark—extending even to the question of Poland. I think it would have been fair—I think it would have been more in conformity with the course usually practised in Parliament, and certainly practised in that House in which I have spent the greater part of my political life—if the noble Earl, intending to make this attack, had given me notice that he meant to do so. As to the Questions which he has asked of me, I will answer, in the first place, with respect to the manner in which the agreement for the suspension of arms has been carried out in Jutland. The Danish Government have stated that it is their intention to collect in as accurate a form as possible all the facts, and when they are in possession of those facts, and can rely upon them, then only they will lay a statement—containing, at all events, an accurate statement of facts, before the Powers with whom they have agreed to negotiate. I consider that to be a prudent and wise mode of proceeding; and until they have done so it is not for us to assume that mere rumours or statements in newspapers or private letters are perfectly accurate and true. But with regard to the assertions which have been made here and elsewhere, the Prussian Government was applied to and they have made this statement upon that subject. I am about to give your Lordships, as well as I can, the statement made by the Prussian Government, without at all attempting to defend their conduct or making myself responsible for the statement. The Prussian Government say that they thought fit, I think on the 28th of April, to make an estimate of the value of the ships captured by the Danish cruisers, and finding that estimate to amount to £50,000 for Prussian ships, and £40,000 as the value of other German ships, they directed Marshal Wrangel to levy contributions in Jutland to the amount of £90,000. I believe that proceeding to be in itself a novelty in the history of war; but be that as it may, their answer is, "We are at war, and we believe this to be one of our belligerent rights." A part of this amount was raised; but the Prussian Government say that immediately the King had sanctioned the agreement for a suspension of arms, orders were sent to Marshal Wrangel not to levy any further contributions; and that if contributions had been levied since the 11th, the persons who had paid the contributions should be re-imbursed the sums received from them. The account we have received from our Ambassador is that orders were sent from Berlin on the 10th, and he thinks it probable, and it appears to me very likely, that although the orders might have reached Marshal Wrangel on the 12th, yet they were not in the hands of all officers commanding corps or divisions of regiments upon the morning of that day. It appears from some accounts which have reached us, that demands were made on that day. There is a Danish statement that upon the night of the 11th the Prussian seals were placed upon several magazines and stores of private merchants and manufacturers, as security for the payment of contributions. The seals were afterwards taken off from some, but I cannot say whether they were taken off from all. That is the Danish statement, although it does not come from the Danish Government. With respect to provisions, it appears that orders were certainly given that all demands for provisions and rations for the troops should be paid for. It is probable from what we have heard that the payments have not been made in specie, but it is asserted that payments are made in the shape of acknowledgments. I do not know whether care has been taken to avoid making further requisition, or whether, if any further requisitions have been made, they have been paid for in money. The Prussian Government are bound by the terms they have made for a suspension of arms, which the noble Earl has correctly represented; they are bound to see that no further contributions should be levied; and if further demands of provisions should be made, then that they should be fully paid for. We all have in our recollection the terms upon which the suspension of arms took place; but we have thought it bteter, however, to wait for the statement of the Danish Government rather than to rely upon mere rumours. The noble Earl (the Earl of Ellenborough) went on to say that all this had been done because it was not expected that Her Majesty's Government would have recourse to force to prevent them. But the noble Earl must recollect that in this instance the engagements were made, not with the British Government alone, but with the Governments of France, Great Britain, Russia, and Sweden, who were all represented in the Conference; and if these things were done—if the suspension of arms was set at defiance—the Prussian Government is liable to be called to account by all the Governments for the violations of their engagements which they have committed. It cannot be said that such conduct is a wanton indignity or insult to the British Government alone; what has taken place is an indignity and an insult to all the Powers who were represented at the Conference. The noble Earl, not satisfied with putting his Question, has spoken of the general course which Her Majesty's Government have pursued in regard to foreign policy. I must say, with reference to this particular Question, as I told a noble Friend of mine who raised the point some time back, that while this country is bound to defend its honour and any paramount interest it may have in any part of the world, it is not alone responsible for maintaining the balance of power in Europe. I think in the engagements which this country has made—whether the engagements of 1852 or those of a more ancient date — whenever the question of this general balance of power in Europe has arisen, the obligation has been one, not of this country alone, but of this country along with several other Powers, bound, whenever the case arose, to consult those Powers as to what the obligations were, and what ought to be done in the circumstances. If I may advert to the conduct of the person whom I consider to have been the great founder of the foreign policy of England in modern times — namely, King William III. — he always sought out for allies on the continent of Europe, and acted with those allies to the great benefit of Europe and to the reputation and glory of England. I certainly stated on a former occasion, that the flourishing condition of our finances and trade is a reason not lightly to imperil such a state of things. I might have stated also this other ground—that no country can really keep up its character for strength, and its power of asserting its position in Europe, unless its finances are in a satisfactory condition. I reminded you how the Peace of Amiens—the most disastrous peace we ever made, by which France was left in possession of the greater part of Europe after an unavailing contest—was brought about by the distressed and disordered state of our finances; and I implored you to take care, lest when your honour or interests may be attacked, it may be impossible to assert that honour and give effect to those interests if your finances are disordered by useless and unnecessary wars. The noble Earl referred also to the case of Poland. When that question arose Her Majesty's Government, following the example set by the Government of Earl Grey, made remonstrances to Russia, founded on the Treaty of Vienna. An answer was given to those remonstrances, addressed to England, France, and Austria. A reply was sent and further representations made; but the general answer was that, when tranquillity was restored, the condition of Poland should receive the consideration of the Russian Government. That, in fact, closed what may be called the negotiations, although there was much subsequent argument. But when I made the statement in this House that I could not advise this country to go to war to re-establish Poland, I considered that negotiation with Russia, so far as it could have influence on Russia, was at an end, and there was nothing to do but to resolve whether, in that state of circumstances, you would go to war for Poland or not. Now, of all the wild, imprudent, and extravagant wars that were ever engaged in, a war to establish Poland would have been the most wild, the most imprudent, and the most extravagant. When you consider that no Government had been established by the insurgents, and that even the insurrection had not raised its head with effect—when you look to the vast extent of the country to be re-established, and consider that it would have amounted to nothing less than the dismemberment of the Russian Empire, which everybody who had the conduct of affairs in that empire was bound to resist to the utmost — to have gone to war then for the re-establishment of the Polish Government, however much the Poles by their bravery, generosity, and conduct had merited the sympathy of Europe, would have been most unjustifiable. Well, but what was I to do? I have always considered that if you do not mean to go to war for a nation in a state of insurrection, nothing can be more immoral, more perfidious, more destructive of confidence, than to hold out hopes to men which must afterwards be disappointed. Therefore I was between these two conditions—either I must speak in favour of the Poles and go to war in their favour, or I must tell them plainly that it was not the intention of Her Majesty's Government to go to war. Well, the latter was the course I took. I proclaimed here, and proclaiming here I proclaimed it to the world, that it was not our intention to go to war for Poland; and from that moment no Pole could with authority or reason say that he relied on British support, and was betrayed by the want of it. I cannot but think it is a source of satisfaction to me that, in the first place, I did not advise war for Poland; and, in the next place, not advising it, that I did not hold out to the Poles that we were about to do that for them which we did not intend to do. The noble Earl may think that we ought to have gone to war for Poland; he may have thought—though I hardly believe it—that not intending to go to war for Poland we should have endeavoured to impose on the Government of Russia the belief that we were about to make great sacrifices to rush into a war without any definite object in view, and by so doing to sacrifice the lives of men as brave, as generous, and as patriotic as ever lived. My Lords, my resolution was to do neither the one nor the other. The question of going to war is a serious matter, not to be lightly talked of. The noble Earl has referred to the example of George III.—a most patriotic Sovereign, with every feeling in his heart that prompted him to defend the honour of his Crown, and the welfare of the country over which he reigned. But as to his views of policy and the Ministers by whom he was advised, it is not to be forgotten that in this House a Member of that Cabinet, on entering into a war for the purpose of subduing insurrection in America, declared that the Americans were a parcel of cowards, and that this country would easily get the better of them, and suppress the revolt. In the course of that enterprise you spent £100,000,000 and lost thirteen provinces. On another occasion a great revolution took place in France—France changed her Government; and the Government of George III. must go to war to change republicanism in France to monarchy, and bring back the Bourbons to the throne. In that enterprise there was £550,000,000 spent, and oceans of blood were shed. I consider these two wars two of the most unwise—two of the most unjustifiable wars in which this nation ever engaged. The noble Earl has referred to other matters which I think he might have spared. He has referred to the advice which Her Majesty's Ministers have given to their Sovereign. All I can say is this, and I say it with perfect truth—that however much Her Majesty may have, as other Princes have, their private affections—connected as she may have been by marriage with a Prince who derived his birth from Germany—much as she is connected by the alliance of her daughter with German families—Her Majesty's great object has been to maintain intact the honour, to maintain high the reputation, to maintain the interests of this country. And however much Her Majesty may desire that every step, whether relating to Germany, or Denmark, or any other subject, should be carefully weighed by her advisers, there has been no one occasion on which, when those advisers have deliberated and have given the result of that deliberation to Her Majesty, Her Majesty has not wholly followed their counsels, and adopted the Resolutions to which they had come. Therefore, my Lords, having stated this, I need hardly state that which follows, that if the interests of this country have been deserted—if there is any stain on its honour—if there has been any abandonment of those great interests which we are bound to preserve—if there has been any abandonment of the interests of Europe, which we with others are bound to look to—it is upon the heads of Her Majesty's advisers that the responsibility must rest. Let that responsibility be as great and as heavy as it may be, we can transfer it to no other quarter; we must take it all upon ourselves—and, for my part, I am perfectly willing to be held responsible for the course we have adopted.

Lord BROUGHAM did not wish to prolong that discussion, but his noble Friend near him having referred to the indignation of the people of this country in regard to the acts of plunder committed in Jutland, he must say he never yet knew so unanimous an opinion or so strong a feeling to exist among all classes, all ranks, and all parties in this country on any question, either of foreign or domestic policy, as now prevailed in favour of Denmark and against Prussia. By saying against Prussia he meant against the Government of Prussia, whose frauds and cruelties and wrongful deeds had not brought them the least glory. They had pillaged and oppressed the weak; they had gained a certain accession of territory and taken a considerable booty; but glory they had gained none. But these were the acts of the Government alone; the people of Prussia were not at all responsible. Their case was very different from that of the people of America, who were responsible as a people for the violence and bloodshed unhappily desolating their country. But, as regarded Prussia, the responsibility was confined to the Government.

Earl GREY: My Lords, I cannot allow what was said by my noble Friend at the head of the Foreign Office, as to what took place in 1831 with reference to Russia and Poland, to pass altogether unnoticed. I deny that my noble Friend can draw any justification or defence for his recent policy with regard to Poland from what occurred in 1831. Speaking on the spur of the moment, without having any opportunity of referring to papers relating to transactions that took place so long ago, I cannot, of course, trust my memory as far as details are concerned. But I can say, with the most perfect recollection of the fact, that the whole tone and effect of the correspondence on the part of this country with Russia at that time was totally different from that of the recent despatches of my noble Friend on the subject of Poland. Your Lordships will allow me further to explain, as one of those who objected to my noble Friend's policy with respect to Poland, that I never did object to it because it had not plunged this country into war. I never did object to his openly declaring that he intended to avoid war on that question. I agree with him that as it was clear that this country ought not to enter into such a war, it was but fair and just to the Poles that that determination should have been made known to them. But what I think may be most legitimately found fault with is this—that, being determined not to go to war, and that determination being made publicly known, the noble Earl should have thought fit to engage in an irritating correspondence with Russia on the subject of Poland, which could not but be most impolitic and injurious to the character of this country.

Where was the wisdom or advantage of bringing forward impracticable proposals to which he called on Russia to agree, or of holding aggravating language about the iniquity of her conduct, and then laying before Parliament all those scolding despatches, which might have been very good as school boys' themes, but which, as they were to lead to nothing, were unworthy of statesmen sitting in a Cabinet? A great country certainly ought not lightly to engage in war; and it is not for us to be the general redressers of the world's grievances. But, on the other hand, I hope the rule is not to be laid down, that England is to remain an indifferent spectator in all cases of any amount of wrong committed among nations, and that, because other States think fit to shrink from the common duty of defending the weak against the strong, when there is a favourable opportunity, and we have the power to do it, we are to abstain from doing so. I say that there are cases in which the power of this country ought to be exerted to prevent wrong being done. But when you satisfy yourself that a case is not one for your interference, and that you clearly ought not to take up arms in regard to it, I say it is not for the credit, the character, or the dignity of this country that its Government should address to another Government scolding language, like an impotent old woman. That is the opinion I have always entertained, and the results of the course taken by the noble Lord have only confirmed me more strongly in it than ever. I do not, however, mean to enter into this question now. We have already partially discussed it, and perhaps a future opportunity may arise of further discussing it even in the present Session. But considering my relationship to the person who was at the head of the Government in 1831, I could not sit by and hear my noble Friend defend his policy with respect to Poland by comparing it with the policy then adopted.

SCOTTISH EPISCOPAL CLERGY DISABILITIES REMOVAL BILL—[H.L.]

[No. 79.] SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF BUCCLEUCH, after presenting several petitions in favour of the Bill, proceeded to move its second reading, and in so doing said: My Lords, I will state, as shortly as possible, the necessity which exists for a measure of this description. I have no doubt that many of your Lordships are not in the least aware that there are any disabilities affecting the Scotch Episcopal Church. I have heard persons say that they did not know that there was an Episcopal Church in Scotland at all; and from conversations which I have had with some of your Lordships and others, I have found that a deplorable ignorance exists on this subject both out of doors and within the walls of this House. The Episcopal Church in Scotland has existed ever since the Reformation. At that time most, if not all, of the Bishops in Scotland remained of the same religion as before. Bishops, however, were appointed to the vacant Sees, but they were not consecrated though they sat in Parliament in virtue of their Sees. This went on until, I believe, there was only one of the original or genuine Scottish Bishops remaining alive, namely, Beaton, Archbishop of Glasgow, who died in 1603. When King James came to the English throne, he determined to re-establish the Episcopal Order in Scotland. This was in the year 1610. At that time the Archbishop of Glasgow (Spottiswoode), Bishop Lamb of Brechin, and Bishop Hamilton of Galloway, who were previously titular Bishops of those Sees, came up to London to be consecrated. The Bishop of Ely objected to their ordination, but Archbishop Bancroft of Canterbury moved that they be consecrated on their Scottish Orders as being perfectly good. The Episcopal Church went on in Scotland as the Established Church till 1638. In that year a General Assembly was held at Glasgow, which not only deposed the Bishops, but excommunicated them, and at that time excommunication carried with it grave civil consequences. During the time of the Commonwealth, the Episcopal Church in Scotland almost entirely disappeared, but at the Restoration, King Charles the Second determined again to restore it. For this purpose, Dr. James Sharp, Mr. Fairfowl, Mr. Hamilton, and Mr. Leighton, all in Presbyterian Orders, came to London, where, after being ordained Deacons and Priests, they were consecrated Bishops by the Bishop of Winchester, with the assistance of two other Prelates. Dr. Sharp was named Archbishop of St. Andrews, Mr. Fairfowl, Archbishop of Glasgow, and two others were appointed Bishops of Galloway and Dunblane. They went down to

Scotland and consecrated the remaining ten Bishops. At the Revolution in 1688, James the Second was driven from the throne. I should have mentioned that the State had restored the temporalities of Bishops, and the civil status of the clergy. But in 1689-90, the Episcopal Church was again dis-established, and the Presbyterian form was re-established. The State again took away from the Episcopal Church that which alone it had the power of giving it—its civil status and its temporalities, but it did not take away its spiritual status, because it had not the power of doing so. That remained as it was in 1661, and the spiritual status remained unmolested from that time down to the present, the Episcopal Order being continued, so that the present Bishops of the Episcopal Church in Scotland derive their Orders and status from the same source as the right rev. Prelates who sit in this House. I mention this at the present time, because some persons are under the erroneous impression that this is an attempt for the first time to bring the Episcopal Church into close communion with the Church of England. It has never been otherwise. Archbishop Tillotson, when he first held a benefice in England, had Scottish orders, having been ordained in England during the time of the Commonwealth, by Dr. Sydserf, Bishop of Galloway; and the Rev. James Greenshields, who was ordained by the Bishop of Ross in Scotland after 1690, was admitted to a curacy in the diocese of Down, and afterwards to a curacy in the diocese of Armagh, which he held till 1704, when he returned to Scotland. The validity of his Orders, which had been unquestioned in Ireland, was now questioned in the Scottish capital; but the judgment of the Civil Courts, which had called them in question, were on appeal reversed by a judgment in the House of Lords in 1710. Then the well-known Dr. Burnet, who had been minister of Salton in East Lothian, was consecrated Bishop of Salisbury on his Scotch Orders. There were several others I might mention. There was one case in the reign of William III., when Dr. Alexander Cairncross, who had been Archbishop of Glasgow from 1684 to 1687, was appointed Bishop of Raphoe in Ireland. There are several other cases of clergymen of the Scottish Episcopal Church being appointed to benefices in Ireland, who were ordained after 1600, when the old Episcopal Church ceased to be the Established Church. I only allude to these instances for the purpose of showing your Lordships the intimate connection there has always been between the two Churches—the Church of England and the Episcopal Church in Scotland. But with regard to the present position of the clergy in the Episcopal Church in Scotland, an Act of Toleration was passed in the reign of Queen Anne, relieving them from some of the disabilities which they then laboured under. The Bishops of the Scotch Episcopal Church were still recognized by their ecclesiastical titles, Queen Anne, on two separate occasions, in 1704 and 1706, having, by Royal Warrant, directed donations of £100 to each of the Bishops of Edinburgh, Aberdeen, Moray, and Dunblane. From the time of the succession of the House of Hanover to the Throne, the persecution of the clergy of the Scottish Episcopal Church commenced. They were, in fact, nonjurors and partisans of the House of Stuart, and after the rebellions of 1715 and 1745, most stringent and most cruel enactments were passed against them. They continued subject to these persecutions till 1788, at which time the last male descendant of the Stuarts died. In 1792, a Bill was introduced into this House by the Earl of Kellie for the purpose of removing certain disabilities affecting the clergy and laity of the Episcopal Church in Scotland. Its second reading was moved by the Earl of Elgin. The Bill was from the first very strongly opposed by Lord Chancellor Thurlow; and amongst other things, whilst the Act professed to remove all disabilities, he introduced a clause imposing new disabilities upon the Scottish Episcopal clergy which they had not been subject to before, namely—

> "Provided also, and be it further enacted, that no person exercising the function or assuming the office and character of a pastor or minister of any order in the Episcopal Communion in Scotland as aforesaid, shall be capable of taking any benefice, curacy, or other spiritual promotion within the part of Great Britain called England, the dominion of Wales, or town of Berwick-upon-Tweed, or of officiating in any church or chapel within the same where the liturgy of the Church of England as now by law established is used, unless he shall have been lawfully ordained by some Bishop of the Church of England or of Ireland."

The Bill was warmly supported by Dr. Horsley, Bishop of St. David's, who answered the Lord Chancellor's objections, also by Lord Stormont and the Earl of Kinnoull. The clause thus inserted in the Act of 1792 had the effect of preventing any person who had been ordained in Scotland from holding any benefice, or even from officiating in England. These provisions were relaxed to a certain extent by an Act passed in 1840, which enacted that any Bishop in England or Ireland, on the application of any Bishop of the Episcopal Church in Scotland, or of any Priest of such Church, might grant written permission to such Bishop or Priest to perform Divine service, and administer the sacraments for any one day or two days, but not more, in any church or chapel within his diocese. So that here are Bishops having the same descent as those of the Church of England, and clergymen holding the same office—subscribing to the same articles of religion—incapable of holding any benefice, or even officiating in England or Ireland. And mark the contrast. Any person, whether a native or a naturalized British subject, ordained by a Roman Catholic Bishop in England, Scotland, or Ireland, or abroad, is eligible to hold a living in England or Ireland, and it is nothing but the civil disabilities inflicted upon Scottish Episcopal clergy by the civil law that prevents them from doing so also. It is not an ecclesiastical disqualification, but purely a civil disqualification imposed by Act of Parliament. All that I seek to effect by this Bill, and all that is sought for by those persons who have petitioned so strongly in its favour, is that the Bishops and clergy of the Scottish Episcopal Communion ordained in Scotland, shall no longer be debarred by Act of Parliament from taking any benefice, curacy, or spiritual promotion, or from officiating in England and Ireland. The petitions which I have presented, signed by both clergy and laity in Scotland, have all the same prayer. They are quite willing to recognize the rights of the Bishop in England to satisfy himself in the amplest manner of the doctrine and character of the person he is asked to licence. Now, with regard to the ordination of any person in Scotland, he must have a clear title in the diocese from which he comes; he must also take the oath of allegiance and supremacy, and sign the Thirty-nine Articles, and the ordination is exactly the same and exactly in the same words as the ordination of clergymen in the Church of England. The Prayer Book and Liturgy of the Church of England is the authorized Liturgy of the Episcopal Church in Scotland. I know that it is objected that there is another Communion Office authorized in Scotland. But that is no longer so. The only authorized canonical version is that contained in the Book of Common Prayer. There is no doubt that in some of the older congregations in Scotland they have been in use to celebrate the Holy Communion in a particular form, and these are permitted still to do so, but it is mainly in the northern counties where that obtains, and for myself, who have lived in Scotland all my life, I have never once heard that form used. It is becoming more rare. These congregations have handed the form down from father to son, and it is the feeling amongst them that it should still continue, but at the present moment, in all the new congregations, the form of the Church of England is the only one used, unless there should be a large majority of the congregation who request the Bishop of the diocese to allow the older form to be used. But I know it is the general feeling in Scotland that the English version only shall be used. My Lords, this is a matter in which I feel the greatest possible interest, both as a Scotchman and as regards the Church of England. I have as strong a feeling in favour of the maintenance of the integrity of the Church of England as any one of your Lordships, and if I thought that the Bill would, directly or indirectly, affect the Church of England in an injurious manner, I should be the last person to offer such a measure to your Lordships' consideration. But the object of the Bill is to remove a reproach and a stigma which, to a certain extent, rests upon the Scottish Episcopal Church. I may state that of the 161 clergymen of the Scottish Episcopal Church only seventy-nine have Scotch orders. The rest are all in English orders, and one reason of that is, that many of them, although Scotchmen by birth, came to England to be ordained, because they knew that if they were ordained in Scotland they would be under this unjust bane, which would prevent them from holding any benefice in England, or from even officiating in this country. The result is, that with regard to the qualification to be borne, it is found much more difficult to pass the examination for ordination in Scotland than it is in England. I will not detain your Lordships longer, but will now move the second reading of the Bill.

Moved, That the Bill be now read 2^a.—(*The Duke of Buccleuch.*)

EARL GRANVILLE said, the noble Duke had made a very interesting statement, but he doubted whether their Lordships were sufficiently informed on the subject to come to a definite conclusion regarding it. The Church of England was connected with the State; but the Episcopal Church of Scotland was a perfectly independent body, which was free to adopt its own forms, and which differed in regard to some of them from the Church of England. He should like to hear what the right rev. Bench had to say on the matter. It would require, he felt, careful consideration to decide whether these disabilities could be removed, and, if so, what restrictions should be imposed in their stead. Under these circumstances, their Lordships would probably agree with him in thinking that the best course would be to consent to the second reading, on the understanding that the Bill should then go to a Select Committee.

THE ARCHBISHOP OF CANTERBURY said, he did not mean to offer any opposition to the second reading of the measure. He did not think they possessed sufficient information in regard to it, but there were, certainly, reasons why they should not at once reject it. The number of distinguished members of the Episcopal Bench who had received orders in the North, and the close intercommunion which had existed from 1741 to 1792 between the Church of England and the Episcopal Church of Scotland, ought to secure due consideration for the proposal of the noble Duke. The great difficulty of admitting to the English Church ordained ministers of the Scotch Episcopal Church was that it would create a double allegiance. He gladly accepted the suggestion of the noble Earl to refer the Bill to a Select Committee, and hoped the noble Duke would agree to it.

THE BISHOP OF DURHAM said, there were grave objections even to the second reading of such a Bill. He held that the title of the Bill did not properly describe it. The word "disabilities" and the expressions of the noble Duke were scarcely applicable to a body which was altogether free and independent of the English Church, and which differed from it both in doctrine and government. Nevertheless, by this Bill it was proposed that the clergy ordained by the Scotch Church, differing, as it did, in some particulars in doctrine from the Church of England, should be admitted to the benefices of that church. The Bill would be more truly described as one for diverting the endowments of the Church of England from those within to those without her pale. At first sight there might appear some hardship in admitting a Roman Catholic clergyman to the Church of England without re-ordination, and refusing that privilege to a minister of the Episcopal Church of Scotland; but it should be remembered that in the former case the clergyman renounced the Romish Church altogether. There had been some misapprehension as to Lord Chancellor Thurlow's position with regard to the Act of 1792. Whatever might be the Chancellor's theology, he had no doubt that, as an acute lawyer, he regarded the question as affecting the Royal supremacy. Bishop Horsley had also been referred to; but that prelate insisted on the clause for the protection of the Church of England. Bishop Skinner, the Scotch Episcopalian Bishop, who was in London at the time of the passing of that Act, and was in constant communication with the clergy of that period, stated that the words which had been referred to were not inserted by the caprice or humour of any single individual, but were the result of the decided judgment of a body of men who thought it their duty to secure the temporal emoluments of the Church of England to the clergy of that Church, and to them alone; and it was the feeling of the Scotch Bishops and clergy at that period that such a view of the case was not unreasonable. He added that had any Scotch clergyman been so ambitious as to aspire to the cure of souls in England, the Bishop of the diocese might very properly have said to him, "I make no doubt of the authority of the Scotch Bishops in their own Church, but neither the law of England nor of Scotland recognizes any such Bishop here; his orders cannot be put as a legal qualification, nor can they have any civil effect within the Church of England." It certainly appeared to him reasonable that the Church of England should be protected from having clergymen brought into it who had not been ordained, and whose qualifications had not been ascertained, by a Bishop of the Church England. It seemed to him that a most important principle would be asserted by the second reading of the Bill. When the union between the Church in England and the Church in Ireland took place, the condition was, that the doctrine, service, and government of those two Churches should ever afterwards be one and the same. But in none of these respects was the Scotch Episcopalian Church one with the Church of England. The former Church had a service, which he believed all the present Bishops of that Church had pledged themselves to defend, and which only last year had been declared to be of final authority, but which was entirely antagonistic to the teaching of the Communion Service of the Church of England. He would not say that the Scotch Episcopalian service was derived from the Church of Rome, because he should be told that it was taken from the Greek Church ; but any one observing the language of the Scotch Episcopalian service in reference to the consecration of the elements would come to the conclusion that it was founded on doctrine of the Church of Rome. He would not discuss that language—he would only state to their Lordships that two months ago one of the most learned and devout Bishops of the Scotch Church, speaking in the Synod of that Church, said—

> "If the language of the Scotch Service-book had been the language of the Church of England after the Reformation, Latimer, Cranmer, and Ridley need not have been burnt."

When it was proposed at a meeting of the Synod of the Scotch Episcopalian Church a few months ago, that for the future in respect to old congregations the majority of the members should decide whether they would have the old service, but that with respect to new congregations, the service of the Church of England should be substituted; that proposal was rejected, and it was determined that every congregation should decide whether they would have the service of the Scotch Episcopalian Church or the service of the Church of England. Another difficulty was this, that the Church of Scotland was governed by a Synod, consisting of twenty-one members, and the majority of that body could at any time change the service of the Church. The changes had, in fact, been numerous. This body could also, in times of excitement, ordain any number of deacons and priests to circulate their views. With regard to the endowment of the Scotch Episcopalian clergy, there was a more obvious and fair way of effecting that object, and that was by the members of the Scotch Episcopalian community endowing the Scotch benefices which existed. He understood that the Chancellor of the Exchequer suggested to a deputation who waited on him that they might follow the example of the Free Church of Scotland, and liberally endow the Scotch benefices. There was no want of zeal or liberality on the part of the members of the Scotch Episcopalian community ; but the reason that they did not take that step was because, unlike the Free Church, the governing body of the Scotch Episcopalian Church had not the confidence of the laity, and therefore it was that the laity did not contribute towards the sufficient endowment of their clergy. There seemed, moreover, to exist in the Episcopal Church of Scotland a considerable degree of intolerance towards other communions. Looking, then, to the past history and to the present state of the Episcopalian Church of Scotland, he had no hope. There seemed to be upon it a blight of internal division and of intolerance towards those without. When he read of Bishops using a little while ago language like this—that to suppose that the sacraments could be administered by Presbyterians descended from Presbyterians so as to be valid was an article not only the most mischievous, but the most rightly excommunicable ; and when he found the Primus of the Scotch Episcopal Church, who, if not greatly changed from the time when he knew him, was a conciliatory and generous man, declaring that when there was set before the Presbyterians the light of the Episcopal Church, those who refused to join it were guilty of a sad and grievous sin, he had no hopes of that Church being productive of much good. He heartily felt that Episcopacy was a great blessing to our English Church. The more he read the more he was confirmed in that opinion ; and he also felt deeply that he ought to be most careful how he excluded from the ministry of Christ's Church those who, agreeing with him in doctrine, differed from him in discipline. It was a fact, that those who entered the Church in Scotland were of inferior attainments to those of the same class in England. He could not but look upon it as one of the greatest perils threatening the Church of England, that they were compelled to admit into the Church men of inferior learning and attainments compared with the men admitted in times past. If, as the lower classes were increasing in intelligence and information, the clergy of the Church of England were to fall off in knowledge and education, the days of the Church of England would soon be numbered. Therefore, as he was obliged to admit to the ministry in his present diocese a far lower class of persons than he had done in Gloucester, so, as the standard became lower and lower as they went north, the Bishops of the Episcopal

Church of Scotland were obliged to admit candidates of an inferior class still, and he deprecated being compelled to open his diocese to the invasion of a number of clergymen less educated than those who were already admitted. He was speaking once to a Scotch Bishop, who told him that his examination questions would bear comparison with those of any Bishop of the Church of England. But that was not the point. The difference was not in the questions, but in the number answered, and the fulness of the answers. He deprecated exceedingly the opening of his diocese to a number of men worse educated than his own, and thus deteriorating the position and influence of the Church in his own diocese, and generally in England. Looking at it, therefore, whether as a question of justice to the clergymen of the Church of England, by taking from them the livings to which they were legally entitled, or as a question of doctrine which the Church of England had distinctly condemned, or to the mischief likely to result to his own and other dioceses from the passing of the Bill, he felt bound, however reluctantly, to move that the Bill be read a second time on that day three months.

Amendment *moved*, to leave out ("now") and insert ("this Day Three Months.")—(*The Bishop of Durham.*)

The Archbishop of YORK said, as there was a very strong feeling against the Bill among the Bishops of his province, he thought he should hardly be doing his duty if he did not address a few words to their Lordships expressing his views upon the subject. He could not deny, in the first place, that the Bill appeared intended to remedy a real grievance; for a clergyman ordained in Scotland was in a worse position than even a Nonconformist minister, for the latter upon change of opinions might be ordained in England. But, at the same time, he confessed he did in some degree share the alarm which had been expressed. This question of the Scotch office was a very important one, and the Bill, if passed as it now stood, would undoubtedly be regarded as a theological triumph. He could not go further than this—namely, that if the Bill received any support from him it was to be distinctly understood that he did not regard that support as in any way sanctioning the Scotch office. He believed the Scotch Church would have done well when the subject was under consideration if they had excluded the use of the Scotch Communion Service. The Bishops of the Church of England had no guarantee for the permanence of the Scotch canons, because the Church of Scotland could by her representatives alter them at the shortest notice, and might adopt this or that doctrinal error. Here was a Church which might change its whole foundation in a few years; and then, if the Bill passed, the Bishops of the Church of England would be practically bound to receive from the Scotch Church candidates for their livings. Then there was another question which arose concerning the curates of the Church of England. Those gentlemen were entitled to look forward with reasonable hope to a share in the benefices of the Church of England, and the effect of the Bill would be to admit a large and influential class to a share of an absolutely limited number of the rewards in the Church. The body of the Church of England knew nothing of this Bill; the general public knew nothing of it. For these reasons he viewed it with very great distrust; but, at the same time, he should venture to consent to the second reading, provided the noble Duke would be willing, as suggested by the noble Earl (Earl Granville), to refer the Bill to a Select Committee, on this understanding, that that course committed them to nothing more than this—that they admitted that the Scotch Episcopal clergy were subjected to an evil from which they ought to be relieved.

Lord KINNAIRD said, that he was willing to assent to the second reading of the Bill on the understanding that it should be afterwards referred to a Select Committee.

The Bishop of LONDON said, he desired to state in a few words why he thought the present Bill was worthy of their Lordships' support. He would be the last to advocate intercommunion or near association with the Scottish Episcopal Church as proposed by the noble Duke, if he believed that his right rev. Brother (the Bishop of Durham) had correctly represented that body, or if he thought that any danger would ensue to the learning or doctrines of the Church of England. In reference to this proposal, he thought, however, they had also to consider the bearing of the Bill on the northern division of the United Kingdom. He did not believe that there was any possibility of satisfying the large number of persons who were attached to the liturgy and doctrines of the Church of England, and who now lived in Scotland, without cementing the union between the two churches. The Scottish Episcopal Church, whatever else might be said of it, was the only distinct representative in Scotland of the doctrines which they, as members of the Church of England, professed ; and was the only body which afforded to those persons the opportunity of worshipping God according to the forms of the Church of England; for the congregations which represented the old qualified Episcopalians, and claimed to be independent of the Scottish Bishops, were too few to be of much importance. His right rev. Brother appeared to dread an invasion of illiterate persons from Scotland into the Church of England, as the result of the measure proposed by the noble Duke. On that point it was interesting to know the practice pursued. He held in his hand a letter from a person who had been ordained in Scotland, who laboured under the disability complained of, and who desired, if possible, to officiate in England. This gentleman stated, that no person could be ordained by a Scotch Bishop unless he possessed an University degree, or a theological degree from the College of Glenalmond ; and that out of seven persons who presented themselves at Glenalmond for matriculation, at the same time with himself, three were rejected, and that these three afterwards, before he had completed his college course, received ordination in the Church of England within either the dioceses of Durham or Carlisle. He granted that their case was an exceptional one. But it might help to dispel his right rev. Brother's alarm, as to the comparative qualifications of Scottish and English clergy in matters of literature. The most important point was undoubtedly the matter of doctrine, and he did most sincerely regret that the authorities of the Scottish Episcopal Church did not see their way last year entirely to rid themselves of the Scottish office. He was not quite sure, however, that it was the Scottish members of the Scottish Episcopal Church, after all, who maintained this Scottish office. There were a good many eminent and distinguished scholars who held high office in the Scottish Episcopal Church, but it had also been the habit for persons very troublesome in the Church of England to take refuge in Scotland where they could obtain more of their own way. It was for the very purpose of breaking up this small clique that he desired there should be more free intercommunion with the Church of England. He believed that if they could see their way to such an arrangement as that proposed by this measure after it had been well ventilated, the result would probably be that the Scottish Episcopal Church would give up its eccentricities of doctrine. At any rate he thought the subject deserved to be thoroughly investigated, and he earnestly trusted that the noble Duke would accede to the request, and that the Bill would be read a second time on the distinct understanding that it would be submitted to a Select Committee.

THE EARL OF AIRLIE was understood to express pleasure at the fact that the majority of the Episcopal bench did not intend to oppose the Bill.

THE BISHOP OF CARLISLE said, that one of the consequences of this measure would be to give the sanction and authority of the Legislature and of the Church of England to an extreme party in the Scottish Episcopal Church. What possible security had they that if this Bill passed things would remain on the comparatively moderate basis which at present existed ? He feared that further alterations would be demanded. Since 1811 the canons of the Scottish Episcopal Church had undergone five alterations. If they threw the whole weight of the Legislature into the scale in favour of the extreme party in the Scottish Episcopal Church, they would be giving great discouragement to a numerous body of men in Scotland who would gladly put themselves under the control of that Church if they did not consider its doctrines unsound. He was afraid that the passing of the present Bill would inundate the Church of England with a class of men different in many respects from the present clergy of that Church. In his own diocese he had 103 livings worth less than £100 a year each—how would the working clergy of the Church of England be placed if a flood of fresh candidates for these benefices should be admitted. In the name of the working clergy of England he protested against the Bill.

THE DUKE OF BUCCLEUCH said, he felt that it was impossible to dispose of a measure of this kind by a debate in that House, and he would therefore accept the suggestion of his noble Friend the Lord President.

THE EARL OF HARROWBY said, that by assenting upon the present occasion to the second reading of the Bill, they would not be pledging themselves to the adoption of its principle; and there were many considerations connected with the measure which could only be discussed in a Select Committee.

THE BISHOP OF OXFORD said, he could not sympathize with the views which had been taken by some of his right rev. Brethren. The tone in which the measure had been opposed by some of them far exceeded what was necessary for guarding the ranks of the clergy of the Church of England from possible injury. He thought this Bill did require such guards, and he trusted that in Committee they would be introduced; but, at the same time, he had not the slightest apprehension of the inundation and flood of unenlightened men from the North which had so frightened his right rev. Brethren. His right rev. Brother who presided over the diocese of London gave an amusing turn to the argument, and the best proof that there was no danger of an invasion of extreme ignorance was that of a man who, failing a Scotch bishopric, obtained an English one. It was important that Bishop Horsley's words should not be misunderstood. That prelate declared that we had no right to interfere with the Scottish people, and therefore we had no right to ordain a Scottish chaplain against the will of a Scottish bishop. He could not sympathize with the narrow objection that had been raised as affecting the endowments of the Church of England. These endowments were certainly the patrimony of the Church, and what they wanted was that they should have the best furnished ministers of Christ to minister to Christ's people. It was not by keeping the endowments of each particular province to the clergy of it, and preventing the circulation of well-prepared men, that the Church of England would be made strong. As to the doctrinal point, he had himself a particular objection to the office spoken of; but he believed that, so far from tending to Rome, it was more remote from Rome than our own. An intimate friend of his, who was particularly learned in such matters, objected to our fraternising with the Scottish Episcopal Church, because her position in that matter was so ultra-Protestant that it would be attended with a danger of our injuring the Catholic feeling of the Church of England. The critical point of the doctrine of transubstantiation was that by the use of the prayer of consecration an essential change took place in the elements. But if such a change took place it would be a contradiction in terms to pray afterwards for the descent of the Spirit in order to accomplish that result. He believed that one great danger to the Church of England arose from the narrowing effect of her insular position; and if the sacred deposit of Divine truth could be guided undefiled he should be glad to see her welcoming on every side sister Christian Churches with sisterly affection.

Amendment (by Leave of the House) *withdrawn:* then the original Motion *agreed to:* Bill read 2ª accordingly, and *referred* to a Select Committee.

And, on May 30, the Lords following were named of the Committee; the Committee to meet on *Thursday*, June 2, at Four o'clock; and to appoint their own Chairman:—

L. Abp. Canterbury, Ld. Chancellor, L. Abp. York, L. Abp. Armagh, Ld. President, D. Richmond, D. Devonshire, D. Marlborough, E. Derby, E. Doncaster, E. Shaftesbury, E. Airlie, E. Carnarvon, E. Wicklow, E. Powis, E. Nelson, L. Bp. London, L. Bp. Durham, L. Bp. Oxford, L. Lyttelton, L. Redesdale, L. Rossie, L. Overstone, L. Cranworth.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL [H.L.]

A Bill for the Union of the Diocesan Courts and Registries in Ireland, for the Regulation of the Mode of Procedure therein and also in the Metropolitan Courts of Armagh and Dublin, and for Appeals therefrom — Was *presented* by The ARCHBISHOP of ARMAGH; and read 1ª. (No. 96).

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

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HOUSE OF COMMONS,

Thursday, May 26, 1864.

MINUTES.] — NEW MEMBER SWORN — John Joseph Powell, esquire, *for* Gloucester City.

SELECT COMMITTEE—Case of Mr. Bewicke, Colonel Dunne *discharged*, Lord John Manners *added*.

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

PUBLIC BILLS—*Resolutions in Committee*—Life Annuities and Life Assurances (Deficiency of Assets, &c.); Weighing of Grain (Port of London)*.

Ordered—Bank Acts *.

First Reading — Weighing of Grain (Port of London) * [Bill 119]; Banking Co-partnerships * [Bill 118].

Second Reading — Highways Act Amendment [Bill 113], and *committed* to a Select Committee.

Referred to Select Committee—Highways Act Amendment.

Committee—Vacating of Seats (House of Commons) * [Bill 107]; Army Prize (Shares of Deceased) * [Bill 105]; Beer Houses (Ireland) [Bill 109] — R.P.; Chief Rents (Ireland) [*Lords*] * [Bill 52] *re-committed.*

Report—Vacating of Seats (House of Commons)* [Bill 107]; Army Prize (Shares of Deceased) * [Bill 105].

Considered as amended—Union Assessment Committee Act Amendment * [Bill 83]; Chain Cables and Anchors * [Bill 103].

Third Reading — Limited Penalties [Bill 94], and *passed.*

ARMY—WITHDRAWAL OF THE GUARDS FROM CANADA.—QUESTION.

SIR **FREDERIC SMITH**: I beg to ask the Under Secretary of State for War, Whether there is any truth in the report that it is intended to diminish the strength of Her Majesty's Forces now serving in Canada by withdrawing two battalions of Guards now serving there?

THE MARQUESS OF **HARTINGTON**: I stated, Sir, last Friday evening, that it was intended to bring home two battalions of the Guards and one battalion of the Military Train, without relief. As I believe, the chief reasons for this arrangement are that a very heavy expenditure is now being incurred in the hire of buildings for the use and accommodation of the troops in Canada, and it is very desirable to reduce that expenditure as soon as practicable. It is also thought advisable to give an opportunity to Sir Fenwick Williams to concentrate the troops in Canada, which are now scattered over a long line of frontier. But, further, it is considered that by keeping such a number of Guards in Canada it would be impossible to form a brigade of Guards at home sufficient for service, in case they should be required to serve in any other quarter.

INDIA—THE BRITISH ENVOY TO BHOOTAN.—QUESTION.

MR. **WILBRAHAM EGERTON** said, he would beg to ask the Secretary of State for India, Whether any information has been received of the imprisonment of the British Envoy to Bhootan; and, if so, what steps have been taken to procure the release of Mr. Eden.

SIR **CHARLES WOOD**, in reply, said, he had received no public despatch upon the subject referred to by the hon. Member. The only information which had reached him was contained in a private letter from Sir John Lawrence. He had, however, no reason to think that Mr. Eden had been imprisoned, although he was subjected to some species of insult, with the particulars of which he was not at present accurately acquainted. Mr. Eden arrived safely at Darjeeling on the 12th of last month, and he found on his way home that some of the chiefs were preparing to take up arms to rescue him in case he had been detained.

STATE OF THE IONIAN ISLANDS.

QUESTION.

MR. **SMOLLETT** said, he would beg to ask the Secretary of State for the Colonies, When the British Protectorate of the Ionian Republic will absolutely cease; and, whether or not the present Lord High Commissioner, Sir Henry Storks, has published an Act, dated the 22nd April, 1864, introducing into the Seven Islands a purely democratic Constitution based upon universal suffrage, the right of voting being conferred upon every inhabitant above the age of twenty-one years, persons under examination for felony and others previously convicted being alone excepted; if so, whether the action of Sir Henry Storks in this matter has been sanctioned by the Colonial Office, and whether the arrangement made is considered by Her Majesty's Government to be calculated to consolidate the Greek Kingdom, and is likely to promote the political security of the King of the Hellenes?

MR. **CARDWELL** said, in reply, that on the 2nd of June there would be a transfer of the protectorate from Her Majesty to the King of the Hellenes. Sir Henry Storks had not published any Constitution, either democratic or otherwise, with a view to the future Constitution of the Ionian Islands. But Sir Henry Storks had received a request from the Government of the King of the Hellenes that certain electoral lists might be prepared for their use. Those lists were accordingly drawn up, and would be found available by the Ionian authorities. He had only to add that Her Majesty's Government entirely approved of the course pursued by Sir Henry Storks in that matter.

AFFAIRS OF CHINA.

QUESTION.

MR. J. B. SMITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Communications made by the American Minister, Mr. Burlinghame, at Pekin, in a Despatch to Mr. Seward, the Secretary of State at Washington, and dated the 20th June, 1863, respecting the joint policy to be pursued in China by the Ministers of England, Russia, France, and America, is substantially in accord with a Despatch addressed to Earl Russell, and a Copy of which Sir Frederick Bruce gave to the American Minister; and, whether a Reply has been given to Sir F. Bruce's Despatch, and in what sense?

MR. LAYARD said, in reply, that he had to state that considerable misapprehension appeared to exist with regard to what had been called the suppressed Despatch, and which the hon. Member for Montrose (Mr. Baxter) seemed to think was an agreement or memorandum signed by the representatives of the several Powers mentioned in the Question. He was not exactly aware to which Despatch Mr. Burlinghame alluded, as the date of the Despatch was not given, and neither had Sir Frederick Bruce informed the Government that he had ever communicated such a Despatch to Mr. Burlinghame. But a Despatch, which seemed by its date to be the one in question, had been received at the Foreign Office, and the only objection to laying that Despatch upon the table was that it contained matter relating to other Powers which it would not be for the public convenience to publish. If, however, the hon. Gentleman would allow him to give extracts from the Despatch, he would be prepared to supply him with all the information which he could desire to obtain. He (Mr. Layard) had himself quoted a paragraph from Mr. Burlinghame's Despatch, for the purpose of showing the policy which Her Majesty's Government had pursued and intended to continue to pursue in China, was in accordance with that advocated by the United States and other Powers. With regard to Sir Frederick Bruce, Her Majesty's Government had always felt the most complete confidence in him; and as there was no difference between the Government and Sir Frederick Bruce in respect of the principles laid down in the Despatch to which reference was made in the latter portion of the Question of the hon. Member, it did not require an answer.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

POLAND.—RESOLUTION.

MR. HENNESSY, who had given notice to move the following Resolutions on the subject of Poland:—

"That the negotiations of Her Majesty's Government respecting Poland have not terminated in a satisfactory manner."

"That it appears from the Papers laid before Parliament that the conditions on which the British Government agreed to acknowledge the dominion of Russia in Poland have not been fulfilled by Russia."

"That this House is of opinion that Her Majesty's Government is no longer bound to recognise the sovereignty of Russia in Poland."

said, Lord Wodehouse, on his return from Denmark, had attributed in the other House the failure of his mission to the policy which the British Government had pursued with regard to Poland; and the right hon. Gentleman the Member for Bucks (Mr. Disraeli) a short time ago had said that there was an intimate connection between the Polish insurrection and the present state of affairs in Denmark, and that the deplorable condition of Denmark was strictly to be traced to the conduct of Her Majesty's Government in those negotiations with respect to Poland. He had heard, also, that an eminent diplomatist, when the rumour reached this country that Lord Clarendon had succeeded in his mission to Paris (a rumour which was unfounded), remarked that if he had been so successful he must have had ample powers to deal with the Polish question. Finding that the Danish and the Polish questions were so intimately connected in the opinion of eminent authorities, he felt perfectly justified, even apart from the European importance of the subject, and the engagements which England had contracted in regard to Poland, in bringing on that discussion at the present moment. Nearly fifty years had passed since the British Government had entered into engagements with respect to the future of Poland, and it was our duty to see how far those engagements had been fulfilled. Poland was an integral part of Europe one hundred years before Charlemagne was crowned, and England had for centuries maintained intimate relations with that country. Malte Brun described the Poland of ancient Europe in glowing language as a most flourishing and prosperous country, where the mechanical arts and manufactures were encouraged by wise sovereigns. Poland was the first country to enforce the principles of free trade, and she had always been distinguished for her religious toleration. The hon. Member for North Warwickshire (Mr. Spooner) had on several occasions expressed some doubts on that point, but an authority whom he would no doubt respect — the Rev. Mr. Spurgeon—in a recent address delivered in the Metropolitan Tabernacle, had dwelt with great force on that point, "Religious liberty," he said, "was the chief glory of Poland," even at a time when every other country, England included, was given up to bloody butcheries on account of religion. She was the asylum of the oppressed from all parts of Europe, and, indeed, from all parts of the world. In one city there were three bishops of different faiths; and when a man went to exercise any of his civil rights, no question was ever asked him as to what communion he belonged. He had, he might add, himself heard a Protestant, as eminent in the Anglican Church as Mr. Spurgeon was among Dissenters, declaring at a meeting at Guildhall the same fact—that Poland was foremost in religious toleration —and he confessed that when he listened to Lord Shaftesbury on the occasion to which he referred, he could not imagine the hon. Gentleman behind him would again that evening, as he had done before, seek to cast a slur on the Poles on the very ground on which Lord Shaftesbury and Mr. Spurgeon were of opinion they were most deserving of praise. But be that as it might be, of the many centuries through which England maintained intercourse with Poland, the century during which Poland suffered under the rule of an elective monarchy was the period to which her weakness and dissensions were to be traced. Although that principle was nominally in force for two centuries, it existed, in fact, only during one century. Even during that period, however, there were to be found in Poland a number of men sufficiently enlightened to discover the weakness of their Government, and they, towards the close of the century, united themselves, under the presidency of Prince Czartoryski, and determined to alter their constitution. How, then, let him ask, did it happen that Poland did not alter her constitution as the Poles desired ? The answer to that question was to be found in the attitude which was assumed towards their country by Russia, Prussia, and Austria. When the Empress Catherine of Russia received intimation that the ancient form of Polish government —hereditary monarchy—was about to be restored, she entered into a secret treaty with the King of Prussia, dated June, 1762, in which the following paragraph occurred :—

> "Their Majesties the Empress of All the Russias and the King of Prussia mutually engage in the most solemn manner, under any circumstances, and in all cases, that if any one, whoever he may be, should attempt to establish an hereditary kingdom in Poland, their Majesties of Russia and Prussia will not permit it ; but, on the contrary, will avert, repel, and annul in all ways, and by all means, projects so unjust and so dangerous to the neighbouring Powers by acting together, joining their forces, and even resorting to arms, if circumstances require it."

Not only was that treaty signed between Prussia and Russia, but the Empress Catherine addressed a despatch to her Ambassador at the Court of Poland, in which she informed him that on account of the proximity of Russia to Poland the whole attention of the former should be directed to preserve entire the existing form of the Polish Government, and that she was determined, if things took a contrary course, to exercise all the power which Providence had given her to settle the affairs of Poland to the advantage of Russia. She added, in the secret instructions which she also sent to her Minister, that if necessary for the accomplishment of her object she would order her troops to invade simultaneously all parts of the Polish territory, and to lay waste their country with fire and sword. Such was the policy of Russia, and he would, with the permission of the House, conclude that part of the subject by referring to a despatch written by the French Ambassador at Warsaw to the Duke de Choiseul, in which he described the effect of that policy, observing that Russia had silenced and intimidated the greater part of the Polish nation by detestable and unheard-of violence on such persons of position as defended public right in the State Assembly, and by repeated acts of tyranny towards all those who ventured to act in opposition to her views. The Poles, however, still determined, even in the face of such opposition, to restore their ancient constitution, and, accordingly, on the 3rd of May, 1791, the Polish constitution was issued by the Sovereign and the Estates of the realm of that kingdom. That constitution, he might add, received the praise of Pitt and the leading English statesmen in many debates in relation to Poland which took place in that House between 1791 and 1795, and the noble Viscount now at the head of the Government might, perhaps, if he had come up from Harrow and taken his seat under the Strangers' Gallery, have heard Mr. Pitt declaiming on the subject. Mr. Burke, moreover, spoke of the Polish constitution in terms to which he wished briefly to allude, because the *de jure* Poland of to-day was the Poland which Mr. Burke had described when he said, speaking of the change made by the Poles, that, "in contemplating that change, humanity had everything to rejoice at and glory in; nothing to be ashamed of, nothing to suffer." Such was the description given by Mr. Burke of a constitution which lasted only from 1791 to 1795, because then the armies of the Empress Catharine, to which she referred in the treaty and in her letters, entered Poland, and it was divided among the three great Powers. Now, it was a matter of interest to inquire what England did on that occasion. It might surprise some hon. Gentlemen to hear that England, although he believed she did it unknowingly, actually contributed to the partition of Poland; for when that partition was about to take place the King of Prussia solicited a subsidy from the British Government to the amount, if he was not mistaken, of £1,200,000, on the ground that he wanted troops to oppose the French, while it turned out that, instead of employing the troops subsidized by our money against France, he employed them in the subjugation of Poland—a fact which did not escape the attention of the House of Commons, inasmuch as Mr. Jekyll, in referring to the subsidy on the 5th of February, 1795, said the last instalment to his Prussian Majesty had been paid on the 4th of October, but long previous to that period the Prussian troops had gone to co-operate in the infamous project of the dismemberment of unhappy Poland; while the subject was also alluded to by Mr. Whitbread and by Mr. Fox, who said that the Emperor of Germany might conceive that, perhaps, the best way to destroy those French principles against which the war was carried on was to apply the money received from England to the dismemberment of Poland. It was also remarkable that the first Russian fleet which entered the Mediterranean was commanded by an Englishman, took up the transport vessels attached to it in English ports, and was employed to destroy the fleet of Turkey, which was the ally of the Poles, and thus contributed to the dismemberment and destruction of Poland. In 1805 the Emperor Napoleon restored to independence one, and in 1812 another, portion of Poland, and in 1815 Lord Castlereagh exerted himself with some success to secure the establishment of an independent Poland. The return of Napoleon from Elba deranged the combinations of the Allies, and ultimately, by the Treaty of Vienna, instead of Poland being erected into an independent State, the Crown of that kingdom was conferred upon the Emperor of Russia. In accepting the Crown, the Emperor Alexander told the Poles that, by being placed under his dominion, they had obtained a Constitution appropriate to their wants and their character, the preservation in public enactments of their language, the restriction of public appointments to Poles, freedom of commerce and navigation, and facility of communication with those parts of ancient Poland which remained subject to other Powers, a national army, and a guarantee that every means should be taken to perfect their laws; and soon afterwards, in addressing the Poles, he said—

> "Your re-construction is defined by solemn treaties; it is sanctioned by the Constitutional Chart. The inviolability of those external engagements and of that fundamental law insures for Poland henceforward an honourable place among foreign nations."

Notwithstanding these professions, the course which Russia adopted towards Poland was a complete violation of the Treaty of Vienna. The noble Viscount at the head of the Government had himself stated that the stipulations of that treaty were broken as soon as they were entered into, and that the greatest violation of treaties which had taken place in the history of the world was that which occurred in the case of Poland. In 1831 the Poles endeavoured to maintain the treaty by force of arms. He would not say that they rose in insurrection because the Grand Duke Constantine gave to General Zamoiski, one of his aides-de-camp, a letter authorizing him to proceed to the national army of Poland, which was then in the neighbourhood of Warsaw, and to release them from their allegiance to the Emperor. The Poles were defeated, and then fresh promises were given by Russia to Poland and to Europe. The Emperor Nicholas issued the Organic Statute, which up to the year 1862-3 was the law of Poland. The operation of that statute was illustrated by a "confidential report on the condition of the Kingdom of Poland, presented to the Emperor Alexander II. by Tymowski, Minister and Secretary of State, March, 1861." In that report the Minister said—

> "The decree of 1831, although it constitutes to this very day the fundamental law for the Kingdom of Poland, and ought thus to be binding on the inhabitants of that country, has never yet seen 'a commencement of execution.' It may be said that since 1831, without any regard being paid to the pledges of the decree, the kingdom has been completely delivered over to the bureaucracy, and has remained exclusively under the thumb of the officials, without any participation whatever of the inhabitants, who were thus placed without the pale of the administrative hierarchy."

He then referred to certain reforms, and continued—

> "Nevertheless, it must be added that such a result depends above all on the good faith with which the measures indicated are executed, for the country is radically imbued with the sense of law, and will appreciate the confidence bestowed upon it."

The events of 1861 and 1862 had been described in both Houses of Parliament. In the House of Lords, Lord Carnarvon called attention to the subject, and Earl Russell following him said that nothing could justify the violation of law and humanity of which the Emperor of Russia had been guilty. In 1861 there were no less than four successive Viceroys of Poland, each of whom tried a different system, and each of whom was recalled upon its failure. One of them, Count Lambert, took with him into Poland a Russian officer as Commander-in-Chief, who inaugurated the state of siege, and who, being reproached by the Viceroy for a massacre of men, women, and children which took place in the streets of Warsaw, drew out a pistol and committed suicide. Soon afterwards Count Lambert was withdrawn. He mentioned this to show how utterly impossible it was that Russia should govern Poland. It was unfortunate both for himself and for Poland that in 1831 the noble Lord at the head of the Government declined to join France in rendering assistance to Poland; but in 1855-6 there was another opportunity at which that country might have been saved by England. Three years ago he was to his astonishment informed by the noble Lord that, although there was a short despatch written upon the subject in 1856, during the Crimean war no despatch passed between our Government and others upon the subject of Poland. The House would be surprised to learn that at the time of the Crimean war such despatches did pass between England, France, and Austria, and, as they had been concealed from the country, he would read extracts from them, and ask the Government whether they were authentic. He had a copy of a despatch dated "Paris, December 15th, 1855," from Count Walewski, Minister of Foreign Affairs, to Count Persigny, then French Ambassador in London, in which the Minister said—

> "The object of this despatch is to call your attention, and to engage you to fix that of the British Government, upon a question which excites, and with justice, the solicitude of the Emperor, and to which, doubtless, the Cabinet of London does not attach less interest. I mean Poland. . . The first article of the Treaty of Vienna, 1815, in declaring the union of the duchy of Warsaw to the Russian Empire, provided that it should be unchangeably united thereto by its constitution under the name of the Kingdom of Poland. Even this was, doubtless, but a very incomplete reparation for the injustice of the partitions which annihilated Poland. Still it was an act of homage paid by Russia to the indelible principle of Polish nationality; and the Kingdom of Poland, with its constitution, with its distinct administration, and its army entirely national, in reality possessed guarantees which were wanting in the other dismembered provinces. . . Contrary to the promises and to the formal assurances of the Emperor Nicholas, the Kingdom of Poland, incorporated with Russia, has since been nothing more than a province of that empire. The treaties which had constituted its political existence were openly ignored. Nevertheless, the Treaty of June 9, 1815, was then, as it is to-day, an act essentially European, by which all the contracting parties are virtually bound towards each other, and each of them towards all the rest. France and England protested against such an infraction of the public law of Europe, and if for

the sake of maintaining the general tranquillity, they shrank from making it a *casus belli*, both of them with only the more emphasis reserved the rights in regard of which they had just protested, until an opportunity should offer itself for renewing them and upholding them with more chance of success. This opportunity, M. le Comte, cannot fail shortly to arise, and the moment is come for preparing to make the re-establishment of the Kingdom of Poland, within the conditions stipulated by the Congress of Vienna, one of the essential objects of the negotiations for peace, as soon as these negotiations shall become possible, as well as one of the fundamental bases of that peace."

What was the reply of the British Government? The House had never received it, and the country had never known it. But it was given in a letter written by Count Walewski to Count Persigny, and dated October 15, 1855. Writing from Paris, he said—

"Lord Cowley has read to me a despatch from his Government, in reply to that which I commissioned you to deliver to Lord Clarendon on the subject of the situation of the Kingdom of Poland, in its relation to the treaties which determined its legal condition in 1815, and to the eventual basis of the future peace. The Principal Secretary of State for Foreign Affairs declares that, not only would the English Cabinet desire, like ourselves, that the obligations contracted by Russia towards Poland should be fulfilled, but that it would see in the independence even of that country the surest barrier for Europe against the invasions of the Russian Power. The only question in the eyes of Her Majesty's Government is, to know if the moment is opportune for entering into an engagement not to treat with Russia, except on the condition that she carries out the stipulations which concern Poland in the Vienna treaties. He comes to the conclusion that, without tying our hands or binding ourselves to any particular line of conduct, it is enough for us to agree that we will take advantage of events, within the measure of the possible, in favour of Poland."

On a subsequent occasion the French Government renewed their application, and met with a somewhat similar reply. Count Walewski, having become in the meantime the French Ambassador, said—

"I have spoken to the principal Secretary of State on the contents of your Excellency's despatch, dated March 26. I pointed out that if in a European negotiation, having for its object the re-establishment of peace with Russia, no mention whatever should be made of the breach of treaties of which the Russian Government was guilty in assimilating the Kingdom of Poland to the Empire of Russia—a breach against which we had protested—our silence might be treated as an implied sanction, and as an abandonment of our previous protests. The principal Secretary of State acknowledged the full value of this observation, and admitted that at an opportune time it would be desirable to take some steps of a nature to support the opinion previously expressed by France and England on the conduct held by Russia towards Poland in 1831; but Lord Clarendon, in his turn, observed to me that at this moment every attempt to bring Russia to restore matters in Poland to the position in which they were before 1830 would be inopportune, and might be attended with consequences to be regretted."

On the conclusion of peace in 1856 the French Government again urged the British Government to do something for Poland; and he came now to the only papers which had been laid before Parliament on the subject. In a despatch from Lord Clarendon to Lord Palmerston, in April, 1856, he stated that on the 9th inst., "at the request of Count Walewski," he held a conversation with Count Orloff on the subject of Poland, and Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything which had been suggested in the conversation, but that the announcement could not be made to the Congress, as that would be misrepresented in Russia. Count Orloff said in a friendly manner—

"Do not, in the interest of the Poles, bring the subject forward in the Congress; for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles, and the Emperor may perhaps think it a matter of dignity to postpone what he intends to do."

Lord Palmerston, in reply, informed Lord Clarendon that Her Majesty's Government entirely approved the manner in which the subject had been treated by him, both in bringing the question under discussion with Count Orloff, and in abstaining from mooting the matter before the Congress. It was in the early part of 1856 that this conversation took place with Count Orloff. In May, 1856, the Emperor Alexander II. visited Poland, and having assembled round him the Polish marshals, senators, and clergy, addressed them in these terms—

"I am resolved that the order established by my father shall be maintained. Therefore, gentlemen, above all things let there be no dreams—no dreams. The welfare of Poland depends upon her entire absorption into Russia. What my father did was therefore well done. I will uphold it. My reign shall be a continuation of his."

This was the language held one short month after peace had been secured. Since then, from 1856 to 1864, the Poles had exhibited the greatest moderation and the greatest heroism. Lord Wodehouse, formerly Minister Plenipotentiary at St. Petersburg, bore testimony to this in his place in Parliament, and the same testimony had been reiterated in the course of their debates. But in 1863 the Russians, in violation of their own laws, enforced the conscription, with the avowed object of carrying off from the country every man possessed of public spirit. Under that conscription, University students and artisans were taken who were exempt from the conscription under the Russian law itself. That was done in the early part of 1863, and it caused the Polish war of 1863-4. Every Member of the House was as familiar as himself with what had since taken place in Poland. The Poles had maintained the unequal contest with greater success and for a longer time than in 1831. The Russian funds had declined from day to day, and were now lower than at any period during the Crimean War. It had been necessary to send hundreds and thousands of Russian troops into Poland, and even the Russian Guards, who had not been sent into the Crimea, had been marched against the Poles. The war had now been going on for thirteen months, and what had England done? Earl Russell had written a great many despatches. In the Christmas pantomime at one of the theatres a large box on the stage was labelled "England's aid to Poland." At the touch of a wand the front of the box fell down and discovered a very small ink-bottle and a very large pen. That was "England's aid to Poland." England, however, had promised to do much, and might have done a great deal. Earl Russell in his despatches showed that Russia had broken engagements to which England was a party, and he denounced Russia for violating public, international, and moral law. At one period of the negotiations Baron Brunnow came to Earl Russell in great alarm, and inquired whether the intentions of Her Majesty's Government were peaceful. Earl Russell published his reply in a despatch which was shown to the Ministers of France and Austria. The noble Earl said, in effect, that the intentions of his Government were peaceful, but that he must not deceive the Russian Government. The Emperor of Russia might reject the proposal he then made, as he had formerly rejected others, but the insurrection would probably continue, and conflicts and difficulties might arise, which all would deplore. The meaning attached to those words in Vienna and Paris was that the British Government had made up their minds that the engagements of England were to be preserved. The Emperor of Russia rejected the proposal, however, like the rest. The House rose for the recess, and Earl Russell wrote a despatch to Prince Gortschakoff. It was a very long one, and was not worth much, but the three last paragraphs had some sense in them, and struck every one as not having been written by Earl Russell. The question then arose, "Who wrote them?" He would give the House some information on this subject. The Governments of Great Britain, France, and Austria were then all acting together, and when Prince Gortschakoff's rebuff was received the Emperor of the French made a proposal to the Cabinets of London and Vienna, that an identical note in reply to Prince Gortschakoff should be drawn up by Count Rechberg and sent to Russia by the three Governments. The Emperor of the French at the same time represented that Austria was within a few hours march of an enormous Russian army. England and France were remote from such a danger, and it was therefore desirable to enter into a compact guaranteeing to Austria the assistance of the two Powers in the event of any attack by Russia. That was an extremely fair and reasonable proposal. It was worthy of remark that the Government had not given the House the correspondence with the Cabinets of the Tuileries and Vienna on the subject of this identical note. It was, however, of great importance, because, as the note was not sent and no joint action took place, the question arose how Parliament was to know which of the three Powers refused to take this joint action. A paragraph, which appeared to come from an official source, appeared during the recess in *The Times* newspaper on the 15th of August, 1863. It was as follows:—

> "Russia and Poland.—The three despatches in reply to Prince Gortschakoff from Austria, France, and Great Britain will probably reach St. Petersburg this day, and will be presented at once to Prince Gortschakoff. England and Austria objected to an identical note, as proposed by France, because they considered it would too much resemble a menace to Russia. As it is, each Power has contented itself with replying to the arguments addressed to it by Russia."

Beyond this statement the House of Commons had not received the least information as to this identical note, although it was the turning point of the whole negotiation. It was supposed from the statement in *The Times* that the identical note was refused both by Austria and England. This, however, was not correct. The fact was that the identical note was drawn up by Count Rechberg, and was then submitted to the Governments of France and England. The latter Government refused to agree to the identical note, or to enter into any further combinations, and Earl Russell expressed his intention to pursue in future an isolated policy. On the 3rd of August, in last year, M. Drouyn de Lhuys, writing to the French Ambassador, the Duc de Grammont, at Vienna, said—

> "I do not propose to recur to-day to the considerations which pleaded in favour of a complete identity of language in the replies of the three Courts to the communications of Russia. Our reasons—I have pleasure in saying so—have been thoroughly appreciated at Vienna; and I consider it my duty to acknowledge that it is not the fault of the Austrian Government that our proposition was not adopted. It was inspired, not only by the desire of augmenting the authority of our proceedings in giving to the Russian Cabinet a proof of the unity of views, which it has seemed to doubt, but, also, by the sentiment of the peculiar situation of Austria, to whom we thought it right to guarantee that we intended to share with her the consequences of a common policy. Our proposition not having been accepted in London, I have prepared the separate despatch, which our Ambassador at St. Petersburg will be instructed to deliver to Prince Gortschakoff. I enclose it herein, with the English draft, which has been communicated to me by Lord Cowley. The conclusion of these two documents reproduces the last paragraphs of the draft originally proposed by the Vienna Cabinet. We desire that at least this partial identity may be maintained."

The Foreign Minister of France, writing to the French Chargé d'Affaires in London, on the 22nd of September, 1863, said—

> "We have not changed our opinion concerning the European character of the Polish question, and concerning the rights which the general interest and treaties confer upon us. We deplore the circumstances that three Powers like England, Austria, and France, have not resolved on giving to their proceedings all the efficacy desirable, and the responsibility of assuring to their opinion the irresistible authority of a collective resolution does not rest on our shoulders."

Neither the Emperor of the French nor the Emperor of Austria was therefore to blame for the failure of the diplomacy of the Western Governments. He could not say thus much of the diplomacy of Austria without also adverting to the conduct of the Austrian Executive at the present moment. While the diplomacy of Austria, following the Foreign policy of Lord Castlereagh, desired the independence of Poland, the Austrian Executive in Galicia imitated the cruelties of Mouravieff. Ladies whom he had himself seen tending the sick and wounded Poles in Cracow, were now in prison. One of these ladies was kept in solitary confinement, and her letters were not allowed to reach her. The Austrian Government punished these ladies for having assisted the sick and wounded Poles, but their sympathies were naturally with the insurgents. The noble Viscount was to blame for a good deal that had happened in the history of Poland. Since 1831, whenever Poland had had a chance, the noble Viscount had been in office, and had not done as much for her as he ought and could. One cause of this was the disregard he had always shown for public law. His maiden speech in this House, delivered on the 3rd of February, 1808, was against Denmark and in defence of the bombardment of Copenhagen by the British fleet, and he then laid down a principle of policy which had run more or less through his whole career as Foreign Minister. "There are times," he said, "when the Law of Nations must be broken." Now, he (Mr. Hennessy) maintained that the Law of Nations must always be upheld, and, if this had been done, Poland would not have been in her present deplorable condition. At Blairgowrie, Earl Russell, referring to the partition of Poland as an event which was a scandal to Europe and a reproach to the Three Powers who were parties to it, said that, by the Treaty of Vienna, Europe had given a retrospective sanction to the partition, and had become accessary after the fact; but, as Russia had not fulfilled the conditions under which her title was recognized, we were no longer bound to recognize her sovereignty in Poland. This was the substance of the Resolutions before the House. But the noble Earl was not satisfied with his declaration at Blairgowrie. Eight days before he made it, he was in communication with the French Government on the subject, and they were most desirous that the declaration should be made. Accordingly, in September, Earl Russell wrote a despatch to Russia, which was dated October 20, 1863, and embodied the Blairgowrie declaration. Lord Napier privately communicated its contents to Prince Gortschakoff, who said it was a very serious matter to declare before Europe that Russia had forfeited her sovereignty in Poland. Lord Napier telegraphed home Prince Gortschakoff's opinion, and, at the same time, Count Bismark actually threatened to make it a *casus belli* if the despatch were read. The very day the English despatch was written, the French Government wrote to their Minister at St. Petersburg referring to it, stating that they were in accord with every word of it, and directed him to support it. But, after this despatch had received the approval of the Queen and Cabinet, Earl Russell recalled it, struck out the last sentence, which was the only one of importance, and it was afterwards delivered to the Russian Government. So bungling was the noble Earl's surgery that the scar could still be seen—the premisses were there, but he had removed the conclusion. The value of such a declaration, had it been made, could hardly be overrated, and the Poles looked for it with anxiety. It did not mean war. Count Bismark, indeed, might threaten war; but, though he had made war on a weak Power, it was doubtful whether Count Bismark would make war on England. The noble Viscount had stated, on a former occasion, that to tell any country that we did not recognize her sovereignty where she was *de facto* sovereign, though there might be insurgents there, would occasion war. But, in the case of Circassia, the British Government had distinctly refused to recognize the sovereignty of Russia; and before Greece became independent, Count Nesselrode proposed that the British and the Russian Governments should jointly declare to Turkey that they did not recognize Turkish rule in Greece. Remembering these precedents, and looking at what England had done and omitted to do in Poland, the least which the House of Commons could ask was that the declaration made by the Foreign Minister and inserted in a despatch should be made by the Government. Diplomatically, the Blairgowrie declaration possessed no value. Foreign Governments were not bound to know anything about it. But not so the subjects of the Queen, who, when the Foreign Minister stated in public that Russia had forfeited her title to sovereignty in Poland, were bound to look upon that forfeiture as having been declared with authority. Poland of to-day was Poland within the limits of 1772; and there was something more which made this question a practical one. What were the influences, and who were the parties, that determined the future destinies of Europe? From time almost immemorial, the destinies of Europe had been swayed by two great parties—the revolutionary and what, without reference to the political divisions of parties in this country, might be called the Conservative party. There was a third influence which had modified these two on the Continent of Europe. A house or family—at one time the House of Hapsburg, at another the House of Bourbon. For the latter we had now the House of Napoleon. And what was the attitude of those three great parties? The revolutionary party, as represented by a disinterested soldier who had recently received an enthusiastic reception in this country, had declared that Poland must be revived. The Conservative party at the other end of Europe had made a similar declaration; and, judging by the information which was in the possession of the public at large, he thought he was entitled to say that the Emperor of the French also was in favour of Poland. The growing greatness of Spain, which the Chancellor of the Exchequer had spoken of as one of the great facts of the day, the kingdom of Italy, and the establishment of the Empire of Mexico, were each of them owing to the combined action of some two of the three parties to whom he had alluded. Keeping the fact in view, remembering what were the sentiments of all three as regarded Poland, and having regard to the fact that every man of intelligence, education, and property in that country was in favour of its independence, certainly he did not despair of Poland. After the insurrection of 1831, the Emperor Nicholas tried the effect of banishments to Siberia, and issued ukases under which male children were taken from their country to be reared up in Russia; and yet, notwithstanding all that, the insurrection of 1831 was in the present day vindicated by a generation then unborn. The consistency with which the men of Poland had resisted foreign oppression was due to the heroism of her daughters. At an historic place near this metropolis, the beauty and rank of England were gathered round tables on which the jewels of the women of Poland were displayed for sale at a fancy fair held in aid of their country. On those tables were to be seen the tiaras of princesses, the diamonds of noble ladies, and the less costly ornaments of humble, but not less heroic and patriotic women. The inscriptions on many of those articles told their own tale:—"A birthday gift from a brother;" "A wedding present from a father." And there were memorials even more touching and instructive than all those diamonds. There were the offerings of women who, having sold their jewels to equip their husbands for the field, now, when those husbands had fallen, parted with the last memento of their married life, and sent their wedding rings here to be sold for the benefit of the wounded. It was creditable to the leaders of fashion in England that, when the great ladies of the land were gathered around those tables, and when they looked at those wedding rings, tears started from the eyes of many of them. The women of England had paid that tribute—that tribute in kind to the sorrows of the women of Poland. When would the statesmen and soldiers of Europe pay a tribute in kind to the statesmen and soldiers of Poland? The Emperor Napoleon, Edmund Burke, Metternich, Talleyrand, Lord Castlereagh, and other eminent statesmen, had all declared an independent Poland to be inevitable. The records of the opinions of such men were full of hope; but there were also in favour of that nation less perishable records—records written in the hearts of the people of Europe; and as long as he believed in the existence of a sense of public right in the heart of man, he should refuse to despair of Poland. The hon. and learned Member concluded by moving his first Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the negotiations of Her Majesty's Government respecting Poland have not terminated in a satisfactory manner,"—(*Mr. Hennessy*,)

—instead thereof.

VISCOUNT PALMERSTON: Sir, though there are certainly many things in the speech of the hon. Gentleman in which I agree, yet I cannot concur with him in the conclusion at which he arrived; and I certainly shall vote for the Motion for going into Supply, instead of for the hon. Member's Resolution. I shall not follow the hon. Member through the historical details of the earlier history of the Polish nation. I agree with him in the condemnation he has passed on that great European crime, the partition of Poland; and it is almost needless to say that I concur in the censure and condemnation which he has passed on the conduct of Russia throughout the whole of her connection with Poland. On that part of his speech I might make a well known remark, but inverting the sentiment, *Quis vituperavit Herculem?*—and say, who has excused, palliated, or justified the conduct of the Russian Government? But that is not the question on which the House this evening is called to give an opinion. The hon. Gentleman condemns the conduct of Her Majesty's Government in their recent transactions with regard to Poland. I do not intend to revert to those former periods to which the hon. Gentleman has referred, because they have in reality nothing to do with the question at issue. Though I agree with what the hon. Gentleman says in his Resolution—that the efforts which Her Majesty's Government have made in behalf of Poland have not been successful—yet I am at a loss to understand from the hon. Gentleman what it is that we have not done which he thinks we ought to have done. He says it is our fault that we have not been more successful in regard to Poland; but I appeal to the memory of the hon. Gentleman himself to say whether, in the course of last year and the year before, when he was urging us to exert the influence of Great Britain in favour of Poland, he did not repeatedly say that he did not ask for war, that he did not ask for the display of arms, he wanted only diplomatic assistance, and especially, he said, he wished that the diplomatic influence of England should be exerted to obtain from all the principal Powers of Europe a concurrent opinion with ourselves as to the duty which Russia owed towards Poland, and as to the violation of her engagements at the Treaty of Vienna. Well, we did all that the hon. Gentleman asked us to do—we went to the utmost extent and length of diplomatic exertions. We did succeed in getting most of the leading Powers of Europe to concur with us in urging at St. Petersburg the manner in which Russia had failed to perform her engagements contained in the Treaty of 1815, and in exhorting her to fulfil those engagements, and to deal in a different manner with the Poles. What was the next step then which we had to take? Only two things remained to be done. One was to cease those representations which, however respectable and powerful the quarters from which they came, had not been attended with success; and the other was to do what the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said would have been an act of insanity—to go to war with Russia on account of Poland. We were not insane, and we did not at any moment contemplate going to war with Russia for the sake of Poland. My noble Friend the Secretary for Foreign Affairs stated that from his place in Parliament on more than one occasion. There are many reasons why it would have been an act of madness to venture on such a war. The hon. Gentleman said that on one occasion we declined the co-operation of Austria and France in favour of Poland. Why, Sir, he afterwards mentioned with condemnation the conduct which Austria is now pursuing with regard to the Poles in Galicia. Is it likely, Sir, that Austria having Galicia, and Prussia having Posen, both of which are occupied by fragments of the Polish nation, would have concurred in attacking Russia, and compelling her to perform engagements which, in point of fact, they had no great interest in asserting on behalf of the Poles. Sir, it would have been impossible. Then, with regard to France. For many years the French Legislature passed annually resolutions somewhat similar to that which the hon. Gentleman now proposes to us to pass, but at last they felt that they were placing themselves in an undignified position by expressing opinions which were not to be followed up by any practical acts on the part of the executive Government, and they therefore abstained from doing so. If the hon. Gentleman asks me whether in my opinion Russia has, in point of fact, not forfeited the right which by the Treaty of Vienna she obtained to Poland, because she has not fulfilled the corresponding engagements imposed on her by that treaty, I should be very much disposed to agree with the hon. Gentleman. But I say it would be undignified for this House formally to pronounce such an opinion unless this House was prepared to follow it up by an address to the Crown to give effect to the declaration which they had made. If we were prepared to go to war to-morrow and to follow up the sentence of forfeiture by execution, either singly or in conjunction with any other Power; if we were ready to go to Poland and say to Russia, "Not only have you forfeited your right to Poland, but we mean to take away from you that territory to which you no longer have a European right,"—I could understand the propriety of coming to such a decision, if the House were convinced that it was founded on justice and right. But to pronounce such an opinion without being prepared to act up to it would be placing this House not only in an undignified, but I will say a ridiculous position. But has this country a right to deal singly with this matter? Does Russia possess Poland simply by a treaty concluded between England and Russia? By no means. The Treaty of Vienna, by which the Duchy of Warsaw was given to Russia, was signed by eight European Powers—not only by England, but by France, Austria, Prussia, Spain, Portugal, and Sweden. England alone has no right to abrogate any part of that treaty which she thinks may have been broken by one of the Powers parties to it. A declaration, therefore, by England alone would not have any validity to put an end to the right of Russia, independently of the circumstances that it would be most undignified on the part of this House to pronounce an opinion of that sort, unless we were prepared to give effect to it in some practical way. The hon. Gentleman says the Poles are most anxious that this House should pronounce such an opinion. If that be so, then I must say the Poles are very shortsighted with regard to their own interests. What happened after the insurrection of 1832? That insurrection was suppressed by the arms of Russia and by the passive co-operation of Prussia. We remonstrated with the Russian Government for abolishing the Constitution which the Emperor Alexander had granted to Poland. What was the reply of the Emperor of that day? He said, "You have no right to appeal to the Treaty of Vienna. I don't hold Poland in virtue of that treaty; I hold Poland by the sword. I have conquered it: it is mine, not by treaty, but by the right of conquest; it revolted and I subdued it; and you have no more right to talk of my treatment of the inhabitants of Poland than of any other part of my dominions." We gained a step—a considerable step, I think, in our recent negotiations, when, in deference to the collective opinion of Europe, the Russian Government admitted that they held Poland by virtue of the Treaty of Vienna, and that they were bound by the engagements which Russia took towards Poland under the stipulations of that treaty. They said, "We acknowledge that we are bound by those engagements; we cannot fulfil them while this insurrection lasts; but when order and tranquillity are restored we will do that which we admit we are bound to do under the Treaty of Vienna." That is a much better position for the Poles to be in than if we were to say to Russia, "We will not accept your admission; we go back to your declaration of 1832; we say that you hold Poland by conquest independent of any treaty; and we leave you therefore at liberty to deal with it as you please—we give the Poles up to your tender mercies, to be treated in such a manner as you may think fit." To the well-understood interests of the Poles such a declaration as the hon. Gentleman asks this House to make would be as injurious as anything this House could do with respect to the Polish question at the present moment. I hope, therefore, that, notwithstanding the hon. Gentleman's eloquence, notwithstanding all the statements he has made, and justly made, as to the wrongs which Poland has sustained at all times, and particularly as to the cruel injuries recently inflicted on her by the agents of the Russian Government, this House will not be led away by their feelings, and will not, in a manner which their better reason would forbid, take away from the Poles the only remaining diplomatic protection which the Treaty of Vienna gives them, which, good or bad, effective or not, is still a diplomatic shelter, and throw them back into the condition the Russian Government asserted they were in after the close of the rebellion or the war, I may more properly call it, of 1831-2. The hon. Gentleman has said, and has said truly, that the Poles have manifested a degree of national feeling, of attachment to their country, powers of endurance, and a courage and intrepidity, almost unexampled in the history of any other nation. But the more, in my opinion, we admire the Poles the less disposed ought we to be to agree to these Resolutions; the more we think them deserving the sympathy of Europe the less ought we to deprive them of that diplomatic and political protection which I maintain the Treaty of Vienna still affords them, and the force of which we are entitled to expect the Russian Government will, at some future period at all events, in some degree acknowledge by its conduct. I concur with the hon. Gentleman, as I am sure all who heard him must do, in the opinions which he has expressed in reference to the conduct of Russia, but then I cannot agree with him in the conclusions at which he has arrived. He mentioned two instances in support of his Motion: the one being the declaration which we made to Russia that we did not acknowledge her sovereignty in Circassia; the other the representation which we made to Turkey, to the effect that we did not acknowledge her dominion over Greece. Now, I would ask with respect to the first of those instances, What is the position of Circassia now? Has our declaration saved Circassia from being conquered by Russia? Are there not at this moment hundreds of thousands of Circassians who have been expelled from their country by Russia, receiving refuge in Turkey, and exposed to every possible misery and privation? Has not actual dominion over Circassia been established by the success of Russian arms? Does the hon. Gentleman think it desirable that the same consequences should follow a similar declaration in the case of Poland? Are we now to tell Russia that we do not acknowledge her dominion in that country, and are we to look on while she extends that dominion with the same firmness as in Circassia? The example of Circassia does not, I confess, seem to me to be a very encouraging one for this House to act upon, while, with respect to the case of Greece, I would observe that if Poland were as accessible to England and France as Greece was to England and Russia and France, and if England and France had the same means of rescuing Poland from Russia that England and Russia and France had of rescuing Greece from Turkey, there then might be some force in the hon. Gentleman's illustration, and a declaration of forfeiture might be easily followed by execution. The case of Poland, however, is entirely different from that of Greece, and, therefore, the example which the hon. Gentleman has given us seems to me to have no bearing on the conclusion at which he has arrived. I would, in conclusion, entreat the House, both out of regard for its own dignity and character, as well as for the sake of the best interests of the Poles themselves, of whose cause the hon. Gentleman is so able and consistent an advocate, to agree to the Motion for going into Committee of Supply, and not to give its assent to his Amendment.

Mr. GRANT DUFF said, that the Question which was submitted to-night did not turn upon the past history of Poland. It was simply whether the House should or should not agree to the Resolutions which the hon. Gentleman had put upon the paper. With regard to the Resolutions, they might agree as individuals that they were correct; but it was another question whether the House of Commons would do wisely in giving them their solemn sanction. He could not see what good could emanate from the passing of those Resolutions. He was told on his visit even by Polish authorities, that the insurrection was extinguished, and every day it was attempted to be excited only gave Russia additional opportunity of intensifying the subjugation and misery of Poland. He thought the time would come when Poland would have free institutions given her by the Liberal party who were now growing up in Russia.

Sir FRANCIS GOLDSMID said, the argument used by the noble Lord, that great injury would be done to the Poles if they were deprived of the diplomatic protection afforded by the Treaty of Vienna had been refuted a thousand times by every act of cruelty which the Russian Government, notwithstanding all remonstrances, inflicted on Poland. The Russian Government had shown in the plainest manner by their conduct that that protection was utterly worthless in their eyes.

Mr. SCULLY said, that while standing below the Bar of that House he had heard a statement which had brought him back to his place. He was told that there was to be no division upon the Motion, but he took occasion to say that he should certainly have a division. He, like other hon. Members, had received a circular asking him to attend the House for a certain division. He had given up every engagement in order that he might be present, and he thought that they ought to have a division, if division there could be upon such absolute truisms as were expressed in those Resolutions.

Mr. SEYMOUR FITZGERALD said, he hoped that the House would allow him to offer a few observations, because the noble Lord at the head of the Government had made a speech which, though in some respects satisfactory, in others deserved and claimed the notice of the House. His hon. Friend the Member for the King's County (Mr. Hennessy) had made statements and referred to documents respecting which the noble Lord, addressing the House upon this important subject, had preserved the most studied silence. One statement was that in 1861 the noble Lord was asked whether, at the time of the Crimean war, any Correspondence passed between the French or Austrian Governments and Her Majesty's Government with reference to the re-constitution of the Kingdom of Poland, and the noble Lord distinctly stated in the face of the Commons of England that there was no such Correspondence. The hon. Member had that evening referred to despatches which then passed.

Viscount PALMERSTON: French despatches.

Mr. SEYMOUR FITZGERALD: French despatches addressed to this country.

Viscount PALMERSTON: To the French Ambassador, not to the Government.

Mr. SEYMOUR FITZGERALD: But quoting the opinions of Her Majesty's Government, and quoting statements made by the representative of Her Majesty in Paris. The hon. Member for the King's County had quoted those despatches, and yet the noble Lord did not for a moment attempt to explain how it was that in 1861 he made a statement which the despatches which the hon. Gentleman had now read proved to have been inaccurate. [Viscount Palmerston: Not at all.] The noble Lord represented the question as being whether there were any despatches from Her Majesty's Government. The question was this—and a most important question it was—whether at the time of the Crimean war any propositions were made by France and Austria, or any communication addressed to Her Majesty's Government, upon the subject of the reconstruction of the Kingdom of Poland. In 1861 the noble Lord distinctly denied that; and, as far as the House could judge at that moment, that statement of the noble Lord was not accurate. That was a matter which deserved notice and required explanation from some other Member of the Government. But there was another point to which the hon. Member for the King's County had referred. He had stated that after the speech made by the noble Earl at the head of the Foreign Office, in the course of last autumn, at Blairgowrie, a despatch was written by him, and forwarded to Paris, to Vienna, and even to St. Petersburg, and was in the hands of our Minister there, which contained the very declaration which the hon. Member now wished to have repeated by the House of Commons, but that it was withdrawn because our Ambassador was told that the consequences of its presentation might be serious. Surely such a statement was not one to be passed over in silence by the head of the Government. A declaration made upon the authority of the Cabinet, with the assent of the Sovereign, communicated to the other Powers of Europe, and then withdrawn because our Government was informed that the consequences might be serious! Was the statement of such a fact to be made in the House of Commons, in the presence of the noble Lord, and to be passed over in silence? Having pointed out those two circumstances, which he thought ought to be explained by some Member of the Cabinet, he wished to draw the attention of the House to one or two other observations of the noble Lord. The noble Lord said that the speech of the hon. Member for the King's County admitted that the Government had done everything that they could, except that they did not go to war, which, said the noble Lord, was never suggested by any one, and certainly would not have met with the support of the House. That was not the statement of the hon. Member for the King's County. The statement of the hon. Gentleman was that the Government did not do all that they could; and, more than that, that when the Governments of Austria and Prussia were prepared to take another position, their action was paralyzed by the refusal of Her Majesty's Government to concur with them. The hon. Gentleman had pointed out—and the noble Lord made no reference to that part of his speech—that it was proposed by the Government of France that an identical note should be addressed by the three Governments to Russia, that that course was assented to by Austria, and the note prepared by her Minister, but its adoption was prevented by the refusal of England. When, therefore, the noble Lord said that the Government had done everything that they could have done, it was shown that he was endeavouring to throw dust in the eyes of the House, and to make them forget the statements of the hon. Member for the King's County. He offered no explanation why it was that, when there was this combined action on the part of the Continental Powers, when Austria herself was willing to take that course, he and his Government paralyzed the action of those Powers, and prevented that interference on behalf of Poland which but for their resistance would have taken place. Even as far as that declaration was concerned the noble Lord's Government did not do all that they could. It was true that they sent it to St. Petersburg, but they brought it back again, and, as far as the House knew from the documents which were published, the very declaration which was described by M. Drouyn de Lhuys as being in his opinion, and that of the Government of the Emperor, the most important step that could be taken by the Governments of Europe in this question was prevented by the noble Lord and his Government. The noble Lord said that it would be very unbecoming and injurious for this country to assent to such a declaration of forfeiture as this. But surely if the arguments of the noble Lord against such a declaration being made by a Resolution of that House were good, they applied with far more force to that declaration to which the noble Lord consented, which was made upon the authority of the Government and assented to by the Sovereign. Surely if it was now against the interest of the Poles to deprive them of the protection—the protection, forsooth—of the Treaty of Vienna—much protection it had been to them during the late unhappy months—the same objection would apply with still more force to the declaration made by the noble Lord and his Cabinet. But when the noble Lord told the House of Commons that it was contrary to the dignity of this country to hold language which we were not prepared to follow up by energetic measures, he would ask the noble Lord to consider what the Government had been doing in the case of Denmark for the last six or seven months. Talk of strong language—talk of menaces of war, and that it was contrary to the dignity of this country to hold such language unless we were prepared to support it! The last Minister who ought to make such a declaration was the noble Lord himself, who was at the head of a Government which had been using bullying language. ["No, no!" *and* "Hear, hear!"] The noble Lord might jeer; but if that expressed his opinion it did not express the opinions of the people of England or of the Members of that House. He said that a Government which had been holding the language which the noble Lord's Government had to the Governments of Germany for the last six months was the last that ought to make the statement that it was contrary to the honour and dignity of this country to use language which we were not prepared to support by force. He understood that it was not the intention of his hon. Friend to take a division upon the Resolutions which he had placed before the House, resting satisfied with the declaration which had been obtained from the noble Lord in his place in Parliament, and speaking as Prime Minister, in corroboration of the statement made by the noble Lord his Colleague in Scotland in the month of September last. His hon. Friend might well rest satisfied with having urged upon the Government the rights and the claims of Poland when his arguments had received the cordial and sympathetic assent of the House.

MR. LAYARD said, he would not detain the House many minutes, but he wished to set hon. Members right on one or two matters of fact. The hon. Gentleman opposite had used very strong language, but it was easy to do so when speaking without any sense of responsibility. If he were asked to point out what the Government ought to have done, or what he would have done himself in the same position, he doubted very much whether the hon. Gentleman would have carried his views to the extent of going to war with Russia on account of Poland.

MR. SEYMOUR FITZGERALD desired to say that he had never contemplated anything of the kind.

MR. LAYARD said, there was no other meaning to be deduced from his arguments. Except to take up arms on behalf of Poland, there was nothing the Government had not done. Over and over again, in the case of Denmark, of Poland, and of Italy, the Government had been twitted with not going to war in support of their views. The Government, on the contrary, believed that the country was not prepared for war, and did not wish for it; and the country, he was sure, gave the Government credit for keeping them out of war. As regarded the despatch so much relied on, it was perfectly true that England, France, and Austria had been acting together in the matter of Poland, and that the joint despatch was prepared which had been read by the hon. Gentleman; but though the French Government agreed to that despatch, the hon. Gentleman was completely mistaken in stating that the Austrian Government had ever agreed to it.

MR. HENNESSY: I must beg to disclaim the statement. I stated that the joint despatch was agreed to, supported by the French Government, and sent to St. Petersburg.

MR. LAYARD said, the hon. Gentleman opposite undoubtedly stated that Austria was one of the three parties agreeing to the despatch. But, in point of fact, it was Austria, and not England, which objected to a particular passage. The hon. Gentleman twitted him, over and over again, with failing to produce the despatch. But it was not in his power to produce a despatch which had never been acted upon nor communicated to the Russian Government, and which had been cancelled, and consequently had no existence. The hon. Gentleman knew that it was a very common practice, in order to save time, to send on a despatch which was not delivered till all the parties concerned had agreed upon it. If afterwards the despatch was not agreed to, it was simply cancelled. The cancelled despatch, which was never delivered, had no existence, but the despatch actually presented to the Russian Government was included in the Correspondence laid before Parliament. The hon. Gentleman objected to the last paragraph of that despatch as differing materially from the one originally contemplated, but for his part he thought it conveyed almost as much as the hon. Gentleman alleged to have been left out. The inference to be drawn from the statement that the rights of Poland were contained in the same instrument which conferred the Emperor's title to be King of Poland plainly was, that if Russia violated the engagements and duties imposed on her by that document she forfeited her title to rule over the nation. As regarded identity of communication, the House must recollect the meaning of the term. First of all, it was very difficult to get several persons to agree to a precise form of words, but when the words were agreed upon in a communication of such a solemn and important character, if their representations were not attended to, it threw upon the Powers who combined for this purpose the responsibility of taking measures to enforce attention to their views. The British Government thought it better not to make such a communication, but to make separate representations which, though not identical in language, should be identical in effect. The despatch to which the hon. Gentleman had so frequently alluded had, in fact, no existence; it had been cancelled; and the despatch laid on the table was that which had been communicated to the Russian Government. That was the whole history of the despatch of which so much had been made, and the House would see how entirely hon. Gentlemen had been misinformed.

MR. HENNESSY said that, after what had passed, he did not wish to press the Motion to a division.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

MISCELLANEOUS CIVIL SERVICE ESTIMATES.

Mr. AUGUSTUS SMITH said, he had been long of opinion that the present system of dealing with the Estimates, especially those of the Civil Service, was most unsatisfactory. The number of hon. Members attending when those Estimates were under discussion was always limited, and still fewer took any part in the discussions upon them. It was too late to move that the Estimates generally for the present year be referred to a Select Committee, which would be the most satisfactory method of investigating them; but there were one or two special classes as to which an exceptional course might and ought to be taken. It should be remembered that whatever increase took place on the annual Estimates, except with regard to exceptional items like the Prince of Wales's marriage, or the monument to the Prince Consort, became a permanent source of increase. That increase had jumped up £50,000 during the present year. It was very desirable that the various items should undergo preliminary examination by a Select Committee. He confidently felt that the time had come when the House ought to adopt a different system than the present for the examination of the Estimates. A Committee of the Whole House scarcely ever carried a reduction in the Estimates, though he believed that they did much good in discussing the Estimates generally, yet it was very difficult to follow up such in minute particulars in a large assembly. If a Select Committee were appointed to examine Class No. 2, they might in the meantime in Committee of the Whole House proceed with the other classes. It might be objected that such a Committee would diminish Ministerial responsibility, but that responsibility was a perfect myth, because under the present system, as soon as the House adopted the Estimates, the responsibility of the Government was at an end. He should conclude by moving—

> "That the Miscellaneous Civil Service Estimates, Class 2, laid upon the table of the House, be referred to a Select Committee to examine the same in reference to the past expenditure for the Civil Services, and to report to the House any reductions, better arrangement, or other particulars connected with that branch of the Public Expenditure which in their opinion deserve the attention of the House when the said Estimates are under their consideration.

Sir JOHN SHELLEY begged to second the Motion. He thought that every hon. Gentleman must agree that nothing could be more unsatisfactory than the present manner of examining the Estimates, and he believed that if the Motion of his hon. Friend were agreed to, it would be productive of great good. The recommendations of the Select Committee of 1860 had in many respects been carried into effect, and much good had resulted therefrom. He did not see that the responsibility of the Ministers would be one jot lessened whether the Estimates were examined by a Select Committee or by a Committee of the Whole House. He firmly believed that the more the accounts were examined the better the works would be executed.

Mr. SPEAKER said, he must remind the hon. Member that the House having negatived the Amendment, and having affirmed that "the words proposed to be left out stand part of the Question," there was no room for the Motion of the hon. Member. The Question before the House at present was that he "do now leave the Chair."

Mr. PEEL said, he could not help thinking that the House was likely to be disappointed if it expected any results from the Committee proposed by the hon. Member. The Committee of 1860 examined the most vulnerable of those Estimates—Class 1. They took evidence, but they were unable to agree upon any other recommendation than that the First Commissioner of Works should be a permanent officer of the Civil Service. In 1848 a Committee sat on the subject of miscellaneous expenditure, and they came to the conclusion that the best security for economy was the existence of a Government honestly bent on retrenchment and reduction. Any proposal, however, to refer the Estimates of the current year to a Committee was a step in the wrong direction, because the Committee, and not the Government, would in that case be regarded as responsible for the Estimates. The hon. Gentleman had not got over the difficulty as to time by limiting his proposal to the Votes comprised in Class 2. That class embraced all the Civil Departments of the Government, and if a Committee upstairs were to direct its attention to the reductions which should be made in those establishments, it was obvious that the inquiry could not be terminated before it would be necessary to pass the Estimates. He thought the hon. Gentleman ought to acknowledge that there was a reduction in the Estimates of this year, and that it was satisfactory as far as it went. That reduction was not to be explained away by saying that it was due to the omission of the extraordinary expenses which appeared in the Estimates of previous years. There was an average amount of extraordinary expenses included in the present Estimates. There were, for example, the charges for the building of the new Foreign Office and the Record Office. As to the increase of £56,000, to which the hon. Gentleman had alluded, it could easily be accounted for without imputing extravagance to the Government; £16,000 of it was a merely nominal charge for postages, which went back into the Exchequer; another £16,000 was required for the registry of births and deaths in Ireland, and £10,000 more was required for the inspectorate of fisheries in Ireland, the last two items constituting an increased charge for two new establishments created by Acts of Parliament passed in the last Session. After deducting those sums from the £56,000, they had a residue of £14,000, which was not more than the amount of the ordinary annual increment in the salaries of the different public offices.

Mr. W. WILLIAMS said, he thought the reason given for not submitting those Estimates to a Select Committee was most incorrect as regarded the responsibility of the Government, because when the Estimates were agreed to, that responsibility was taken away. He hoped the Chancellor of the Exchequer would turn his attention to the subject, and direct that the Estimates should be laid before the House before the 1st of April in each year. He begged to call attention to the great inconvenience of voting money on account.

NAVY — SUPERANNUATION IN THE DOCKYARDS.—QUESTION.

Mr. FERRAND said, he wished, before Mr. Speaker left the Chair, to put a question to the noble Lord the Secretary to the Admiralty. A short time ago certain rules and regulations were issued for the control and management of the dockyards. One of those rules referred to the superannuation of officers over sixty years of age. It was reported that that rule was to be stringently applied in the dockyard at Devonport, and that all officers there over sixty would have to retire, whereas at Portsmouth, Chatham, and, he believed, other dockyards, a certain number of officers over sixty were to be retained. He wished to ask, Whether the rule is really to be applied stringently to all the dockyards, or whether any of them are to be excepted?

Lord CLARENCE PAGET said, that by the Act of Parliament of 1859 all persons above the age of sixty were superannuated without any medical certificate; therefore, it was implied that persons above the age of sixty, unless reported to be still fully equal to the performance of their duties, were all liable to be superannuated. In the case of the dockyards, there had of late years been great stagnation owing to the establishments being so full, and there being so few vacancies amongst them, that there was scarcely an opportunity for the hired men getting on in the establishments. It was also felt very desirable in the dockyards that, in order to insure the great works being carried on with vigour and economy, that after a certain age all persons of the artificer class, no matter how worthy, should be superannuated, and the Admiralty decided that after the age of sixty all inferior officers and all artificers and labourers in Her Majesty's naval establishments should be superannuated, unless they were specially recommended by the superintendents as being men of very active habits and still thoroughly able to their work; but on arriving at the age of sixty-five they would be superannuated as a matter of course. This rule had been applied, not to Devonport alone, but to all the dockyards without any exception; and he could assure the hon. Gentleman that wherever superintendents of yards had stated that certain individuals were of peculiarly active habits, and were still able to do a good day's work, if they were under sixty-five, they had had an extended time in the service; but in all cases all persons on arriving at the age of sixty-five were superannuated as a matter of course.

Mr. FERRAND begged to ask whether an order had not been recently issued and sent down to Devonport, directing that all the men above sixty, without any exception, should be superannuated? He had been told that several men, between the age of sixty and sixty-five, although well able to perform their duties, would be superannuated.

Lord CLARENCE PAGET: That is not so.

Main Question put, and *agreed to.*

SUPPLY—SUPPLEMENTARY NAVY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

LORD CLARENCE PAGET: Sir, in moving the supplementary Estimate for the pay of the navy, I need preface the proposal with but very few remarks. Hon. Gentlemen are, I believe, aware that from time to time there have been very strong representations made, both in this House and out of doors, as to the fact that the pay of the officers and seamen of some classes in the navy is not so generous or so adequate as it ought to be. Sir, we know that the navy have of late years had fewer opportunities for distinguishing themselves and enriching themselves with prize money than they had during the great European war; and from that circumstance, the general rewards which fall to the lot of the navy are certainly very inferior to what they used to be in the days of our forefathers. There are two sources of emolument which are almost wholly lost to the navy in modern days. The one is, as I have said, prize money; the other is the freight that was formerly received on the carriage of gold. In former times, we all took our turns on the principal foreign stations of carrying freights, by which a considerable addition was made to our incomes, but that system has now almost wholly disappeared. It is true we still get a certain amount of advantage occasionally from the capture of pirates and slavers, but, generally speaking, as appeared from the evidence taken before the Committee on Promotion and Retirement last year, the emoluments of the navy are very inferior to what they were in the days of our forefathers. This matter has not been wholly overlooked. From time to time we have made considerable additions to the pay of various classes, but still I believe I am only expressing the opinion of the Committee to which I have referred, when I say that the pay of many branches of the navy is not adequate. The Committee was not permitted by the order of reference to make any statement of that nature to the House, but every one of its members felt that this subject would again be brought under the notice of Parliament. Among the recommendations of the Committee was one for reducing the number of certain classes of officers. That recommendation we are now prepared to carry into effect, and I shall refer at length to this part of our scheme presently. Meanwhile, I wish to direct attention to the first Vote I have to propose, amounting to £55,266, being a proposed addition to the pay and allowances of certain classes of officers and others, to begin on the first of July next. The first thing I have to state is, that the proposed addition will extend to that valuable and magnificent body of men—the petty officers of the navy, who, at present, are not paid so highly as the same class of men in the merchant service. It is not intended to increase the pay of flag officers, but merely to make an addition to their allowances. In the case of flag officers and commodores of the first class commanding-in-chief on foreign stations, we propose to increase the allowances by £547 10*s.* per annum. Flag officers, not serving under the orders of a senior officer, and in charge of separate stations or squadrons, are to have their allowances increased by £365. Flag officers serving under the orders of a senior officer are to receive when at home an increase of £182 10*s.*, and when on foreign stations £365. Flag officers superintending dockyards are to get an addition when at home of £547, and when abroad £182 10*s.* Commodores of the second class are to have an increase at home of £182 10*s.*, and abroad £365. I now come to the pay and allowances of captains. Officers in command of ships now-a-days are put to great expense. They are often in company with foreign squadrons, and I must say that the naval officers of most foreign nations are better off than ours in the way of allowances. We have carefully looked into this matter, and we propose to increase the pay and allowances of captains commanding in the way I am about to explain. There are three distinct classes of captains in command of ships, who are entitled to different rates of pay. There are likewise different rates and allowances according to the class of ship commanded. I believe the existing system in that respect is generally approved in the navy; the only question is as to the amount. We propose, then, that captains of the first class commanding sea-going ships will receive an addition to their pay and allowances, ranging from £99 to £162. The same class of captains commanding harbour ships will receive an increase of £53. Captains of the second class in seagoing ships will have an addition of from £89 to £153, and in harbour ships of £44; captains of the third class in seagoing ships from £80 to £144, and in harbour ships of £34. One of the strongest points brought before us in the Committee last year was that commanders in command had insufficient pay; and, accordingly, we propose that they should receive an addition of £86 in seagoing and £63 in harbour ships; and likewise that commanders, as second in command in line-of-battle ships and large frigates, and commanders in the Coastguard, should have a similar addition of £63. It was further stated that lieutenants in command were also underpaid, and to them we mean to give an increase of £50 a year in seagoing and £27 in harbour ships. The senior lieutenants of rated ships and troopships without commanders and of ships commanded by commanders are also to have a rise of £27. The gunnery lieutenants will by this scheme be divided into three classes. The first class are to have £45 additional, the second £27, and the third £9. As to the other lieutenants, there was no evidence, I think, to show that their pay was inadequate. I come now to a proposal to create a new class of officers, in distinct accordance with the recommendation of the Committee. The warrant officers complained that when they had got their warrants they had nothing further to look for, and that they could not become officers in a higher grade, such as lieutenants or commanders. It appeared, therefore, to the Committee that a superior class of warrant officers ought to be created; and in carrying out that recommendation, our object is to establish a rank to be attained not by mere seniority, but by energy, activity, and meritorious service on the part of warrant officers. These new officers are to be commissioned officers, and to be styled chief gunners, boatswains, and carpenters, and are to receive £164 per annum. We propose to make twelve altogether among each of the three classes. That is a boon, the Committee will understand, not merely to the warrant officers, but generally to the seamen of the fleet from whom they are selected. We propose also to increase the pay of the warrant officers of the first class by £7, of the second by £6, and of the third by £4, in seagoing ships. In harbour ships the addition will be—first class £7, second class £12, and third class £9. I find I omitted to mention the sub-lieutenants. Their additional pay will be £24 a year. Then the inspectors of machinery are to have an increase of £36. In the full pay of the paymasters we propose an increase of £20; and also that effect should be given to the recommendation of the Committee, that these officers should rise in regard to half-pay by length of service, like other officers, and not, as hitherto, by classification. The assistant-paymasters in charge are to have an increase of £27, and the others an addition according to service, giving a mean of £18. We propose to give the naval instructors an increase of from £27 to £54, the mean being £41. The chief petty officers will have a rise of £3 per annum; the first class petty officers the same; and the third class £1 10*s.* These are the details of the scheme which I have to submit in regard to the full pay of the navy; and here, properly, I ought to close my statement on this Vote. It may, however, be convenient that I should now advert to the items of the other Vote of £5,775 for additional charge for altering and improving the system of retirement of officers of the navy, and reducing the number on the active list. I quite admit that it is immensely inconvenient that we should have so many lists of retired officers, but after very earnest consideration of the subject, we found that there were so many circumstances and so many classes of officers to be dealt with under various Orders in Council, that any attempt to put them in one single category as retired officers was quite out of the question. All we could do was to see whether there were any officers who, by any arrangement of the Order in Council of 1860, had been damaged in their circumstances, and, if so, to endeavour to rectify the matter. This leads me to a subject often adverted to in this House. Of course, as a naval officer, I could not but sympathize with any class of naval officers really aggrieved; and I am now about to advert to a grievance which has been very loudly complained of by certain officers affected by the Order in Council of 1860. I will endeavour presently to explain that Order in Council, but what I now wish clearly and distinctly to state is, that in the scheme I am about to propose I do not interfere with or alter in any way any classes of retirements existing previous to the Order in Council of 1860. One reason why I wish to make that clear is, because there is a distinction between that Order in Council and any previous Order in Council, inasmuch as that was the first instance of anything like compulsory retirement of captains. I will now explain what that Order in Council was. At the period when it was issued, our lists of superior officers in the navy were in a very unsatisfactory state. Promotion was almost stagnant, and our flag officers, though most gallant, were certainly not so efficient for active service as might have been wished. Consequently, it was then decided to place captains compulsorily on the retired list upon certain terms. Speaking now entirely of the half-pay active captains, I may here state that in the navy there are three classes of them. The first class receives 14*s.* 6*d.* a day, the second 12*s.* 6*d.*, and the third 10*s.* 6*d.* It was then decided, when the Order in Council of 1860 was issued, that captains arriving at the age of sixty should be retired compulsorily. Now, we excluded from that Order in Council the first class of captains entirely, because they were considered to be so near their flag that it was thought that it would be a matter of injustice to cut them off from the opportunity of arriving at it; but with regard to captains of the second and third classes the retirement was compulsory. They got an increase of pay, those receiving 12*s.* 6*d.* having their pay immediately increased up to 20*s.*, and those receiving 10*s.* 6*d.* having their pay increased to 18*s.*; but still they felt the arrangement as a grievance, because, as the first class captains would rise to the half-pay of rear admiral, 25*s.*, they thought they might with equal justice rise to the same amount of pay likewise. They undoubtedly got an immediate rise in pay, but they lost the chance of a further ultimate rise. That circumstance had been often adverted to in this House, and it had been stated that the officers felt it as a grievance; and we now propose to issue an Order in Council by which captains of the second class who have not completed their sea service shall, on arriving at the age of sixty, be retired on 20*s.* a day, as is the case at present, but that on arriving at their flag rank they shall receive 25*s.* a day. That is the increase we propose with respect to them. The captains of the third class who have not completed their sea service will, on arriving at the age of sixty, be retired on 18*s.* a day, as now, but on arriving at the flag list they will also receive 25*s.* a day. This proposal only extends to captains on the captains' list before the date of the Order in Council of 1860, with regard to whom it was said that injustice had been committed. In making this arrangement the Government thought that it would be unjust to withhold a boon from the commanders and lieutenants who, when retired compulsorily by the Order in Council of 1860, did not rise in pay. We propose that commanders and lieutenants, retired compulsorily under the Order in Council of 1860, are to rise in pay in their respective ranks as they would have done had they remained on the active lists of their ranks; and I trust that this will be considered satisfactory by those gallant officers. So much for the Order in Council of 1860; and now I have to propose a new scheme, with the view of carrying out the recommendations of the Committee to which I have referred—that the captains' list should be reduced to 300, and the commanders' list to 400. We propose to set about this in the following way. Those captains who have served one year at sea in their present rank, but who have not completed their term, may, on arriving at the age of fifty, with the consent of the Admiralty, and on arriving at the age of fifty-five may claim, and on arriving at the age of sixty must, under any circumstances, be retired on 20*s.* a day, to be increased to 25*s.* on arriving at the flag list. As soon, however, as the list is reduced to the number of 300, we do not propose to have the power of retiring officers at the age of fifty. With regard to the next class of captains, who have not served this one year, it is proposed that on arriving at the age of fifty they may with the consent of the Admiralty, and on arriving at the age of fifty-five they may on their claim, and on arriving at the age of sixty they must, under any circumstances, be retired at 18*s.* a day, which will be increased to 20*s.* on their arriving at the flag list. That, then, is the proposal which we have to lay before the Committee, with a view to the reduction of the captains' list from 350 to 300. And now I come to the last recommendation of the Committee—namely, that the commanders' list should be reduced from 450 to 400. The compulsory retirement of 1860 said this—that any officer who had not served within the last fifteen years should be included in that Order in Council. What we propose is that officers who have not served within ten years — which, of course, will include a greater number — shall be comprehended under that Order in Council. They will receive the rank of captains on reaching the age of sixty, or attaining fifteen years' seniority as commanders without increased pay. In addition to this we propose that a limited number of commanders, on arriving at the age of forty-five, may with the consent of the Admiralty be retired, at fifty-five may claim to be retired, and at sixty must, under any circumstances, be retired upon the same terms as I have already adverted to, with pay in proportion to their length of service. There is another recommendation of the Committee which, I am sorry to say, we cannot carry out. It suggested that the lieutenants should not exceed 1,000, or, in other words, that our lieutenants' list should be kept up to 1,000. But I am sorry to say it is far short of that number. What we propose is, that the establishment of lieutenants shall not exceed 1,000, and also—not with a view to the reduction of the list, which is too small already, but as a matter which was brought before us by the Committee of last year — that if from any circumstance lieutenants should be unable to rise in the service they should, on arriving at the age of forty-five, and having seen certain service, be allowed to retire. We propose, therefore, that lieutenants of forty-five, who have had fifteen years' service, may claim to be retired with the rank of commander, under the conditions prescribed by Order in Council of 1860 — that is to say, their position as regards pay will depend, as with commanders, upon their length of service. I may state, likewise, that when they have been fifteen years on the lieutenants' list they may assume the rank of retired commanders, but that is not to carry with it any increase of pay. These are the proposals which I have to make to the Committee. There are two or three incidental matters which have been recommended by the Committee, to which I will now refer. We had evidence to the effect that the time served in the Coastguard had not received sufficient consideration. By the rules of the navy the time passed in the Coastguard counted only as one-third, and the Committee recommended that it should have a greater value. It is, therefore, proposed that in all calculations the time so passed shall count for one-half to officers retiring in future; and that, I think, will be found a considerable boon. There are various other recommendations, one of which, for instance, is that no officer should be promoted to the active flag rank who had not served three years at least in command of a *bonâ fide* sea-going ship. That is a very proper recommendation, and will be embodied in an Order in Council. I think I have now adverted to the principal recommendations of the Committee, and I have only to add that I am quite convinced, if hon. Members will entertain these proposals, they will confer a great boon on the navy generally; and, although I do not admit that the hon. Member for Lambeth (Mr. W. Williams) is right in maintaining that the officers of the navy are overpaid, I trust, if these proposals are agreed to, they will be satisfied.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £55,266, be granted to Her Majesty, to defray the Charge for increasing the Full Pay of the Executive Officers, Paymasters and Assistant Paymasters, Naval Instructors, &c., and Petty Officers of the Royal Navy, which will come in course of payment during the nine months ending on the 31st day of March, 1865."

SIR LAWRENCE PALK said, he had listened with great attention to the speech of the noble Lord, and was filled with disappointment that no allusion had been made throughout the whole of that speech to a class of officers upon which the safety of the navy of England in a great measure depended, and who he had yet to learn had done anything to deprive them of the benefits which were to be conferred on their more fortunate brother officers—he alluded to the masters of the Royal Navy. That class of officers considered themselves very ill-used. In the year 1824 an Admiralty memorandum was issued authorizing the admission of second-class volunteers, and at the same time forming a new rating open to the merchant service; but instead of training those officers as seamen and navigators, every possible obstacle was, as a rule, thrown in their way, and they were sternly told that they were never to receive any higher pay than that of masters. That order remained in force seven or eight years, and brought many promising young men into the navy, but they soon retired in disgust. That was the first attempt at introducing a class of officers from the merchant service into the Royal Navy. In the Baltic campaigns of 1854 and 1855 the masters were again called into action, and before landing at Bomarsund a consultation of the masters serving in the fleet was held, and to their exertions our success was in a great measure due, as he had abundant evidence to prove. He did not wish to puff unduly the services of any one class of officers, but he thought he might fairly ask, that when the services and requirements of other classes were under consideration, the services and requirements of the masters should not pass unnoticed. On the 30th of June, 1863, Her Majesty issued an Order in Council conferring upon the masters who had served fifteen years the title of staff commander, but that carried with it no additional pay or honour. It was true that under certain circumstances a staff commander might receive additional pay if there should be no warrant officer on board, but that happened so seldom that it was not worth taking into consideration. That order appeared to give rank, but by its last paragraph it placed the staff commanders, in all instances, junior to the lieutenants; and all persons must feel that a man who had served with credit for many years might naturally consider himself aggrieved to find himself suddenly placed under the command of perhaps a mere lad. Then, of all the ship's crew, the staff commanders and masters alone seemed to be disqualified from receiving marks of Royal approbation for distinguished services. In illustration he would refer to the case of Mr. William Roberts, a master in the Royal Navy, who, during the Crimean war, commanded the *Cyclops* when in action, and performed equally distinguished services with other commanders of steamers, but was passed over unnoticed. The difference of pay between the staff commanders and masters, and the paymasters and surgeons, formed a just ground of complaint. The staff commanders and masters received on promotion £182 per annum, while the surgeons received £273, and paymasters £249. After ten years' service the staff commanders and masters received £237, while the surgeons received £328, and paymasters £349. After twenty years' service the staff commanders and masters received £328, surgeons £401, and paymasters £600. In the half-pay the same difference existed. Now, when the noble Lord proposed to do justice to various classes in the navy, it was hard that those meritorious officers of whom he was speaking should be forgotten. If those officers were not of a meritorious and deserving class it would be far better to abolish such class altogether. The arguments used by the staff commanders and masters of the Royal Navy seemed to him to be founded on common sense, and he hoped that the House of Commons on some future occasion would take their case into their consideration with a view to obtaining for them redress. They asked now that their pay should not be so disproportionate to that of the surgeons and other officers he had mentioned, that they should share in any increase of pay to be provided by the supplementary Estimate, that they should take seniority with lieutenants except when on active service, and should be as competent to receive marks of Royal approbation as any other class of officers in the navy. It appeared to him that it would be only fair play, and in accordance with the dictates of common sense, to remove the present injustice done them.

Mr. FERRAND said, he wished to bring under the notice of the Committee the claims of the warrant officers. He had received an address, signed by a large number of warrant officers, complaining of the stinted amount of their salaries, and of the small increase proposed to be made to their pay. They also commented upon the manner in which the Lords of the Admiralty proposed to create twelve new warrant officers of each class.

Lord CLARENCE PAGET: We propose to create twelve chief warrant officers, twelve chief boatswains, and twelve chief carpenters; making altogether an addition of thirty-six chief warrant officers.

Mr. FERRAND said, he was then to understand that there would be thirty-six new creations in a body of 1,200 warrant officers. What the warrant officers wished brought under the notice of the House was that they desired an increase of pay for increased services. They complained that at present an officer of twenty years in the first class received no more pay than one just promoted to that grade. They further complained of the maximum retiring pension, and prayed for increased pay instead, and also an increase in the widows' pensions of the first class, the present practice being that the widow who had been longest in the first class received no more than the widow of the third-class officer who had been promoted to a warrant officer. They requested him to place their claims before the Committee with due respect, believing that they were so moderate and reasonable that their justice would be admitted. He was delighted to hear the noble Lord say he had arrived at the conclusion that an increase of pay should be given to the officers of the navy, on account of the large increase of pay that had taken place in the merchant service. Unless some such step were taken by the noble Lord it would be impossible to maintain the Royal Navy in a proper state of efficiency.

SIR JOHN HAY said, he must congratulate the noble Lord on having introduced this proposal to raise the amount of the allowances to officers, for the condition of naval officers up to the present time had been so impoverished that it was absolutely necessary that the House should take some means for making the service more remunerative. He did not concur with him, however, in thinking that the distribution of the additional £60,000 was the best that could be adopted. The scale of pay to the officers of the navy was a matter which must emanate from the Ministers of the Crown. It was not a constitutional course for an independent Member to move an increase of pay; but he concurred in what had fallen from the hon. Baronet the Member for Devonshire (Sir Lawrence Palk), with respect to the pay of the masters. The case of the masters had been inquired into by the Admiralty, and had been before a Committee of that House; and though the justice of their claim could not be denied, no allowance was made to them in the present arrangement. It would have been more satisfactory if the particulars of the pay and allowances to flag officers had been set out on the paper which was in the hands of hon. Members. The increase in the table allowances to flag officers on foreign stations would not in all cases be sufficient; and instead of being fixed at £547, it would have been better to apportion the amount of the addition to the expenditure on the particular station. There were three very expensive and at the same time very important stations — the Mediterranean, the East Indies, and the West Indies and North America. It must be for the interest of the country that the best men should be sent to those stations; and yet he knew that certain officers had been requested to accept those commands, and had declined to do so because the pay and allowances were insufficient. He had made that statement on a former occasion, and had been met with a contradiction. Technically he was wrong. He supposed there had been no case in which any one of those commands had been refused by an officer after receipt of the official letter offering him the command; but the custom was for the First Lord to ascertain through his private secretary the wishes of an officer whom he desired to appoint to a command, and it was to refusals made in answer to private letters that he alluded on the former occasion. The command in the Mediterranean was one usually held by an Admiral or a Vice Admiral. Some time ago, to his own knowledge, two Vice Admirals were asked privately whether they would take that command, and both refused to do so. A Rear Admiral, who was now a Vice Admiral, subsequently accepted the command, after four flag officers had declined it. The command in the East Indies and China had been declined in the same way. Sir James Hope, who had just returned from the command, told a Committee that he had been spending nearly £7,000 a year during the whole time he was on the East India station. His pay and allowances from the Admiralty amounted to £2,500, in addition to which he had the East India allowance of £3,000 a year—making £5,500, and as he was a man of considerable private fortune he was able to spend more. Vice Admiral Kuper, who succeeded him in that command, lost the £3,000, the East India allowance, so that he had only £2,500 a year to support the position which it had cost his predecessor nearly £7,000 a year to maintain. The additional allowance of £547 was not enough in such a case as that. On the West India and North American command the pay and emoluments of the Admiral in command amounted in the year 1834 to £14,000. They were now only £3,000, and a commander-in-chief on that station who had not a private fortune could not perform his duty in a manner acceptable to the country, and calculated to uphold good relations with the officers of foreign nations. The Governor of Malta had a salary of £5,000 a year, with allowances which brought his official income up to nearly £6,000, and yet, though his emoluments were greater, his position was no higher than that of the commander-in-chief in the Mediterranean. The Governor of Gibraltar also had pay and allowances far exceeding those of the commander-in-chief. The discrepancy was still more marked in the East. He thought that instead of making a fixed allowance without reference to the station on which the admirals were to be employed, it would have been better if the Admiralty had taken into consideration the nature of the employment, and apportioned the allowance with reference to the demands likely to be made upon the officer. He hoped that during the recess the Admiralty would consider the matter, and before the next Estimate was laid on the table would be ready with a plan which would give admirals commanding fleets a rate of pay commensurate with the duties they had to perform, with the demands on their means, and calculated according to the importance of the stations on which their flags were hoisted. With regard to the home ports, the commander-in-chief at Portsmouth ought certainly to have some addition to his pay. He had much greater demands on his means than the commanders at Plymouth and the Nore. The nearness of Portsmouth to town and to the neighbourhood in which the Court usually was, threw upon the commander-in-chief expenses which had often been felt to be a heavy tax. The estimated increase of £365 per annum for the commodores must be a mistake, because the five commodores already appeared to have 10*s.* per day, so that the increase would only be £182 10*s.* The increase to the captains appeared very considerable on paper, but in reality no one would get it. A captain must be in the first-class and must command a first-class ship; but there were only two first-class ships afloat which had not admirals on board, and these were commanded by second-class captains. He did not agree that this mode of paying captains would be agreeable to the service. Officers desired that their pay and command money should all be made into pay; for, though it was quite true that no one could command a ship without spending far more than the command money, yet a captain liked to feel that he was spending the money out of his own pocket, and not a sum of money intrusted to him to be filtered through his fingers for the public service. He regretted that the Admiralty had not considered the question of ships' bands, small though it might be. The bandsmen were paid as men, but the bandmaster was not paid. [Lord CLARENCE PAGET: He is rated.] Yes, but he was sure his noble Friend, who was very fond of music, and who had an excellent band on board the Princess Royal, had not got the services of his bandmaster for the ship's rating. When a ship was commissioned the captain had to put his hand into his pocket for about £300 for instruments, he had to put the band into uniform, and to find some £40 a year for the bandmaster. And all this was only for about three years, when the instruments were dispersed and the band broken up, again to go through the same process in other ships. He hoped that some plan would be devised for the organization of bands, by which captains would be relieved from this heavy expense. He should be glad to hear how the gunnery lieutenants were to be divided into classes. If the first class was to be attained only through an examination so stringent that no one would pass it, then the advantages of this new plan were not likely to be very generally enjoyed. With regard to the increased pay to engineers, he believed there were only two chief engineers at present in a position to receive. Turning to the explanatory statement as to retired pay, he was glad to find that some few of the captains were at last to receive that consideration which was their due, and the plan for reducing the list would probably turn out to be a very fair one. He was also glad to hear that the case of the commanders and lieutenants was under the consideration of the Admiralty, while he regretted to find that no provision was made for any increase of half-pay. He would, in conclusion, appeal to his noble Friend to endeavour to procure during the recess the appointment of a Royal Commission to inquire into the subject of the pay of the navy, for he might be assured no Estimate such as that before the House could give complete satisfaction, seeing that whole classes of officers were overlooked. He could not, he might add, think that the proposal to give only half-time to officers serving in the Coastguard would be looked upon with favour, and he would suggest that, as had been recommended by a Committee of the House, the time should be raised to two-thirds. He would only say, further, that he concurred in much that had fallen from the hon. Member for Devonport (Mr. Ferrand) with respect to warrant officers.

MR. W. WILLIAMS said, the Question before the Committee was the Vote of £55,256. He wished to know what necessity existed for the proposed increase of pay at a time when we were in a state of profound peace? As to the bands on board ship which had been mentioned, he believed they were totally unknown before the battles of the Nile and Trafalgar. All the increase was proposed to be for the officers, there was none for the hard-working sailor.

MR. CORRY said, it had been the constant effort of the various Departments for many years to make the Estimates as intelligible as possible, but that he never saw Estimates which were less intelligible than those before the Committee. If it had not been for the lucid explanation of the "Explanatory Statement," which they had heard from the Secretary of the Admiralty, it would have been almost impossible to understand it, and in some respects it was inaccurate as well as obscure. He was not, however, disposed to "look a gift horse in the mouth," especially when he recollected that the noble Duke at the head of the Admiralty had not, in the memorandum of last year, held out much encouragement that any increase would be made in the enrolments of certain classes of officers. He quite concurred with his hon. Friend the Member for Devonport (Mr. Ferrand), and his hon. and gallant Friend the Member for Wakefield (Sir John Hay), in almost everything which had fallen from them with respect to the warrant officers, and also with respect to the emoluments of flag officers, both at home and abroad. Indeed, he considered it to be one of the greatest defects of the present scheme that it did not increase the allowances of the flag officers commanding in chief at the home ports, as well as those of flag officers on foreign stations. He had, on a previous occasion, stated that he knew a home port in which he believed no officer could hold a command without having a considerable private fortune. The station he had in his mind was Portsmouth, where the admiral was required, frequently by introductions from the Admiralty, to entertain foreigners and other persons of distinction. The same might be said in a lesser degree of Devonport, but Sheerness was a place to which nobody would go unless he was obliged, and which everyone left as soon as possible. He might state that he had, in order to test the accuracy of his own views on the subject, written to four distinguished admirals, friends of his, who had held commands in chief both at home and abroad, and that the answers which he had received were as follows. One of those officers said—

> "Speaking from my own experience (on a foreign station), I spent more than the naval pay and allowances every year of the whole period of my command. The Portsmouth command is very expensive, from the increasing number of persons of rank and position — foreigners and others—who look for some notice from the commander-in-chief, and who, in many instances, are introduced by letter or otherwise to him. I endeavoured to keep expenditure within reasonable limits, but during the year when I had the pay and allowances of vice-admiral, my naval receipts were £2,697 18s. 11d., and my expenditure £3,384 3s. 0½d., or £686 4s. 1½d. more. I have carefully rejected payments unconnected with the necessities of my position, and I limited myself to one pair of carriage horses."

Another admiral, who had held command both at home and abroad, said—

> "You surprise me by telling me that the proposed addition to the table money of commanders-in-chief does not include any advantage to those serving at the ports at home, as I apprehend those are the very officers whose tables are necessarily the most expensive, although in India the articles of consumption cost more."

And he then goes on to say that his expenses at a home port so greatly exceeded his naval pay and allowances that if he had been without private means he could not have retained the command. Another officer said—

> "I think the intended increase of table money on foreign stations very necessary, and by no means too much; but if it be required there, it is much more called for at the ports, where it is impossible to get out of the way by going to sea, and where you are continually called on to exercise hospitality which is unavoidable, and more especially so at Portsmouth and Plymouth. While in command abroad my expenses during my three years exceeded my pay and allowances by £1,200."

He then added that his expenses while commanding at a home port exceeded his pay and allowances by a considerably larger amount. A fourth admiral wrote—

> "I object altogether to the principle on which our commanders-in-chief are paid, and the most remarkable inconsistency is at Portsmouth. I was very unexpectedly nominated to that command, and although my duties, as well as what was expected of me, were precisely the same as if I had been a full admiral, and Royal and other personages were constantly sent to partake of my hospitality, yet, because I was only a vice-admiral nearly £500 a year, including allowances, was cut off my salary, and the result was that at the termination of my command, I was several thousand pounds out of pocket."

He hoped that the several points urged in the course of the discussion would be taken into consideration by his noble Friend, and that among others he would not overlook the inadequate remuneration given to the commanders-in-chief of the home ports. He thought, too, that the full pay of lieutenants and commanders ought to be in some degree proportioned to their half-pay. This would be only in accordance with the recommendation of the Commissioners of Naval and Military Inquiry in 1860, which was to the effect that, as an inducement to officers to seek active service, the amount of their full pay ought to be fixed in relation to that of their half-pay, but under the present arrangement, a lieutenant (unless entitled to an exceptional allowance) of nine or ten years sea service, and on the half-pay list of 9*s.* a day, would receive no higher an amount of full pay than a lieutenant just promoted to that rank, and on the half-pay of 4*s.* a day. His noble Friend had stated that all the meritorious officers of long standing were either in command, or serving as first, or as gunnery lieutenants; but he (Mr. Corry) thought that was a very invidious remark, and he believed that there were many excellent officers of long standing who were not serving in any of those capacities. But even if it were otherwise, it would not meet his argument, because he thought that, in addition to their special allowances, first lieutenants and gunnery lieutenants ought also to receive full pay, having some relation to the position they had earned, by service on the half-pay list. In the case of captains their command money varied according to the complements of their ships, but the amount of their pay depended on their position on the half-pay list, and he thought that lieutenants had a special claim to be treated on the same principle, because while captains rose to the higher rates of half-pay by seniority, they did so by actual service at sea. He was glad to hear that the Admiralty had at last consented to do an act of justice to the captains affected by the Order in Council of 1860, and he hoped that the same spirit would guide the Admiralty in dealing with the various grievances which had been pointed out in the course of this discussion.

Mr. C. P. BERKELEY said, he must complain that a small class of officers would receive no increase of pay by one of the arrangements proposed; but would, on the contrary, rather be deprived of a portion of what was already allotted to them. He alluded to the captains in the harbour ships, the *Excellent*, the *Britannia*, and the gunnery ships. At present the captain of the *Excellent* received £800 a year, and the captains of the *Britannia* and other harbour ships £700. It was, however, proposed that the salary of the former should vary from £691 to £819, and the latter from £591 to £719, so that although it was possible for them to receive an increase of £19, it was also possible that they might be deprived of £109. He regarded the arrangement proposed, with reference to captains on the retired and reserved lists, as a most extravagant one. It would really give some colour to the statement which had been made, that there was no service where an officer could do so little and get so much, or do so much and get so little.

Mr. R. W. DUFF said, he approved generally of the proposals of the Government, but regretted that they did not go far enough. He could not understand how the noble Lord had overlooked the case of the masters, and hoped that their services would still be recognized by the making of some addition to their pay. If a system of age retirement was adopted at all it ought to be fully carried out, and not confined to a single rank, so that while a captain should be retired at sixty an admiral might remain on the active list till he was a hundred. It would no doubt cost a considerable sum so to extend the system, but he believed that the money would be well spent. The hon. Member for Lambeth (Mr. Williams) said that if money was given to one service it ought to be given to all; but that argument would not apply until the pay of the navy had been raised to an equality with those of the army and the Civil Service, to both of which it was at present inferior.

Sir JAMES ELPHINSTONE said, he wished it to be distinctly understood that, although he should agree to the Vote, he did not approve the scheme which had been brought before the House, which he regarded as totally inadequate, delusive in itself, and, in fact, a complete and perfect sham. Since he had been in the House he had never seen a more awkwardly framed paper than that which had been laid upon the table to explain it, and nothing could more dispose him to regret the retirement of the hon. Member for Halifax (Mr. Stansfeld) from the Admiralty than the appearance of such a wretched attempt at exposition. When he, three years ago, carried against the Government the appointment of a Select Committee to investigate the claims of the navy, he was told that he had done a most unconstitutional act; but on the 9th of February, 1773, Viscount Howe presented a petition from captains in the navy, praying for a reasonable increase of their half-pay; and it was, by a majority of 154 to 45, referred to a Committee. Hon. Members on the Opposition side of the House had always contended that this question ought to be dealt with by the appointment of a Royal Commission; and the incongruities of this scheme were so numerous and so important, that such an inquiry could not long be refused. It was quite impossible that flag officers on foreign stations should exist upon their pay even with the addition which it was now proposed to make to it, and it was not seemly that officers should be called upon to contribute from their private means to the service of the State. A gallant admiral who had held the command of the China station told him that he could not exist upon less than £3,500 a year, and that to live like those with whom he associated would have cost him £5,000. There was not a clerk in any commercial establishment in China who was not better paid than a post captain, and there was not a man who went there who might not with prudence amass a large fortune in a few years. It would not be unfair that a trifling percentage should be levied upon the trade in those seas to remunerate the officers who wasted their lives and spent their fortunes in its protection. The flag in the East Indies was in exactly the same position. At present India enjoyed peace, unrestricted commerce, and other blessings, for which the Indian community was not called upon to pay one farthing, while the British taxpayer had to find the money, and the British officer was called upon to expend health, and even his private resources. The next subject was as to the lieutenants. The service might get on without admirals or captains, but not without lieutenants, who were the real executive officers, and therefore were entitled to consideration. It was alleged that the pay of lieutenants for the first two or three years after appointment was adequate, but that certainly would not be the case upon the China, East India, and Pacific stations. The main body of the lieutenants, who could not look for promotion under an average of ten years, remained at the same rate of pay; and as sometimes lieutenants at the age of thirty unfortunately married, it was hard to conceive how they could manage to live upon £182 a year. The recommendation in respect to those officers was an increase of pay every three years. Coming to the warrant officers, who, next to the lieutenants, were most important to the service, he found that their number was 1,200, and the Admiralty proposition was to give to 12 warrant officers of each class a trifling increase of pay. Thus, 36 warrant officers out of 1,200 were to receive 5*d.* a day additional with the rank of chief of their class. He had to complain that there was not an equal treatment of warrant officers in the navy with non-commissioned officers in the army. Thus in the recent New Zealand war a sergeant in the army and a captain's coxswain in the navy, a petty officer, each obtained the Victoria Cross. The sergeant soon after was appointed to an ensigncy, and the coxswain was offered a warrant, which he from prudential reasons declined, as his acceptance of the offer would have placed him in a worse position. From his own experience upon the Commission for Manning the Navy in 1860, he could say that the opinion of the Commission was that the status of the warrant officers ought to be improved. How was it possible that the men who were the backbone of the navy could be expected in time of war to exert themselves to recruit our navy when no encouragement was held out to them? With respect to the engineers, the complaint of the inspectors of machinery who had sometimes a large amount of horse-power and many engineers under their supervision, was that they only received a guinea a day, while men of the same standing in the commercial marine received £1,000 or £1,200 a year. In conclusion, he would only repeat that he wished to guard himself from approving the paper before the House until a Royal Commission could be obtained to decide upon the merits of the question, instead of the Admiralty, taking advantage of a few observations of a Committee not appointed to consider the subject, adopting their own notions upon it.

Lord CLARENCE PAGET said, he thought it scarcely consistent that in bringing forward so large a scheme as the present he should be taunted with wishing to stifle all the fair claims of the navy. He should be extremely happy if ever it fell to his lot to propose an increase of the pay of the navy, but at present he was doing all that lay in his power. His hon. and gallant Friend the Member for Wakefield (Sir John Hay), through misreading the paper which he had made the subject of comment, fell into two unintentional mistakes. The commanders of the second class, it was true, received 10*s.* a day, which had reference to their captain's commandment, but they also got £1 a day table money.

Sir JOHN HAY begged to ask whether he was to understand that they received both allowances?

Lord CLARENCE PAGET: Yes; £1 abroad, and 10*s.* at home. The additional allowance, moreover, to first lieutenants of ships commanded by commanders was 1*s.* 6*d.* a day, and not 6*d.*, as had been represented. His hon. and gallant Friend, he knew, was trusting to the statements of a very clever friend who prompted him on these occasions, but when he looked into the matter he would find that he had been misled. He admitted to his right hon. Friend the Member for Tyrone that Portsmouth was a very expensive station, but it must be borne in mind that flag officers in command at home were relieved from the necessity of keeping up double establishments, which formed the great tax upon officers engaged in active service abroad. He wished his right hon. Friend had not attributed to him an invidious remark with regard to lieutenants. As a matter of fact, more than half the lieutenants now employed were receiving extra allowances, either as senior lieutenants or as gunnery lieutenants, and that he thought was a very fair proportion. The invaluable class of officers on whose behalf the hon. Baronet the Member for Devonshire (Sir Lawrence Palk) had spoken, were not included in the present scheme, but questions affecting their rank and position had been very recently dealt with. It was an old moot point in the navy, whether the rank of master ought to be maintained or done away with, and the discussion attained such dimensions that the Admiralty appointed a Committee to take evidence and report. The masters themselves, with few exceptions, were in favour, not of an increase of pay, but of rank; but some grievance having been brought forward as to the widows' pensions, they were increased by a subsequent Order in Council, and likewise fifteen out-pensions were given to these officers in Greenwich Hospital. The rank of staff captain and that of staff commander had likewise been created; but the main difficulty remained, and, for all he could see, must continue, and that was that the officer of the watch must always be in command on deck. In all social matters masters took rank according to the dates of their commissions. There was nothing in the regulations that he knew of to prevent staff commanders from being decorated with the Companionship of the Bath, but these were points affecting the prerogative of the Sovereign, and not properly falling under the cognizance of that House. The hon. Gentleman (Mr. Berkeley) complained that officers on the retired list were paid higher than officers of the same rank on the active list. That, however, was always the case. The Admiralty were obliged to give officers some inducement to retire, and thus it happened that retired captains who could not be called upon for service were in certain cases receiving more than officers on the active list.

MR. C. P. BERKELEY said, that the noble Lord had either misunderstood him, or was not acquainted with the real state of the case. It was proposed that these particular captains when they became retired rear-admirals should receive the same pay as the active rear-admirals—namely, *25s.* a day. That was far more than they ever applied for, and was unjust to all the officers on the active list. He should move for the reduction of the sum voted for retirement.

LORD CLARENCE PAGET said, that the officers who had been placed on the retired list under the Order in Council of 1860 were the second and third class of captains. They received by the present proposal as much as rear-admirals on the active list, but the latter could rise to the rank of vice and full admiral with corresponding rise in pay which they were debarred from.

CAPTAIN TALBOT said, he thought it had been shown by his hon. and gallant Friend (Sir John Hay) that admirals who were formerly in the receipt of batta and prize money, &c., were now placed in an inferior position to that which they formerly occupied. Their position was also inferior to that of the admirals in other services. He lamented that the noble Lord had not proposed some increase of pay for the masters. The noble Lord said he looked upon them as an invaluable class of officers, but it was extraordinary that in raising the rank of those officers he did not place them in a position to enjoy the rank that was given to them. He trusted that the Admiralty would give their best consideration to this subject, and also to the recommendation of the Select Committee of last year, that the pay of a lieutenant on full pay should be increased with length of service. Look at the position in which lieutenants on full pay were now placed. The noble Lord said that if an officer had a love or zeal for the service he would become a gunnery lieutenant or first lieutenant. [Lord CLARENCE PAGET: I said they can get up to it.] But the number of gunnery lieutenants and first lieutenants was limited. The consequence of the full pay not increasing with length of service was, that senior lieutenants of long service would in very many instances be receiving less emolument than junior gunnery lieutenants of very little service. Take an instance from a ship commanded by a captain with no commander. The first lieutenant with eleven years' service and the army rank of major received 10*s.* a day pay and an allowance of 2*s.* 6*d.*, making his total emolument 12*s.* 6*d.* The second lieutenant with eight years' service and the rank of major was receiving 10*s.* a day and no allowances ; while the gunnery lieutenant with two years' service and the rank of captain was receiving 10*s.* pay, and allowances varying according to class, and amounting altogether either to 11*s.* 6*d.*, 12*s.* 6*d.*, or 13*s.* 6*d.* In another case of a ship commanded by a captain with a commander, the gunnery lieutenant with the army rank of captain and only three years' service was receiving 13*s.* 6*d.* a day against an officer of nine years' standing and with the rank of major, but who only received 10*s.* a day. These instances showed that long service and rank were not considered in regard to emolument. The injustice, however, would be at once removed if the pay increased with service, as recommended in the scheme of his hon. and gallant Friend (Sir John Hay). He had received many communications on this subject, which he would assure the noble Lord was regarded with great interest by the lieutenants in the service. With respect to the active list, he considered it highly desirable that it should be reduced. If they expected officers to retire they must offer some inducement for them to do so ; and the sum now proposed, among so large a number of officers, was totally insufficient for the purpose. The warrant officers of the navy were a most valuable class. Their services were most valuable, and their position should be made as good as possible. That was the goal to which sailors were encouraged to look, and he had over and over again known blue jackets to refuse a warrant when offered to them because they knew their position would not be improved. The pittance which was now offered to thirty-six warrant officers out of 1,200 was almost worthy of ridicule. There was another point which was viewed with great interest in the service — he meant the question of leave. When an officer came home, after being perhaps four years on an unhealthy foreign station, it was not too much that he should be allowed a few months' leave on full pay—he would say one month for every year of foreign service. That was already the case with regard to seamen. They had six weeks' or two months' leave, and it was essential to the happiness of officers that they should know a little of shore life. These questions were regarded with great interest in the service ; and, acting in a spirit of fairness, he believed the intention of the Committee was to benefit the position of naval officers.

MR. LINDSAY said, he had no objection to the Vote, but was decidedly opposed to the mode in which it was proposed to apply it. The masters were a most valuable class, whose claims he had repeatedly urged on the attention of the Government; but although he had always been promised that their case would be considered, they were now passed over entirely. Paymasters, who had charge only of accounts and provisions, received double the pay of masters, who were responsible for the safe navigation of the ship ; yet the former were by this scheme to receive additional pay, while the latter were passed over in silence. He begged to move that the Chairman report Progress, in order that the scheme might be reconsidered, and he hoped when next it was produced they would find it embraced the case of the masters and other points that had been urged in the course of the debate.

MR. CORRY begged to explain that his meaning, when he spoke, was that all classes of lieutenants should be paid according to their service.

COLONEL EDWARDS considered that the reserved captains had been treated with great injustice, and he hoped they would yet be placed in the position they deserved.

MR. FERRAND said, there were many widows of warrant officers living in the poorhouse of Devonport Union. If those persons had the pensions which they enjoyed formerly restored to them, that disgrace would be removed from the country.

MR. BAILLIE COCHRANE hoped that some explanation would be afforded in regard to the case of the reserved captains referred to by the hon. and gallant Member for Beverley (Colonel Edwards).

LORD CLARENCE PAGET said, the case of those officers had been disposed of. The boon had been granted to them.

COLONEL EDWARDS must say he was under a very different impression to that. He did not understand that redress had been given to those reserved captains, otherwise he should not have alluded to their case. Perhaps the noble Lord would state what were the further advantages which had been conceded to them.

Lord CLARENCE PAGET said, he could only repeat that they had granted them the boon. The officers now in question were those who retired under the Order in Council of 1860.

Captain TALBOT: The reserved captains on the "F.G." list.

Colonel EDWARDS did not know what the list was called, but he referred to a meritorious class of officers who were put upon the reserved list a few years ago, and not allowed to rise to their flag as other officers did. They were excluded from attaining the rank which they otherwise would have attained in consideration of some paltry remuneration that they would never have accepted if the matter had been fairly left to them.

Viscount PALMERSTON said, he hoped that, as they had been discussing this question for several hours, they would now come to a vote upon it.

Mr. LINDSAY said, he would withdraw his Motion for reporting Progress if a pledge were given that justice would be done to the masters.

Sir JAMES ELPHINSTONE said, the "F.G." list had not been dealt with at all, and formed a question that must be raised again. The grievance of the lieutenants in respect to leave, demanded attention. Those officers asked for a month's leave in every year, which was a small boon. They were now practically isolated from their friends, even when on the home station.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,—(*Mr. Lindsay*,)—put, and *negatived.*

Original Question put, and *agreed to.*

(4.) Motion made, and Question proposed,

> "That a sum, not exceeding £5,775, be granted to Her Majesty, to defray the additional Charge for altering and improving the system of Retirement of Officers of the Royal Navy, and reducing the number of Officers on the Active List of the Navy, which will come in course of payment during the nine months ending on the 31st day of March, 1865."

Mr. C. P. BERKELEY said, that if the Admiralty would examine that matter, and take into consideration the other officers who were nearly in the same position as those concerned in this Vote, it would see that it could not stop there, but must go a good deal further.

Lord CLARENCE PAGET begged to point out the clear distinction which existed between the case of those captains whose retirement on the reserved list was voluntary, and those whose retirement was compulsory.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Charles Berkeley,*)—put, and *negatived.*

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;*

Committee to sit again *To-morrow.*

HIGHWAYS ACT AMENDMENT BILL.

[BILL 113.] SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read a second time."—(*Sir George Grey.*)

Sir GEORGE GREY said, he rose to move the second reading of the Bill. It comprised a great many details which would require to be considered in a Select Committee, and the discussion could then be taken on the Report. He thought, therefore, that discussion on its details should be waived for the present.

Mr. LIDDELL said, he wished to know what would be the scope of the inquiry before the Committee. The Bill was very important, as it proposed to confer great additional powers on justices of the peace, and to diminish the powers of the ratepayers. The Act had not worked well in that part of the country with which he was connected, and he was anxious to know whether the Select Committee would be empowered to take any evidence.

Mr. THOMPSON said, he hoped the right hon. Baronet would not press the second reading of the Bill at that late hour, as it would involve very important questions.

Mr. GATHORNE HARDY said, there was no general principle to be discussed at that stage, and he trusted, therefore, that the second reading would be agreed to. If the Act had not been successful in the quarter referred to by his hon. Friend the Member for South Northumberland (Mr. Liddell), it was because too large districts had been created.

Sir MATTHEW RIDLEY said, the Bill would require very mature consideration. He thought that it would be satisfactory for the Bill to undergo discussion in a Committee upstairs.

Motion *agreed to.*

Bill read 2°.

Sir GEORGE GREY begged to move that the Bill be referred to a Select Committee. It would be desirable not to instruct the Committee to take evidence, because the Committee could, if they thought it necessary, apply to the House for permission to hear witnesses with respect to any particular provision.

Bill *committed* to a Select Committee.

BEERHOUSES (IRELAND) BILL.

[BILL 109.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Excise Officers not to grant a Licence or Renewal Licence without Certificate of Justices.)

Sir COLMAN O'LOGHLEN said, he thought the object of the Bill, which was to impose some restrictions on the low class of beer-houses in Ireland, a proper one; but he conceived that the present clause went too far, for it would compel not only ordinary beer-house keepers, but brewers and the vendors of table beer, who could now sell beer not to be drunk on the premises, under an Excise licence, to apply to the magistrates for a licence.

Sir ROBERT PEEL said, it was impossible to make any distinction between respectable and disreputable brewers. He understood that there was no such class in Dublin as vendors of table beer at three-halfpence a quart. If that clause were not adopted, it was the opinion of the police that the Bill would be perfectly valueless.

Mr. HENNESSY begged to ask the right hon. Baronet whether the Bill did not include brewers?

Sir ROBERT PEEL said it did. It was meant to apply to all persons selling beer not to be drunk on the premises. He could not suppose that a respectable brewer would have any objection to send his clerk to the magistrates to obtain such a licence.

Sir EDWARD GROGAN said, there was no licence of the kind in England, and he hoped Irish Members would resist its introduction into Ireland.

Sir PATRICK O'BRIEN begged to suggest that the beer-houses should be placed under strict police regulations and surveillance, so that if those regulations were violated the licence could be taken away. That would be found sufficient for every purpose. He objected to placing in the hands of a few justices the power of preventing persons carrying on what might be considered legitimate trade.

Mr. HENNESSY said, the clause would apply to brewers, which, in his opinion, would be very vexatious to such men as Messrs. Guinness and other respectable brewers. He begged to move a proviso to the effect that nothing contained in the clause should apply to any person holding a brewer's licence. He felt convinced that there could be no intention of applying the vexatious penalties and prohibitions provided by the clause to the trade of brewing.

Mr. HASSARD said, the evil against which the Bill was directed arose only in the case of beer-house keepers, and could not apply to brewers.

Colonel DICKSON said, he must object to proceeding at that late hour of the night with the Bill, and, therefore, he would beg to move that the Chairman do report Progress.

Mr. SCLATER-BOOTH said, he objected to the measure on the ground that it would establish a different law between the two countries.

Sir PATRICK O'BRIEN said, he understood that the object of the Bill was to place under police surveillance those houses which, under the plea of selling beer, retailed spirits, and that was a purpose which Irish Members would be most ready to support. That clause, however, went further than that, and he was of opinion that it would improve the Bill to strike out the clause altogether.

Sir ROBERT PEEL said, the subject had been well considered by the Government and he must adhere to the clause as it stood. No doubt the clause would apply to such establishments as the Messrs. Guinness's, but it was impossible to draw a distinction between one class of traders and another.

Sir EDWARD GROGAN said, that the hon. Baronet had, in his opinion, wholly failed to show a sufficient reason for the enactment of that clause.

Colonel WILLIAM STUART said, he could not see any reason why a law should be enacted for Ireland differing from that which existed in England. The beer-houses in Ireland could be placed under the supervision of the police without such a clause as that proposed.

Mr. NEWDEGATE considered that some restriction ought to be placed on the granting of beer licences, but was unable to say how far the clause would apply to brewers.

Mr. GATHORNE HARDY begged to suggest that the words of the English Act should be adopted. The Bill ought clearly to be confined to common brewers who sold beer by retail.

Mr. LONGFIELD said, he very much questioned whether the Act applied to brewers at all. It only extended, he thought, to licensed beer-houses.

Mr. O'HAGAN said, he had never considered that the penalties under the clause could apply to the great brewers.

Lord NAAS said, that if a brewer's licence allowed the selling of beer by retail it would apply to him; but that was a point on which the Committee were not informed.

Sir ROBERT PEEL said, he thought it right to tell the Committee that the Bill did apply to such brewers as Messrs. Guinness. If the Committee were of opinion that it ought not to apply to the great brewers that would be another question.

Mr. LYGON said, there appeared to be a startling discrepancy of opinion between the right hon. Baronet and the Attorney General for Ireland, and that was a good reason for reporting Progress, in order that those two right hon. Gentlemen might come to some accord as to the real effect of the clause.

Mr. MAGUIRE begged to suggest the postponement of the clause, but as the Bill was very much wanted in Ireland he hoped it would be proceeded with. He did not think the great brewers should be treated with any indignity.

Colonel DICKSON said, he thought the Bill a very inadequate, a very useless, and, in some clauses, a very objectionable one. He should persevere with his Motion to report Progress.

House *resumed.*

Committee report Progress; to sit again on *Tuesday* next.

LIFE ANNUITIES AND LIFE ASSURANCES.—[DEFICIENCY OF ASSETS, &c.]

COMMITTEE.

Order for Committee read.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER begged to move a Resolution authorizing any deficiency in the assets of the Commissioners for the reduction of the National Debt in connection with Deferred Annuities and Life Assurance, to be made a charge on the Consolidated Fund.

Resolved,

That it is expedient to empower the Commissioners of the Treasury to issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such sums as may be requisite to make good any deficiency that may arise in the Assets of the Commissioners for the Reduction of the National Debt applicable to the Payment of Deferred Life Annuities, and to Payments to be made on Death, and also to empower the Commissioners of the Treasury to convert certain Capital Stocks of Annuities into an equivalent amount of Annuities for a Term of years.

House *resumed.*

Resolution to be reported *this day.*

LIMITED PENALTIES BILL—[Bill 94.]

THIRD READING.

Order for Third Reading read.

Moved, "That the Bill be now read the third time."—(*The Solicitor General.*)

The SOLICITOR GENERAL begged to explain the objects of the Bill. One of the Militia Acts contained a clause that every deserter should be punished by a fine of 40*s.*, or by imprisonment. A deserter was brought before the magistrates of Newcastle-on-Tyne, and they took upon themselves to reduce the penalty from 40*s.* to half-a-crown. They did so in consequence of a clause introduced into a Gas Act for Newcastle-on-Tyne. It was thought very improper that a Gas Act or any local Act should confer power on the justices to abrogate altogether the general public legislation of the country. It was proposed by the Bill to prevent the application of any similar clause in any other Gas Act. It was not prospective, it was only retrospective; therefore they should be more cautious in allowing such a proviso to be introduced.

Bill read 3°, and *passed.*

WEIGHING OF GRAIN (PORT OF LONDON) BILL.

On Motion of Mr. Crawford, Bill to regulate the Weighing of Grain in the Port of London, *ordered* to be brought in by Mr. Crawford, Mr. Goschen, Mr. Thomas Baring, and Mr. Hubbard.

Bill *presented,* and read 1°. [Bill 119.]

BANKING CO-PARTNERSHIPS BILL.

Bill to enable certain Banking Co-partnerships which shall discontinue the issue of their own

Bank Notes to sue and be sued by their public officer; *presented*, and read 1°. [Bill 118.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 27, 1864.

MINUTES.] — SELECT COMMITTEE — Railway Companies Borrowing Powers *appointed.*

PUBLIC BILLS—*First Reading*— Limited Penalties* (No. 97).

Second Reading — Naval Prize Acts Repeal* (No. 78); Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87); Chimney Sweepers and Chimneys Regulation* (No. 76).

Committee—Fish Teinds (Scotland)* (No. 62).

MIDDLE CLASS EDUCATION.

QUESTION.

LORD BROUGHAM said, he desired to ask a Question of the noble Earl the President of the Council, upon a subject which was about to be brought under their Lordships' notice upon the Motion of the noble Earl (Earl Stanhope); but his Question referred to Middle Class Schools, whereas the noble Earl's Motion referred only to the great schools for the higher classes. He would remind their Lordships that, five years ago, he brought the subject of middle class schools before this House in presenting 120 petitions, signed by above 15,000 persons, warm friends of education; a still greater number had been presented to the other House, the total signatures being above 40,000 to the petitions in both Houses. The complaint made at that time was—and it was repeated in 1860 — that there being ample care taken to have well qualified teachers in the schools for the upper classes, and in those for the working classes, there were no means provided for securing proper teachers for the middle class schools. The middle class, if not so numerous as the others, were nevertheless a most important body. The working classes amounted to four-fifths of the people, or fifteen millions and a half; the upper classes to above three millions; the middle classes to about half a million. A right rev. Prelate (the Bishop of Lincoln), who had given him his most valuable support, estimated them at considerably less, but still at a large number; and for the schools used by this most important portion of our fellow subjects no inspection whatever was provided. Care was taken to prevent unqualified persons practising surgery or medicine; none to prevent the most unfit persons from teaching the children of the middle classes. Neither the petitioners, nor himself, nor the bishop, had the least idea of using compulsion; but they believed that if Inspectors were appointed, with the power of granting certificates of qualification to teachers, almost all schools would voluntarily submit themselves to inspection, from knowing the certain effects of such certificates to secure the attendance of scholars. The difficulty arising from want of funds and from the unwillingness to impose new duties on the present Inspectors, had prevented his noble Friend the Lord President from at once complying with the demand; but he had promised that he would take the complaints of the petitioners into consideration, and that the matter should receive immediate attention. He (Lord Brougham) now desired to ask his noble Friend, Whether the subject had been considered by the Committee of Council, and with what result?

EARL GRANVILLE said, that the subject alluded to by the noble and learned Lord had been very frequently under the consideration of the Government, but it had been found very difficult to deal with it in a satisfactory manner, or to act upon the suggestions which had been made. Great doubts had been entertained how far Parliament would sanction the expenditure of public money in aid of middle class schools, which were matters of private enterprise. He thought that of late years the education of the middle class had been much extended and improved by means of voluntary agencies, and that associations were being formed for the purpose of training masters for middle class schools.

LORD BROUGHAM said, he was very far from proposing any grant of public money for the foundation or support of schools. He felt most thankful for the large sums already granted. He (Lord Brougham) had first obtained from his Colleagues in 1832 the sum of £20,000, to be vested in the Committee of Privy Council, according to the recommendation in the Report of the celebrated Education Committee of the Commons in 1817 and 1818; that sum had now increased to £700,000 or £800,000 — and with the effect of largely increasing the number of schools and improving the quality of their education. But for the middle classes no such improvement had been made, and their schools might be in the worst hands, both as to the master's capacity for teaching and as to his character. The same remark applied to schoolmistresses. What he desired was that there should be a Government officer to inspect middle class schools; but that submission to inspection should be entirely voluntary on the part of the governors and other managers of those schools.

PUBLIC SCHOOLS COMMISSION.

ADDRESS FOR A PAPER.

Earl STANHOPE rose to call the attention of the House to the Report of the Public Schools Commission, and especially to the course of instruction which is therein discussed; to inquire the intentions of Her Majesty's Government; and to move for Copies of any Minute of the Board of Treasury, or Resolution of the Committee of the Privy Council, relative to the recent Report of the Public Schools Commission. The noble Earl said it appeared to him that their Lordships' House was especially fitted for the consideration of the subject, as it included among its members many right rev. Prelates who had taken part, more or less directly, in the work of public instruction, and two of whom — the Primate and the Bishop of London — had themselves been at the head of great public schools. That was a great advantage, and he hoped that either upon the present occasion, or in other debates which might be expected to take place at a later period, the House would be favoured with the results of their past experience and of their present judgment. He desired, in the first place, to acknowledge, in the fullest manner, the ability, industry, and candour with which the Report had been drawn up. The Commission was presided over by the noble Earl opposite the Chancellor of the Duchy of Lancaster (the Earl of Clarendon), and comprised also two other Members of their Lordships' House (Lords Devon and Lyttelton). They sat during three years, and exhibited the most unwearied zeal in eliciting information by every possible means— by printed queries, by oral examination, by private letters, and by personal visits to the schools. They had brought together a vast mass of evidence, which they had digested with great fairness, and which could not fail to be of signal service in promoting improvement in those schools. The Commissioners, therefore, were entitled to the cordial thanks of that House; and in any criticisms which he might make upon particular portions of the Report, he hoped that such criticisms would not be deemed, as in truth he did not feel them to be, inconsistent with the general commendation which he had now expressed. The Commissioners observed with great truth that there should be some principal branch of study to which the largest share of attention should be awarded. He apprehended there would be no difference of opinion on that point. Coming to the classical foundation of those schools, he found that upon that point the Commissioners made some excellent remarks, with a few of which he would trouble the House. The Commissioners said—

> "We are convinced that the best materials available to Englishmen for these studies are furnished by the languages and literature of Greece and Rome. From the regular structure of these languages, from their logical accuracy of expression, from the comparative ease with which their etymology is traced and reduced to general laws, from their severe canons of taste and style, from the very fact that they are 'dead,' and have been handed down to us directly from the periods of their highest perfection, comparatively untouched by the inevitable process of degeneration and decay, they are, beyond all doubt, the finest and most serviceable models we have for the study of language."

Then, they added—

> "Besides this, it is at least a reasonable opinion that this literature has had a powerful effect in moulding and animating the statesmanship and political life of England."

To the same effect was the letter of Mr. Gladstone, as printed in the second volume. In those opinions he (Earl Stanhope) entirely concurred; as he was persuaded that a classical foundation was essential to the proper course of study at public schools, and that any departure from that foundation must be attended by a loss of character and utility in those great establishments. He trusted that the time would never come when, in either that House or the other House, there should be any desire to depart from that foundation of classical study. Then, as to mathematics. The importance of the study of mathematics was, no doubt, very great. Locke had declared that he would have studied mathematics, even if the hard condition had been imposed that he should afterwards forget all and every part of it, because the habit of close reasoning and the exactness of thought which the study of mathematics imparted to the mind would still remain. He thought that, concurring in that view, their Lordships would be prepared to assent to the desire which the Commission had expressed, that the study of mathematics should be still maintained. Their words were—

"The importance of arithmetic and mathematics is already recognized in every school, and it is only necessary that they should be taught more effectively. The arithmetical and mathematical course should, we think, include arithmetic, so taught as to make every boy thoroughly familiar with it, and the elements of geometry, algebra, and plane trigonometry. We agree with the Astronomer Royal, Sir C. Lyell, and Dr. Whewell, in thinking it very desirable that in the case of the more advanced students the course should comprise also an introduction to applied mathematics."

He confessed that he should be inclined to hesitate in accepting the last recommendation, thinking that the higher branches of mathematics had better be reserved for the Universities of Oxford and Cambridge. Then, as to history and geography, the Commissioners said that greater attention should be paid to those subjects. They were undoubtedly important subjects of study, and the only question was how sufficient time could be found to allow of compliance with that recommendation. Then, as to modern languages. It was only of late years that these languages had received the attention which they deserved; but at present they were taught at all our public schools, with only one exception. The Commissioners say—

"One modern language, at least, now forms part of the regular course at every school but Eton. We are of opinion that all the boys at every school should, in some part at least of their passage through it, learn either French or German."

He had so much respect for the judgment of the present authorities at Eton, that he could not think how accomplished men would permit that eminent seat of learning to remain much longer lagging behind in the study of that most useful branch of education. The Commissioners said, "They desire also to see more attention paid to English composition." He certainly thought it not at all creditable that any schoolboy should leave school without an adequate knowledge of English spelling. That does not seem an extraordinary requisition, yet some portions of this volume would show that it was one which was not constantly complied with. They said that the elements of English composition ought also to be studied. But were they studied? He would call their Lordships' attention to one passage, which would show how far they were from adopting a right course on that subject. At page 83 the head master of Eton gave his opinion as follows:—

"A boy ought to learn French before he comes to Eton, and we could take measures to keep it up as we keep up English."

Upon this the head master is very naturally asked by Lord Clarendon, as chairman, "What measures do you now take to keep up English at Eton?" And the answer is, "There are none at present, except through the ancient languages!" It seemed, then, that in the opinion of the head master French was to be kept up at Eton just as English is, and that English is not to be kept up at all! He must say he had read these answers with very great concern. He would not comment on them further, but he must express a hope that Eton, which had shown so generous and liberal a spirit on so many other things, would display a spirit not less liberal and generous on this most important and pressing matter. He had gone through several branches of study that were even now cultivated more or less at public schools, and in nearly all of which the Commissioners recommended some additional consumption of time and study. But beyond this the Commissioners proposed to introduce new branches of education. In respect to this there might be some difference of opinion. The Commissioners gave it as their opinion that every youth should learn either music or drawing as a part of his public school education. From that recommendation he must say he dissented. Some pupils had a natural inaptitude for music. That the Commissioners admitted; but they seemed to take it as a matter of course, that if there was an inaptitude for music there would be an aptitude for design. But, if he was not able to sing, it surely did not follow that he must be able to draw; because he had not an artist's ear it did not follow that he must have an artist's hand. The question was not as to the value of these acquirements, but whether they should be taught of necessity at school. He thought this an injudicious recommendation of the Commissioners and one which Her Majesty's Government when they came to announce their intentions ought not to affirm. The Commissioners also recommended the teaching of the elements of natural science in public schools. Now, no one was more alive than he was to the great importance and value of natural science; but it was a very different thing to propose that this study, instead of being reserved for the University, should of necessity be taught at the school. The most eminent schoolmasters were decidedly against its being taught at school; but, in spite of this, the Commissioners were determined to proceed, and they said—

"With sincere respect for the views of the eminent schoolmasters who differ from us in opinion, we are convinced that the introduction of the elements of natural science into the regular course of study is desirable, and we see no sufficient reason to doubt its practicability."

He trusted he would not be misunderstood on this point, as if he doubted the great importance and value of natural science; but he questioned very much whether, with the other calls on the time of boys, natural science could properly and advantageously be adopted as part of a public school course. And this brought him to what he desired to say was a general objection to the recommendations he had just referred to. The Commissioners did not state what branches of study were useless, or might safely be dispensed with; they never spoke of omissions or of substitutes, and the burden of their recommendations might be comprised in one word, "Add! add! add!" Nothing was taken away. In this view of the subject, the health of the boys was not sufficiently considered. The importance of recreation had been admitted, not merely by men who were themselves inclined to leisure, but by some of the hardest students that ever lived. There was a passage of Milton, in his letter to Mr. Hartlib, which described the benefit of summer pastime to the young—a beautiful passage, which, as it was only in one sentence, he might venture to read—

"Besides these constant exercises at home, there is another opportunity of gaining experience to be won from pleasure itself abroad; in those vernal seasons of the year when the air is calm and pleasant it were an injury and sullenness against nature not to go out and see her riches and partake in her rejoicing with heaven and earth."

It was true that the Commissioners did make mention in their Report of the importance of athletic games; but what was this but a hollow form of words if, while recommending games, they at the same time deprived boys of all leisure to pursue them? It was like recommending a lavish course of expenditure to a man whom, at the same moment, they were despoiling of his money. The case was, indeed, much stronger than he had hitherto stated, for the best writers on physiology in the present day concurred in lamenting the evils of over-study in young persons, and its injurious effects not only on the body, but on the mind. He durst say many of their Lordships had read the Essays of Sir Henry Holland and Sir Benjamin Brodie, and there was one quotation which he would take the liberty of making from the latter of those eminent physicians. Sir Benjamin said—

Earl Stanhope

"In young persons it is not the mind only that suffers from too large a demand being made on it for the purposes of study. Relaxation and cheerful occupation are essential to the proper development of the corporeal structure and faculties, and the want of them operates like an unwholesome atmosphere or defective nourishment to produce the lasting evils of indifferent health and a stunted growth."

There was a further evil of over-study. Those who practised it—and there were too many instances of it in the present day—learned to regard education not as the means, but as the end. Education was meant only as the means—the stepping stone—from which men might spring forward to the active duties of life; but the effect of over-exertion in the youthful mind was to make it regard education as the final end, instead of the means. They might compare it to running in a race where the goal was reached, but the runner dropped down breathless and faint, and incapable for a length of time of making any further effort or trial of his strength. He deemed it the more necessary to refer to this matter, because he thought this ill result had been practically experienced to some extent during the few last years in the Indian Civil Service.

The course of his argument had now brought him to this point:—They were agreed—or, at least, he hoped so—that the classical languages should be the foundation of the studies at public schools; but they might inquire whether there was any branch of study not essential to that classical foundation which had been introduced at a very recent period, and which, in the opinion of the most eminent classical scholars, so far from improving, actually deteriorated the character of that foundation? He maintained that there was such a branch of study, and he would explicitly name it—Greek. Greek composition in prose and verse. On that point he might refer to the opinion recently expressed by Mr. Gladstone in a remarkable speech made elsewhere, and with which he had no doubt their Lordships were acquainted. That speech had been deemed a most excellent one by those who were best qualified to judge of such a subject. The only fault he had heard found with it was, that it was a little too Conservative—a fault which certainly could not be imputed to all the recent speeches of the same right hon. Gentleman. Mr. Gladstone spoke of the practice of composition in Greek verse and prose and in Latin verse as having, in his judgment, been "carried to great excess." Now, the composition of Latin verse stood on an entirely different footing from the composition of Greek verse; because the former was coeval with the very foundation of these schools, and formed a necessary part of their studies. It appeared from a passage in the well-known *Paston Letters,* which the Commissioners had adduced—and which had been previously cited by Mr. Hallam for the same purpose—that so early as 1468, or rather, perhaps, 1478, which was, he believed, the right date, Latin verses—no doubt barbarous enough—used to be composed at Eton. Thus for a period of 400 years Latin verses had formed part of the instruction at that school. The composition of Greek verse, on the other hand, appeared to be quite of recent origin. The exact date of its introduction did not seem to have been ascertained; but it was only within a very few years indeed that it had attained its present growth. Thus, in one part of the evidence in the third volume of the Report relative to Eton, Mr. Twisleton asked a most eminent Etonian, Sir John Coleridge—

> "Do they not now write Greek iambics, which formerly were omitted nearly altogether?"

Sir John Coleridge answered—

> "Yes; Mr. Lonsdale, who had been examining at Eton for the Newcastle Scholarship, told me it was quite extraordinary both the facility and the accuracy with which the boys composed in Greek. He mentioned one or two boys who in a short time had poured out their sixty, seventy, or eighty Greek iambics with hardly a flaw in them."

So in like manner any of their Lordships who had attended at Harrow on Speech-day could not but have observed the great pains bestowed by the boys on their Greek verses, or fail to have been struck by the proficiency with which passages from Shakespeare were translated into Greek iambics. Some persons might think that that proficiency ought to be commended and encouraged; but his own opinion was quite otherwise. It was certainly desirable that what was done at all should be done well, but he entreated their Lordships to consider the immense cost of time and application before these laborious results could be obtained. Let them look at the amount of study and exertion before a boy could attain to the facility of pouring out sixty or seventy Greek iambics in a limited time. Why, years must be required for such an accomplishment. If Shakespeare were now alive, with what exquisite ridicule would he not denounce the preposterous practice of making boys turn his comedies into Greek verse! He was happy to think that the practice of Greek verse composition had few adherents left—one of the very few was his noble Friend (Lord Lyttelton), whom he saw before him at the table. A great distinction was to be observed also between Latin and Greek composition in prose. The former was not only a very elegant accomplishment, but it was of decided utility; for Latin was, to some extent, the medium of communication between the learned men in every part of the world. Works in medicine or in philosophy, for instance, were frequently composed in Latin, so as to be available to the scholars of various nations. Then again, in writing epitaphs, odes, addresses, and on certain other occasions, a knowledge of Latin composition was valuable. He was sure that none of their Lordships who were at Oxford last summer on a memorable occasion could wish Latin composition to be dispensed with, for he believed that none who heard it had forgotten the classical and beautiful Latin in which the noble Earl the Chancellor of that University commemorated the august presence and the winning grace of her Royal Highness the Princess of Wales. He might observe also that the composition of Latin verse had served to dignify the leisure and employ the minds of men who had been among the most distinguished ornaments of their Lordships' House; for example, Lord Grenville and the Marquess Wellesley. But not so with Greek. Who would ever think of delivering a Greek address in a University; or who would write a Greek letter to a foreign correspondent? Why, the man who did so would cover himself with ridicule. There was this distinction, therefore, between Greek and Latin composition, that Latin composition was useful in prose, and elegant, and to some extent useful also in verse, but that the very reverse was the case in regard to Greek composition. He thought it must be owned, then, that, waiving the point of scholarship, there was no part of the education more thoroughly worthless than the practice of Greek composition. The point of scholarship was the only possible point in which it could be defended. If it did not improve their scholarship it did nothing, or worse than nothing. But did Greek composition improve their scholarship? There was a strong *primâ facie* argument to prove that it did not. This was, he believed, the only country in Europe where Greek composition in verse or prose was practised at all. Well, if it were useful, or, still more, if it were essential to scholarship, then our Greek scholars should be very superior to the Greek scholars of every other country. But he thought it must be owned that the German scholars were even superior in Greek to ours. He said that with all possible respect to the very eminent scholars among ourselves. With the aid of Greek composition, then, they did not, at all events, attain a higher standard of Greek scholarship than that which existed where it was not practised. But the question did not end there. They were able to produce very strong testimony to the fact, that even in the single point of scholarship Greek composition, far from being useful, was positively useless and injurious. Upon this point Dr. Whewell, who for more than twenty years had been Master of Trinity College, and who was held in high respect by every one, made the following striking remarks:—

> "As writing Latin verse ought not much to occupy the student's time till a skill in writing Latin prose is secured, still less ought the writing of Greek prose to hold a leading place in the classical student's employments. This exercise may, perhaps, come with advantage at an advanced period of the progress of a scholar of eminent aptitude, but it cannot be considered as at all essential to the character even of a good Greek scholar. Many, perhaps most, of the more distinguished Greek scholars who have existed would probably have failed in an attempt to write Greek well. It is possible that practice directed to this special point may enable young students at the present day to perform such tasks with surprising correctness and ingenuity; but such practice can hardly form a large part of the general course of classical teaching without leading to losses which far overbalance this gain. . . . . The performances of some modern scholars have shown that an extraordinary degree of success is attainable in such exercises; but it does not appear judicious to make such performances an essential part of Greek scholarship, or even a necessary test of an accomplished Greek scholar. If they are so treated they are likely to draw to them a disproportioned amount of the student's time and attention; and, however completely such an accomplishment may be acquired, it does not imply any profound or extensive acquaintance with Greek authors in general. We may even add that this accomplishment may be pursued in such a manner as to direct the student's labours from good Greek authors; when, for instance, the faculty is cultivated by studying rules and collections of phrases made for this purpose, or by imitating previous imitations which we conceive to be remarkably successful. Such modes of classical study are very unworthy of being parts of a liberal education."

Dr. Whewell summed up his opinion as follows:—

> "The great amount of time and attention which is bestowed upon these accomplishments in this University has, I think, an unfavourable effect upon the knowledge of classical literature which our scholars require."

Such was the accomplishment to which not only months but years were sacrificed, and, after all, the result in the opinion of a most eminent man was actually unfavourable to the knowledge of classical literature. Was there ever a stronger case made out against a branch of study, or was there ever a greater necessity shown for some change? An argument was often put forward on the other side which had really no weight at all. It was frequently asserted that men who had become eminent in after life had distinguished themselves at college in Latin and Greek composition. There was, for instance, a noble Earl now present (the Earl of Ellenborough) who was once Governor General of India, and whose eloquence had so often delighted their Lordships. The first thing we heard of him was that he went from Eton to Cambridge and there gained a prize for Latin verse. Of an eminent man in the House of Commons—Sir Roundell Palmer, the Attorney General, a Gentleman most deserving of esteem and respected by all the world—we heard, in like manner, that he wrote a prize poem at Oxford. Surely, however, this proved nothing at all. If the Universities of Oxford and Cambridge were to patronize some more recondite language—Sanscrit, for example, or Aramaic—the students, in their usual spirit of emulation, would exert themselves to the utmost to learn these tongues and to write prize poems in them; and the cleverest young men would, just as now, be those who would prevail. It appeared to him that there was an entire misconception upon this point, for it was ability that produced the prize verses, and not the prize verses that produced the ability. He was sorry to say that recently, in a spirit of over-kindness, additional facilities had been afforded to the practice of Greek composition. The University of Oxford, out of respect to the late Dr. Gaisford, had permitted the foundation by some private persons of a new prize for Greek composition in prose and verse. Far be it from him to begrudge that or any other honour to the memory of Dr. Gaisford; but he confessed he saw with regret that the liberality of the University was applied to an object which he thought ought to be discouraged rather than promoted. Latin composition in prose stood upon a different footing, and he should also wish Latin verse to be still studied, though he was persuaded that the latter had heretofore been permitted to occupy too much of the time and attention of students. In the practical recommendation of the Commissioners bearing upon this very point he could not concur. It was that—

> "Arrangements should be made for allowing boys, after arriving at a certain place in the school, and upon the request of their parents or guardians, to drop some portion of their classical work (for example, Latin verse and Greek composition), in order to devote more time to modern languages, mathematics, or natural science."

He entirely objected to this reference to parents or guardians, which would tend to assimilate the practice of public to that of private schools. It was not consistent with the independence of public schools. Many of their Lordships knew that the main difficulty with which the heads of private schools had to contend was injudicious interference on the part of parents. An anxious mother wrote to the head master of a private school, "I hope you will not think it necessary to teach my dear boy arithmetic, because it always gives him a headache;" or, "I trust you will not push him any further in Greek, for he declares the Greek alphabet is very hard." It was extremely difficult for the head master of a private school to maintain an independent course in the teeth of such requests, however much he might be inclined to do so. Surely their Lordships would not wish to see such a system introduced into the public schools? It was the duty of the heads of those great establishments to prescribe themselves the course of study, and then to permit parents to send their boys or not, as they thought fit. Besides, he asked their Lordships to reflect how inadequate parents often were to form an intelligent opinion upon such points. Their Lordships might know instances in which mothers, left widows in straitened circumstances, had voluntarily deprived themselves of all the luxuries, and many even of the comforts, of life to obtain for their sons the advantages of a public school education; such cases were not unfrequent, and they were exceedingly meritorious and honourable to all parties concerned. Let their Lordships suppose a lady in such circumstances receiving the following letter from a head master:—"Dear Madam, I wish to learn your opinion of Greek iambics, and whether you judge it best that your son at this school should go on with Latin alcaics." What answer could the poor gentlewoman return to such inquiries, and what would be its value when received? But his objection to that recommendation of the Commissioners did not stop here. Could anything be more injudicious than when there was a doubt about a practice, they should advise that a study might be commenced with a view to its being discontinued at a certain point? If boys were to drop their work of composition just when they were attaining some proficiency in it, surely it would be better not to commence it at all? And yet this was what the Commissioners recommended. On the whole, his opinion was that Greek composition ought to be discouraged and altogether discontinued, for the advantages of the accomplishment were very far more than counterbalanced by the loss of time which it entailed, and by the consequent neglect of more useful studies, such as modern languages, English composition, and mathematics. To that part of the Report of the Commissioners which related to the system of Government there was only one point on which he would make a remark. It was proposed that there should be a council of assistant-masters, with co-ordinate powers, to aid the head master in the government of the school. That appeared to him to be a very dangerous innovation, inasmuch as it would weaken the authority of the head master. Such a council, like other legislative bodies, would soon become subject to divisions; and when the boys once learnt, as they would be sure to do, that there were so many masters on one side and so many on the other, their confidence in and respect for the central authority would be diminished. A bishop who had been for many years at the head of a great public school told him that during the whole of the time he had never had a single difference with any of his masters, but that, nevertheless, if an order had been issued directing such a council as was indicated by the Commissioners to take effect on Monday, he would have sent in his resignation on Tuesday. He would not have held the office for a single day on those terms. There was a vast difference between a head master freely consulting with his assistants and being controlled by a council with co-ordinate powers, whose decisions he would practically be compelled to obey. The head master was now, as it were, a limited monarch; let them take care that they did not make him a Doge of Venice with his Council of Ten. He wished to ascertain from the Government what course they intended to pursue in regard to the recommendations of the Commission, and he trusted that if they had formed any decision in the matter they would announce it. While desiring to see the improvements required in the public schools carried out without unnecessary delay, he yielded to no man in his respect for and attachment to those noble institutions. He looked upon them, even with all their imperfections, as one of the glories of England. He rejoiced to see how manly, how high-minded was the tone of feeling which for the most part they inspired—how sacred in the eyes of every schoolboy was his word of honour when once it had been passed, and how rarely, if ever, he swerved one iota from it. "I hope, Sir, you believe me," said a boy to Dr. Arnold. "I do believe you," replied Dr. Arnold; "your story is highly improbable, but nothing in the whole world is so improbable as that one of my boys should tell me an untruth." There lay the virtue of the English public school system. He hoped that system would long endure, that they would never cease to honour and uphold it, and that they would never, at any period or under any pressure, consent to surrender the solid classical foundation on which it stood, or those principles of Christian piety by which it was sustained. The noble Earl concluded by moving an Address for—

> "Copies of any Minute of the Board of Treasury or Resolution of the Committee of the Privy Council relative to the Second Report of the Public Schools Commission."

THE EARL OF CLARENDON said, it must be a source of great satisfaction to his colleagues on the Public Schools Commission, as it certainly was to himself, that the attention of their Lordships had been drawn to the Report by one so eminently qualified for the task as his noble Friend, whose varied acquirements, sound judgment, and high, well-earned literary reputation, gave so much weight to his opinions. He begged, in the name of the Commission, to thank his noble Friend for the manner in which he had spoken of their labours. Their labours were not light; but the Commissioners applied themselves to their duties, which were in some respects of an inquisitorial and even invidious character, with a deep sense of their responsibility to the country, but also in a spirit of fairness and good feeling towards the schools. Besides visiting these establishments, the Commissioners had upwards of 120 meetings; and as the inquiry proceeded the interest never flagged. Throughout, they had taken pains to observe how the character of the boys was formed—how the raw material, as it were, of English intellect was prepared for the various duties of after life, and in what manner, and to what extent, the qualities essential to good citizens and Christian gentlemen were fostered in the schools. The Report of the Commission might be somewhat ponderous and uninviting; but they ought not to grudge the length of an inquiry which had enabled them to elicit the views and evidence of men eminent in science and literature, as well as of those more immediately connected with public education. The information thus recorded would be long appealed to to show the errors to be avoided and the objects to be attained in our public school system. As each school was treated separately, anyone who wished to learn the state of a particular institution need not read the whole Report. The general Report summed up the evidence and recommendations of the Committee, and it was impossible for anyone, however little concerned in the question of education, not to peruse with the same pleasure and advantage as the Commissioners had listened to it, the evidence of the Astronomer Royal, Professor Owen, Sir Charles Lyell, Professor Max Müller, and other distinguished men. He was glad to find that his noble Friend concurred with the Commissioners as to the importance of retaining the classics as the basis of public school education. He was satisfied the great majority of their Lordships would share the same view; but, as some objection had been raised on the subject, he would read the opinions of Dr. Temple, the head master of Rugby, who put the case very ably—

> "All studies up to a certain point help each other, but among all the possible studies this power appears pre-eminently to belong to those which I class under the general name of literature. Modern literature is not fully intelligible, except to those who have studied the classics. A student of mathematics does not find it any help to him to study the early writers on the science. No one is aided in learning the differential calculus by going back to fluxions; nor will the study of physical science gain much by beginning with the writings of earlier discoverers. But literature can only be studied thoroughly by going to its source. Modern theology, modern philosophy, modern law, modern history, modern poetry, are never quite understood unless we begin with their ancient counterparts. In the next place, the perfect and peculiar beauty of the classical literature will always put it at the head of all other."

Then Dr. Temple quotes the following opinion of Mr. James Stuart Mill :—

> "The classic life contains precisely the true correction for the chief defects of modern life. The classic writers exhibit precisely that order of virtues in which we are apt to be deficient. They altogether show human nature on a grander scale, with less benevolence, but more patriotism; less sentiment, but more self-control; if a lower

average of virtue, more striking individual examples of it; fewer small goodnesses, but more greatness and appreciation of greatness; more which tends to exalt the imagination and inspire high conceptions of the capabilities of human nature. If, as everyone must see, the want of affinity of these studies to the modern mind is gradually lowering them in popular estimation, this is but a confirmation of the need of them, and renders it more incumbent upon those who have the power to do their utmost to aid in preventing their decline."

The Commissioners, therefore, did not complain that the lion's share of time was devoted to that study. But what they did complain of was, that if a boy showed no proficiency in classics he had no chance of turning to other studies, and seeing whether his powers might not be developed in some other branches of learning. But their Lordships would find in the Evidence appended to the Report answers from the most distinguished persons in the Universities, almost all of whom concurred in declaring that the preparation for the University course was imperfectly performed in the great public schools—they said that the young men came up to the Universities with very slovenly habits of mind, that they were deficient in the elementary parts of grammar and mathematics—they stated that the knowledge possessed by these youths of English literature was very imperfect, and that their acquaintance with arithmetic was most meagre, and indeed that one third of them were unable to pass the matriculation examination, which was a very simple one. He would now take the liberty of reading the opinion of the Rev. Mr. Butler, the head master of Harrow School, as to the general results, under favourable circumstances, attending the passage of a boy through a public school. Mr. Butler said—

> "I believe that the system of education pursued at Harrow is admirably adapted to train a boy to do his duty efficiently, and in a generous spirit, in any position of life to which he may be called. It does not profess to train him directly for any one particular profession or employment, nor is it pretended that when a boy leaves Harrow at the age of eighteen or nineteen, he has reached more than the threshhold of the education of his life. His actual acquirements are, probably, extremely scanty; with many of the most useful mental accomplishments he is very imperfectly equipped; to many of the highest branches of knowledge he is practically an entire stranger—he is still a boy, and not a man; but it is confidently believed that if he has employed his time diligently at school, he will carry with him, when he leaves it, some capacity for thinking clearly, some sense of the value of accuracy and thoroughness in work, some respect for knowledge for its own sake, some appreciation of the most graceful and the most generous, if not yet of the most profound thoughts enshrined in literature a consciousness that he knows but little, and a desire to learn more; and, turning to the moral and social rather than the intellectual side of the education that he has received, a grateful conviction that he has throughout his school course been treated in a kindly and liberal spirit, always largely trusted, and latterly invested with large responsibilities, as one equally interested with the masters in maintaining the moral welfare of the body to which they all alike belong, and taught to believe that that welfare cannot be maintained unless its leaders are distinguished by vigilance, courage, love of justice, sympathy, and courtesy."

That was said of a youth, who, under the best circumstances, and with the highest distinction, had passed through the public school, and who was supposed to have employed his time diligently at school. But it was very well known that a great majority of boys did not employ their time in the same diligent way. Nobody could value or appreciate more fully than he (the Earl of Clarendon) did the training of the public schools as being calculated to make youths manly. It rendered them, through the force of a public opinion prevailing among them, independent, and fostered all the best qualities of their nature. He did not grudge the time given to those games to which the noble Earl (Earl Stanhope) had alluded, and which were generally of a national character, tending to make the English gentleman what he was, and what he would, it was to be hoped, long remain. But participation in these sports was not inconsistent with the acquisition of useful knowledge, and there was a great deal of time now passed at public schools, which might be more usefully employed. This state of things ought not to be allowed to continue. The Rev. James Riddell, Fellow and Tutor of Balliol, stated—

> "Five-sixths of the pupil-teachers in schools receiving aid from Government are better readers than five-sixths of the men who come to the University. Nearly half of the men who came under my notice as an examiner were imperfect spellers. Many of them are persons who were allowed as boys to carry their idleness with them from form to form, to work below their powers, and merely to move with the crowd—they are men of whom something might have been made, but now it is too late; they are grossly ignorant, and have contracted slovenly habits of mind."

It was melancholy that at public schools there should be no means taken of keeping up the teaching of the English and French languages; though a knowledge of the French language was admitted to be requisite for an English gentleman, yet the authorities of Eton obstinately refused to make it any part of the education of the school. Some fifty or sixty years ago, when the Continent was closed against the English, the inconvenience of not knowing the French language was not then felt; but now, when international communications were complete and cheap, and when everybody travelled, the man who could only speak his own language lost half the advantages of foreign travel. Such a person was dependent on others for information, and became a burden to them, and had, moreover, no access to the poetical, historical, and scientific works, and to the vast mine of thought and intellect in foreign languages, except through the cold and unsatisfactory medium of a translation. Yet at Eton the only French instruction given was by one tutor, whose position was described by himself as an extra, belonging to nobody, and his pupils did not exceed seventy out of a school of 800 boys. He would not, after this, allude to any particular school. It was not his desire to disparage any or institute a comparison into the relative merits of schools. But he wished to say, with respect to the Masters of the different schools, that many of them were men as industrious, as able, and as zealous in the performance of their duties as were to be found in any rank or profession of life, and that many of them knew and agreed with the Commissioners in thinking that the schools were not keeping up with the requirements of the age, and that the Commission would be of great service if it should succeed in directing sufficient public attention to the subject. His noble Friend had referred to the number of hours that the Commissioners proposed should be given to school work, and seemed to think that they had not devoted sufficient consideration to that point, or they would have come to a different conclusion. He seemed to think that the only object of the Commissioners was to keep steadily in view how they were to "add," "add," and he quoted the opinions of two most eminent medical men as to the injurious effects of over-study. But he was sure their Lordships would hear with surprise and satisfaction, that, although they did not propose a different distribution of time between the various studies, they had not recommended the addition of one single hour of school work to what was now the average amount. What they proposed was that twenty hours should be devoted in the course of the week to the various lessons, assuming that they took an hour each, and that ten additional hours would be required for preparation in classics, two in modern languages and natural science, and five in composition. Thus thirty-seven hours of school work was all that they recommended in the course of the week. His noble Friend had referred to natural science, and to the recommendation of the Commissioners on that head, as being opposed to the opinions of the most eminent schoolmasters. But with all due respect for those opinions, the Commissioners felt that the introduction of the study of natural science in schools was most desirable. He should like to read what the Commissioners had said on that point. It was this—

The Earl of Clarendon

> "Natural science, with such slight exceptions as have been noticed above, is practically excluded from the education of the higher classes in England. Education with us is, in this respect, narrower than it was three centuries ago, while science has prodigiously extended her empire, has explored immense tracts, divided them into provinces, introduced into them order and method, and made them accessible to all. This exclusion is, in our view, a plain defect and a great practical evil. It narrows unduly and injuriously the mental training of the young, and the knowledge, interests, and pursuits of men in maturer life. Of the large number of men who have little aptitude or taste for literature, there are many who have an aptitude for science, especially for science which deals, not with abstractions, but with external and sensible objects; how many such there are can never be known as long as the only education given at schools is purely literary; but that such cases are not rare or exceptional can hardly be doubted by any one who has observed either boys or men. Nor would it be an answer were it true, to say that such persons are sure to find their vocation, sooner or later. But this is not true. We believe that many pass through life without useful mental employment, and without the wholesome interest of a favourite study, for want of an early introduction to one for which they are really fit. It is not, however, for such cases only that an early introduction to natural science is desirable. It is desirable, surely, though not necessary, for all educated men. Sir Charles Lyell has remarked on the advantages which the men of literature in Germany enjoy over our own in the general acquaintance which the former possess with what is passing in the scientific world; an advantage due to the fact that natural science, to a greater or less extent, is taught in all the German schools. To clergymen and others who pass most of their lives in the country, or who, in country or town, are brought much into contact with the middle and lower classes, an elementary knowledge of the subject, early gained, has its particular uses; and we believe that its value, as a means of opening the mind and disciplining the faculties, is recognized by all those who have taken the trouble to acquire it, whether men of business or of leisure. It quickens and cultivates directly the faculty of observation, which in very many persons lies almost dormant through life, the power of accurate and rapid generalization, and the mental habit of method and arrangement; it accustoms young persons to trace the sequence of cause and effect; it familiarizes them with a kind of reasoning which interests them, and which they can promptly comprehend;

> and it is perhaps the best corrective for that indolence which is the vice of half awakened minds, and which shrinks from any exertion that is not, like an effort of memory, merely mechanical. With sincere respect for the opinions of the eminent schoolmasters who differ from us in this matter, we are convinced that the introduction of the elements of natural science into the regular course of study is desirable, and we see no sufficient reason to doubt that it is practicable."

The Commissioners preferred the opinion of such men as the Astronomer Royal, Professor Owen, and Dr. Whewell, to that of the schoolmasters on this subject. His noble Friend (Earl Stanhope), with some reference to his own tastes, condemned them for recommending that music and drawing should form part of the subjects taught in schools. On this point the Report said—

> "We are of opinion that every boy should learn either music or drawing, during a part at least of his stay at school. Positive inaptitude for the education of the ear and voice, or for that of the hand and eye, is, we believe, rare; and these accomplishments are useful as instruments of training and valuable possessions in after life."

These subjects were now introduced in the younger schools, and very frequently grown up people were grateful for having learnt them. There was another reflection which his noble Friend had made, and in which he was hardly justified, with reference to the interference of parents. But their Lordships should observe that what the Commissioners proposed was this—that parents might be allowed to suggest some change, because, after all, a parent was likely to be better acquainted with the disposition of his son than the head master. What they recommended, therefore, was that arrangements should be made for allowing boys, at the request of the parents, after arriving at a certain place in the school to drop some portion of the school business—such as Latin verse or Greek composition—in order to devote more time to mathematics, modern languages, natural science, and so on; or, on the other hand, wholly to discontinue mathematics, modern languages, or natural science, in order to give the spare time to other studies. But then the Commissioners added that care should be taken to prevent abuse of that privilege. They recommended that permission to discontinue any portion of the school work should in each case rest with the head master, who, before determining, should consult the boy's tutor, if he had one, and also the master who had given him instruction in the study which it was proposed to discontinue; and should thus satisfy himself as to the propriety of refusing or of giving permission to discontinue that particular study. The Government had found that there existed at Rugby and Harrow the form of school council which the Commissioners suggested, and that it had been attended with the happiest effects. No Minute of the Privy Council had been issued, because the Government thought there was no time this year to go into a full discussion on the subject with respect to the governing bodies of schools and the other points of the system. It was, however, the intention of the Government to bring in on Monday a short Bill, providing that any persons taking office from this time in the governing bodies of the schools should be subject to the provisions of a Bill which it was intended to introduce hereafter. They had no desire to revolutionize the schools; but the fact could not be concealed that these institutions did not entirely keep pace with the requirements of the age, and the demands of public opinion. Her Majesty's Government thought, therefore, that the time had now arrived when it would be neither safe nor proper to postpone legislation upon the subject.

Motion (by Leave of the House) *withdrawn.*

House adjourned at a quarter past
Seven o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 27, 1864.

MINUTES.]—SELECT COMMITTEE — On Patent Office Library and Museum, Mr. Holford *discharged*, and Mr. Humphery *added.*

SUPPLY—*considered in Committee*—Committee—R.P.

Resolutions [May 26] *reported.*

PUBLIC BILLS — *Ordered* — Juries in Criminal Cases*; Petty Offences Law Amendment*; Court of Queen's Bench (Ireland)*; Married Women's Acknowledgments*.

First Reading — Juries in Criminal Cases* [Bill 120]; Petty Offences Law Amendment* [Bill 121]; Married Women's Acknowledgments* [Bill 122]; Court of Queen's Bench (Ireland)* [Bill 123].

Second Reading—Public and Refreshment Houses (Metropolis) [Bill 92].

Select Committee — Cattle Diseases Prevention and Cattle, &c., Importation* [Bills 27 & 28], Mr. Bruce *discharged*, and Mr. Baring *added.*

Committee— Union Assessment Committee Act Amendment* (*re-committed*) [Bill 83].

Report — Union Assessment Committee Act Amendment*.

Considered as amended — Vacating of Seats (House of Commons)* [Bill 107]; Union Assessment Committee Act Amendment * [Bill 83].

Third Reading—Union Assessment Committee Act Amendment * [Bill 83]; Army Prize (Shares of Deceased)* [Bill 105]; Chain Cables and Anchors * [Bill 102], and *passed.*

PORTPATRICK HARBOUR.

QUESTION.

MR. TORRENS said, he wished to ask the President of the Board of Trade, When it is probable that the works at Portpatrick Harbour, now being carried out under direction of the Government, will be completed; and, in the event of much further delay occurring in the completion of the works, whether the Government will take into consideration the propriety of having the Mails conveyed to and from the North of Ireland *vid* Stranraer and Larne?

MR. MILNER GIBSON, in reply, said, the works at Portpatrick Harbour were in progress, but from what he had heard it was not probable that they would be completed during the present year. The entrance to the floating dock would be ready in about six weeks, and a large portion of the channel would be deepened in the course of three or four months. With regard to the second question of the hon. Member, he had to state that the proposal for a temporary mail service between Stranraer and Larne, during the construction of the works at Portpatrick, had been considered, but it had not been thought advisable by the authorities to adopt that arrangement.

BRADFORD RESERVOIRS.

QUESTION.

MR. FERRAND said, he rose to ask the Secretary of State for the Home Department, If he is aware by whom Mr. Rawlinson's Report on the Bradford Reservoirs was last week given to the Bradford Corporation and the local press, when it has not yet been printed and delivered to Members of the House of Commons?

SIR GEORGE GREY, in reply, said, he was not aware by what authority the Report had been given to the Bradford Corporation or the local press. The reason why it had not yet been presented to Parliament was that it was to be accompanied with plans, which it would take some time to complete.

PATRIOTIC FUND COMMISSION.

QUESTION.

MR. W. E. FORSTER said, he wished to ask the right hon. Member for Tyrone, When the last Report of the Patriotic Fund Commission will be laid upon the table of the House?

MR. CORRY said, in reply, that the Reports of the Patriotic Fund Commission were presented to Parliament by command of Her Majesty, and therefore it did not come within his province to lay them upon the table of the House. The last Report was forwarded to the Secretary of State for War. It had, he believed, been laid before Her Majesty on the 26th of October last, and he was not aware why it was not produced at the commencement of the Session.

DENMARK AND GERMANY—TREATY OF LONDON.—QUESTION.

MR. BAILLIE COCHRANE said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether a despatch, dated the 15th of May, from M. von Bismark to Count Bernstorff, has been communicated to Her Majesty's Government? That despatch contains this passage—

> "The Government of the King considers itself, in accordance with the declaration of the 31st of January, entirely free from all the obligations of the Treaty of London of 1852, and justified in discussing any other combination independent of that treaty."

This despatch concludes with the words "This and nothing else, can be the task of the Conference."

MR. LAYARD said, in reply, that the despatch had not been communicated officially to Her Majesty's Government, and the only knowledge they had of it was from our Ambassador at Berlin, who had sent them a copy taken from a newspaper.

DENMARK AND GERMANY—THE PRUSSIANS IN JUTLAND.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether he is not aware that the Prussians do not pay for the supplies they exact in Jutland in money, but only by acknowledgments of the amounts in question, which amounts they intend to reckon up against the Danish Government on a future occasion, under the pretence of claims for the expenses of the war, or other demands; and whether the British Government will allow such a departure from one of the leading conditions of the armistice to which they were parties?

Viscount PALMERSTON: From recent accounts, Sir, which we have received, it appears that at present the German troops in Schleswig and Jutland are supplied by contributions or supplies afforded to them, not by the people of the country but by contracts made at Hamburg for the Austrian and Prussian troops. An endeavour was made to get a contract from the people of the country, but the price asked was more than that at which the contract could be made at Hamburg. Orders have also been issued by the Prussian Government that all contributions, either in money or in kind, which have been levied after the 12th of the month, the day on which the armistice commenced, shall be restored and returned to the persons from whom they were levied.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

INDIA—BANDA AND KIRWEE BOOTY.

ADDRESS MOVED.

Sir STAFFORD NORTHCOTE, who had *presented* Petitions from Sir George C. Whitlock, K.C.B., and Major Generals E. Apthorp, E. Holt, W. Reece, and E. Miller, for Distribution of the Banda and Kirwee Booty, as recommended in the Report of the Royal Commission on Army Prize, proceeded to move an humble Address to Her Majesty thereon. The petitioners whose petitions he had presented to the House stated that the Royal Commission on Army Prize had recommended a distribution on the principle of actual capture; and they asked, should there be any dispute as to the troops entitled upon that principle to have the matter referred to some competent judicial tribunal? The petition concluded by praying that before the matter was concluded the House would interfere by praying Her Majesty to take steps to have the matter submitted to a fair and legal arbitration. That was the object at which his Motion pointed. He felt that he had a difficult task to perform, for the papers were voluminous and the case was complicated. He was anxious, at the beginning, to point out to the House the importance of the subject. It was not a question between one officer and another, or one force and another, but it lay at the root of the whole subject of army prize. Last Session, as the House would recollect, on the Motion of the hon. and gallant Member for Oxfordshire (Colonel North), an address to the Crown was unanimously agreed to, praying Her Majesty to appoint a Commission to inquire into the whole subject of army prize. That Commission was appointed, and its Report had been laid before Parliament. The Commissioners entirely confirmed the statements of his hon. and gallant Friend, in making the Motion, as to the great delay and consequent inconvenience in the distribution of prize money, and they said that that delay had often been such as to deprive the bounty of the Crown of its grace, and to create an impression that good faith had not been kept. The Commissioners had divided the causes of delay into three—the delay in the realization of the booty, the delay in fixing the principles on which it was to be distributed, and lastly, the delay in the actual distribution, and they had proposed a scheme by which these delays might be avoided, the cardinal point of which was that there should be some certainty as to the principles on which prize should be distributed. It was to the introduction of that principle of certainty that his present Motion pointed. It was a Motion in effect asking the Crown to restrict its prerogative. Of course he knew perfectly well, and he wished the Government to understand that it was admitted, that the prerogative of the Crown in the matter was absolute. There was no claim of right set up on the part of any person in the matter of army prize. Her Majesty might do what she pleased with any booty. She might build a palace with it, or she might give it to the Chancellor of the Exchequer to clear off the debt, but in practice Her Majesty and her predecessors had for a very long time exercised their prerogative by giving up booty to the troops who had captured it. Naval prize had formerly stood in the same position as army prize now stood in; but within the last century a system of distribution according to rule had been established, and a code built up by the decisions of the Court of Admiralty, by which naval prize was now distributed to the general satisfaction of the service. In the case of army prize the prerogative of the

Crown had never been restricted in such a manner, but the Crown had always waited until after the booty was taken, and then had considered on what principles it should be distributed; and though the principles and precedents of naval prize were applicable to army prize, it was only to a certain extent, and the Treasury, which was the deciding body, had been obliged to refer to law officers, to distinguished military authorities and others, thus causing great delay. The Commission had drawn up a scheme by which the system of distributing army prize might be placed on a sound footing, and it was for the House now to consider whether, having asked the House for a Commission, it would go on to ask that the principles laid down by that Commission should be carried into effect and applied to this particular case, which he thought would be found to be a leading case. With regard to this case, he had taken it up without having any interest on either side, but simply because it involved a general principle which it was very desirable for the sake of the army at large to settle as soon as possible. At the time he took it up he was not aware that he had a single friend who had any interest in it. It was only lately that he had learnt he had two or three friends in India who were interested in the matter, but they had made no communications to him on the subject, and it was not at their instigation that he was proceeding with it. The reason why the parties had come to him was, he presumed, because he had formerly for a short time been connected with the Department which was supreme in these questions. Having said thus much, he should briefly state the facts on which his Motion was based. When Lord Clyde went out to India in the autumn of 1857 he found the mutiny had not drawn to a head at any one point; but that insurrection was springing up in various parts of Central India under different chiefs. There was not only Lucknow to be relieved, and Oude and Rohilcund to be pacified, but there was the vast territory between the Nerbudda on the south and the Jumna on the north with a number of independent leaders who were making war against British rule, and whom it was necessary to reduce to obedience. In order to accomplish these objects and to restore order everywhere, Lord Clyde saw it was expedient that an organized plan should be adopted, and he devised, in conjunction with the Government of India, a system of detached columns, which were to advance through Central India, clear it from the enemy in all directions, and ultimately to meet his own army in the North. Before, however, that scheme had been decided upon between Lord Clyde and the Supreme Government, the Presidency of Madras had organized a similar movement, and had collected a force for service in Central India which was placed under the command of Sir George Whitlock. That being so, Lord Clyde took advantage of the column under General Whitlock's command, while he arranged that there should also be a column from Bombay under Sir Hugh Rose, and in conjunction with those two a third under General Roberts, each of which was to have its own line of action and to sweep the country of what might be called Central India to the Jumna, where they were all to put themselves into communication with the army of Lord Clyde. In pursuance of that arrangement Sir George Whitlock advanced from Madras in independent command of his own force. He encountered on his march the troops of the Nawab of Banda, and defeated them in an engagement which Lord Clyde had characterized as taking rank among the best actions of the war. The result was that the Nawab's army was dispersed, and that the Rajah of Kirwee, his relative and neighbour, became so terrified at the result that he entered into communications with the British authorities with the view of surrendering his town. Finding, however, that Sir George Whitlock, owing to the condition of his force, was not pressing on him so rapidly as he expected, he took courage, abandoned his intention of submission, and prepared to defend his territory. In the meantime Sir Hugh Rose had been carrying on that splendid campaign which filled everybody with admiration in Central India. In the course of his operations, he had been on more than one occasion in correspondence with Sir George Whitlock. He was engaged in the siege of Jhansi, and other operations, and at the time of the defeat of the Nawab of Banda it appeared probable that the two forces would be brought into communication for the purpose of attacking Calpi. Sir George Whitlock had offered to join Sir Hugh Rose for that purpose, but the town was taken before the co-operation could take place. Sir George Whitlock then pursued the line laid out for him. He marched to Kirwee, the Rajah of which gave way, and took possession of the town, in which he lef

Sir Stafford Northcote

a portion of his force, the troops of the Rajah having retired to the mountains. When, however, it was found that Sir George Whitlock was absent from the town, and that there was in it only a small number of British, the Rajah made an attempt to retake the place, but Sir George Whitlock came under the pressure of the most severe weather rapidly to its relief, and, saving it from capitulation, drove the enemy back into the mountains. Under those circumstances that gallant officer, not unnaturally, thought that he had a claim to the prize money taken at Banda and Kirwee, while the Government and the Treasury had decided, as the matter at present stood, that he and the force under his command were only in part entitled to the booty, and that Sir Hugh Rose's force was entitled to share. They had, however, suspended their decision to give the House an opportunity of expressing an opinion on it. That being so, it became necessary to consider what was the ground upon which the decision of the Government was based. So far as he could understand the papers, the claims of Sir Hugh Rose to a share of it were supported upon two grounds, the one being that the two forces were so combined that they must be regarded for the purpose of the distribution of prize, as the same; the other that the operations of Sir Hugh Rose were essential to, and were the cause of, the capture of Kirwee by Sir George Whitlock. The accuracy of both these allegations was, however, disputed by the representatives of Sir George Whitlock and his troops, and both appeared to involve questions of such delicacy and intricacy as to require the most careful study, and the most minute sifting of evidence. It was not a case which could satisfactorily be disposed of with closed doors, at the Treasury or any other Government Office, but one which required open and fair investigation. First, as to the claim of Sir Hugh Rose, founded on the supposed combination of the forces. How could they be considered a combined force, when they were under two distinct commanders? When two columns having different commanders were united, the senior officer took the command of the junior; but in that case there was not a single instance of an order having been given by Sir Hugh Rose, the senior officer, to Sir George Whitlock, or a report in the ordinary form of a report from an inferior to a superior having been addressed by the latter to the former until after the combination of the forces at a later period. But the case did not rest on the absence of such reports and orders; the tone of the letters which passed between them was such as to afford positive evidence that there was no such combination and co-operation as Sir Hugh Rose now relied upon. In one case Sir Hugh Rose, addressing General Whitlock, said, "I shall feel extremely obliged to you if you could as much as possible clear the Valley of the Nerbudda;" and in another, "I hope you will have the great goodness to bring up 5,500 bullock-loads of corn for my force." Was that the language which a commanding officer would use? The courtesy of Sir Hugh Rose was well known, but military discipline must have changed a good deal of late years if that was the way in which a superior officer wrote to another who was under his command. More than that, when Sir George Whitlock received a communication from Sir Hugh Rose he did not always comply with the request which it conveyed to him; and whenever Sir Hugh Rose desired to obtain the co-operation of Sir George Whitlock, he wrote, not to him, but to Lord Clyde, whose chief of the staff then communicated with Sir George Whitlock. And how did the chief of the staff make these communications? Did he direct General Whitlock to follow Sir Hugh Rose's orders? Not at all. Take the case of Calpee for instance. Sir Hugh Rose desired General Whitlock's aid. He wrote to Sir William Mansfield, as chief of the staff, on the subject, and Sir William Mansfield thereupon requested Sir George to co-operate with Sir Hugh Rose, if the state of his own district enabled him to do so, but left it entirely to himself to decide whether it would be prudent for him, and consistent with the attainment of the special objects of his force, to take such a step. Sir George Whitlock exercised the discretion which was left to him, and Calpee fell without his co-operation. What the effect would have been if he had gone there was a different question. He was now asking the House to consider what he actually did, and the fact was that he never went out of his district. Now, how could it be said that this was a case in which, with closed doors, without the power of cross-examination of witnesses, and without any argument, it was to be decided that the two forces were in combination? Co-operation of a certain kind there undoubtedly was between the two forces, but it was clear from the evidence contained in the blue-book that the Treasury did not consider that there was an absolute and clear combination. It was a new case; its decision would form a precedent, and, therefore, he maintained that his position was inexpugnable when he demanded, in the name of justice, that it should be submitted for the decision of a legal and judicial tribunal. Mr. Arbuthnot, one of the principal officers of the Treasury, a gentleman of high authority and well known to many hon. Members, stated, in his evidence before the Commission, that he was not aware of any exact precedent for two columns being concerned in combined operations under separate commands, and in the Minute of January, 1862, it was admitted that this case was to some extent peculiar. The answer given to him by the Government would no doubt be that it was an exceptional case; but he held it was more necessary to be cautious in dealing with an exceptional case than with an ordinary one. Then, as regarded the second ground taken by the Government. When it was asserted that the capture of Kirwee depended upon the success of Sir Hugh Rose, they were getting upon very delicate ground. Of course, in a certain sense, there was no doubt that the operations in all parts of India, whether at Lucknow, in Oude, in Rohilcund, or in other places, had a bearing and an influence upon each other; but when a distinct statement was made that the fall of Kirwee resulted from the success of Sir Hugh Rose's force, it was not only the pecuniary interest, but, to a certain extent, the honour also of Sir George Whitlock's force that was attacked. He did not wish to institute a comparison between the services of the two forces, but it should be remembered that the Madras force were the representatives of a faithful army; they had come a great distance out of their own district to the assistance of their country, and it was cruel to tell them that successes which they achieved without a shot being fired or a sword cut given by any force but their own were won, not by themselves, but by some one else. If the Government professed to act upon the principle that the operations of every force bore upon those of every other, and that each force had a right to share prize to the capture of which it might in this way have contributed, where was the line to be drawn? That was a practical question which had arisen in the course of this Correspondence. A brigade of Sir Henry Roberts's force, under the command of General Smith, claimed to share in the prize taken by Sir Hugh Rose's force, on the ground that it was in communication with it; but General Smith was at once informed that he had no case. General Smith, however, sent in his claim again, which was then admitted by the Secretary of State for India, and also, he believed, by Lord Clyde. It was disputed, however, substantially upon the same grounds by Sir William Mansfield and Sir Hugh Rose, the latter of whom appeared to take a very different view of what occurred on his right hand and what took place on his left. Sir William Mansfield said it was utterly impossible General Smith could have any claim, as he was not under Sir Hugh Rose's orders. General Smith was not, it is true, under Sir Hugh Rose, but neither was Sir George Whitlock. General Smith was represented as being 200 miles away, and unable to render any assistance; but at the time Kirwee fell, not only was Sir Hugh Rose many miles away, and unable to render General Whitlock any assistance, but he was actually hastening in exactly the opposite direction after Tantia Topee, who had seized Gwalior and seriously alarmed the British force in that part of the country. The fact was, that Sir Hugh Rose, so far from helping Sir George Whitlock, needed all the help he could get for himself. It appeared to him (Sir Stafford Northcote) to be idle to say that that force which had marched in an entirely opposite direction, was, nevertheless, entitled to claim the honours and advantages arising from the actual capture of Kirwee, whilst at the same time it was also maintained that General Smith's force should be shut out from all participation in the prize money, on the ground of its having had no share in the operations in question. That seemed to him to be a most monstrous and inconvenient doctrine. Once the doctrine of constructive capture was admitted, they involved themselves in all manner of gross inconsistencies. On this point it was most important to attend to the recommendations of the Committee on Army Prize—

> "To give simplicity to all proceedings in matters of prize, and to facilitate despatch, it is essential that the principle of actual capture should be as closely adhered to as the nature of military operations permits. Any departure from this principle involves doubt, uncertainty, dissatisfaction, and delay; and any apparent want of equity which may arise from it in particular cases will, we believe, be willingly acquiesced in by the parties concerned as in the similar case of the navy, as one of the proverbial chances of war."

That was the true doctrine on which they ought to proceed. There was one consideration he knew which could not be excluded, and which must necessarily have great influence, not only with the Government, but with every Member of the House. He referred to the splendour of the services rendered by Sir Hugh Rose. No one could read the modest and spirited memorial which he had put forth on behalf of his own force without feeling his blood thrill at the great services rendered by Sir Hugh Rose in that wonderful campaign. Had the noble Lord come down to the House and proposed that some substantial tribute should be given to Sir Hugh Rose, in acknowledgment of his achievements against tremendous forces and under such critical circumstances, there was not a single hon. Member who would not have sympathized with the proposition. But it was a very different thing to confer honours and rewards upon Sir Hugh Rose at the expense of somebody else, who so far as the particular capture was concerned was equally if not more deserving. However high their admiration was for the general services of Sir Hugh Rose, they must not lose sight of the principle of fair play in the matter, and of common justice to the weaker and smaller force, which had borne an important part in the transactions to which he was referring. The Treasury treated it as an exceptional case on account of the largeness of the booty and the disparity of force between the different armies. In a Treasury Minute, dated 1862, they said—

> "My Lords have already expressed their opinion that under the circumstances attending the capture of the booty in question a more extended principle of distribution should be adopted than that of actual capture, and they still retain the impression that having regard to the great value of the treasure, and the comparative numbers of the forces engaged in contiguous, if not combined, operations, it will be right to advise Her Majesty to exercise a discretion in the grant of the treasure, which remains at her free disposal. Yet they feel that any advice which may be tendered on the subject to Her Majesty should be governed by some well-defined principle, and that an arbitrary decision should be avoided, which might create a new precedent of inconvenient application to future cases, when possibly the conditions might be reversed, and the larger booty be taken by the larger force."

If the authorities persevered in the system of guiding the distribution of booty by reference to its amount and the size of the relative forces engaged, they would be entering on a most dangerous course, and sowing the seeds of heartburnings and irritation that would no doubt extend throughout the British army. The unanimity of all the lawyers who had been consulted formed a curious feature of this case. Opinions had been given by Sir Roundell Palmer and Sir Robert Phillimore before they attained their official positions, by Sir Hugh Cairns, Mr. Rolt, Mr. Montague Smith, that most eminent authority Mr. H. Prendergast, and by Dr. Travers Twiss, and they all affirmed the exclusive claim of Sir G. Whitlock to the prize money in question, if the decision were quoted only by military precedents. So much for the view of the lawyers. On the part of the officials what did he find? He must say that of all the involved cases he ever read in his life he never met with one more confusing. The protest by Mr. Willoughby and other Members of the Indian Council against the decision of the Secretary of State excellently summarized the various opinions entertained—

> "In August, 1861, the Secretary of State for India in Council was of opinion that the Kirwee booty should be divided between the three field forces, and that Lord Clyde and his personal staff should share. We now reiterate this opinion, but admit that as far as regards Sir H. Roberts' force, the information is not so direct. Lord Clyde thinks that Sir H. Rose's force, and a brigade detached from Sir H. Roberts' force (Smith's) should share, but not Sir H. Roberts' force generally. He would also include the chief of his staff and the adjutant-general of the Bengal army. The Secretary of State for War and his Royal Highness the Duke of Cambridge concur with Lord Clyde, except that they would not include Sir William Mansfield and Lieutenant Colonel Norman. The prize agents, whose memorial has been received from the Lords of the Treasury, contend for the observance of the principle of actual capture, which would give the whole booty, to Sir G. Whitlock's force. The Lords of the Treasury, in a very able minute, propose a compromise—namely, that a moiety shall be assigned to the actual captors, and that the other moiety should be divided between the three columns. But they suggest that the Law Officers of the Crown should be consulted, and that, should they entertain any doubt, then that the case should be submitted for the judgment of the High Court of Admiralty."

Since then Sir Hugh Rose had made his claim, the ground upon which he did so, after his previous inactivity, being explained in the passage where he expressed his belief that the principle of constructive capture had been allowed. A leading question had virtually been put to him, and he naturally did his best for the force under his command. General Smith's claim followed, and the list, they might depend, was not yet exhausted. He asked the House to deal with this question not as between man and man, but as involving a great principle under which all army prize would be distributed in future. The actions they were discussing took place exactly six years ago; they had not yet determined the parties who were to settle the prize roll, and when they got that length how many of the men entitled would have died or disappeared? The other day Sir G. Whitlock told him that one of the things which pained him most since his return to this country was that men came to him begging for charity whom he knew to be entitled to share this prize money. He asked the House not to be led away by recollections of the splendid services of this or that man into doing an act of injustice to the whole British army, into establishing a precedent certain to become a leading case hereafter, or into perpetuating that system of delay from which the army already had so grievously suffered. He trusted that the case he had presented was sufficient to show that it was unjust and unnecessary to keep these parties in suspense any longer. They now asked the House of Commons to interfere and intercede with the Crown. They said they had undergone two trials—one when the opinion of the Law Officers was taken, which they knew to be in their favour, and another when the Royal Commission, composed chiefly of general officers, examined the subject. Both these tribunals had, in effect, decided in their favour. They trusted that it would be unnecessary to subject them to any further expense and delay by referring it to any judicial tribunal. Still, if the House thought the matter doubtful, they wished it to be investigated by an open tribunal, in which they would have an opportunity of examining and cross-examining witnesses and making their own statements. If there was one thing Englishmen loved it was fair play. They would always accept a defeat with good humour if it came to them fairly; but if there was the slightest suspicion that they had not been allowed a full and fair hearing, there would necessarily be discontent and dissatisfaction on the part, he would not say of the officers, but of the soldiers. Last year the noble Lord at the head of the Government thought he had reflected upon him in the observations he (Sir Stafford Northcote) made on the subject. So far from that he had never desired to say anything that reflected either upon the noble Lord or his Government. He knew that the Government had paid their best attention to the subject. It was not, however, practicable for a Government to deal satisfactorily with all the details of such a case, and it was impossible that their decision should command the same confidence as an inquiry before a court of law. There would be no difficulty in such an investigation. The captors and all persons having claims might send in their petitions to the Crown, which had power to refer the petitions under the Act of *Will.* IV. to the High Court of Admiralty. The decision of such a court could not fail to give satisfaction, and he could not conclude without entreating Her Majesty's Government to consider whether those parties had not been kept long enough in painful suspense under the expectation that their claims would have been long since satisfied; and whether, in the interests of common justice and fair play, this matter should not be settled with the least further delay possible, and according to the mode which he had ventured respectfully to suggest. The hon. Baronet concluded by moving his Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to proceed in the distribution of the Banda and Kirwee Booty, upon the principle of actual capture, as recommended in the Report of the Royal Commission on Army Prize; and, should there be any dispute as to the troops entitled upon that principle to share in the distribution, to refer the question to some competent judicial tribunal,"—(*Sir Stafford Northcote,*)

—instead thereof.

Question proposed "That the words proposed to be left out stand part of the Question."

VISCOUNT PALMERSTON: Sir, I must, in the first place, say that I think the Government and the House are much indebted to the hon. and gallant Member for Oxfordshire (Colonel North) for the proposal he made last year that a Royal Commission should be appointed to investigate this question of army prize money. We adopted that suggestion with great readiness, and I think the Report shows that it was desirable to appoint a Commission to investigate the matter. No doubt great delays take place in the distribution of army prize money—delays that, in many instances, might by better arrangements be prevented. We were glad to carry into effect the recommendations of the Commission so far as they belong to the functions of the Government. I wish at the outset to state for the satisfaction of the hon. Gentleman that, after a full consideration of this matter, and of the difficulties that surround it, I have come to the decision that it will be desirable to give orders that the question shall be referred to the Court of Admiralty. There are three authorities that might decide in a matter of this kind, and of these the worst is that which was pressed upon us last Session—namely, this House. We all know that when questions affecting the interests of individuals come to be considered in this House there is no limit to the private canvass and the *ex parte* statements that may be made by parties interested, and which have a great effect upon the minds of hon. Members. Indeed, the very cheers which we sometimes hear in this House are a sure indication of what has been done out of the House to influence the minds of hon. Members. Now, a great deal of misunderstanding arises in all reasoning from the use of words which are capable of doubtful and ambiguous meaning, and the first thing when reasoning on any question is to attempt to sift the meaning of the words you employ. There are two words employed in this matter which are of doubtful and ambiguous meaning, and by which hon. Members may be misled—the words actual capture and constructive capture. In naval operations it is more easy to apply these words with certainty than in military operations. A ship is a single unit. A squadron may also be said to be a single unit. And when a capture is made by some ship or by a squadron there is no doubt that it is an actual capture, and any ship being out of sight or hull down in the offing cannot justly be deemed as having operated in the capture. But in military matters the case is essentially different. You may say that which is fairly contended by some that an army is a unit, and that you must deal with it as such; that captures made by any part of an army in a campaign should be thrown into a single fund, and ought to be divided among the whole of the army engaged in the campaign. Many reasons may be given in support of that view. The objection is, that when you come to divide prize money among the whole of a large force, the amount for each is frequently so small that it is hardly worth accepting, and that it is better to give the prize money to the individuals actually engaged in the operations. The former plan is adopted with regard to medals. When an army gains a great victory the medals are given not only to those who were under fire, but to those who were in the reserve, and who were not actually engaged in the operations by which the victory was gained. The whole army is considered as one mass, and the whole are rewarded according to the part which may have been assigned to them. This question resolves itself into who were the actual captors? If you carry the matter to its logical conclusion, the actual captors are not the whole division or column by which the town is taken. The actual captors of the treasure are the company or regiment that happen to break open the door and take the booty. You are therefore driven by the necessities of the case to adopt the principle of what is called constructive capture. I will show the House how the principle of actual capture might, in some cases, apply most unjustly. Here are three columns, say, all acting under the orders of the general in chief, according to a plan sketched out by him, and all co-operating in the execution of that plan. The right hon. Gentleman has argued that these columns were not co-operating because they were not under the orders of either of the three generals commanding them. But that is not at all necessary for the purposes of co-operation. It is not necessary to show that General Whitlock was under the command of Sir Hugh Rose to prove that his force was co-operating with the column of Sir Hugh Rose. Each column was under the command of Lord Clyde, each was performing a duty assigned to it by Lord Clyde, and the duty of each was to support and co-operate with the other. Suppose, and it is not far from the reality, that the central column of these three gained a great victory over the enemy, and by driving him back rendered defenceless a town within reach of the right hand column, which had taken no part in the victory gained by the central column. The enemy, however, being driven away, the right hand column falls on the town and takes possession of all the booty. According to the doctrine of actual capture, these troops, who did nothing towards gaining the victory, would get all the booty, while the other column, which did all the fighting, would get nothing. That would be the result of a strict adherence to the technical doctrine. It would be another illustration of the principle *sic vos non vobis*, that those should have no share in the booty who had done all the fighting. I will not follow the hon. Baronet into the details of the case. He has argued it very ably as the advocate of one party. However, I retain my opinion, I have looked at the case with a good deal of attention, and my opinion certainly is that in fairness and justice all the parties who claim ought to share in the booty. But I am willing to waive that opinion and to refer the whole matter to the Court of Admiralty, under the power which allows this reference to be made, and it will be for that tribunal, after hearing the parties, as the hon. Baronet said, in open court, to pronounce a decision founded upon an accurate examination of the facts and details which will be brought out before them. That decision I am sure will be far more satisfactory to the parties and to the public than any arbitrary decision of the Treasury, and much more satisfactory than any vote of this House founded upon a canvass by those interested, and upon the imperfect knowledge which hon. Members must have of these intricate details. I have already given directions to this effect, and trust that the course proposed will be satisfactory to the hon. Baronet. As to the proposal that we should determine nakedly that the actual captors should be in all cases alone entitled, I should say that if you were to establish any rule, it should be that troops which indirectly contribute to the capture should be admitted to share the booty. But all these cases must be dependent upon an infinite variety of circumstances, admitting accordingly of an infinite variety of interpretations; and, therefore, I am of opinion that in all cases where any doubt exists it will be better to refer them to the determination of the High Court of Admiralty, to give what they think a just and proper award under the circumstances. I hope, therefore, that, satisfied with what I have said, the hon. Baronet will not press to a division his Resolution, the main point of which will, in fact, be gained by the directions already given.

SIR STAFFORD NORTHCOTE said, he was willing to withdraw his Resolution upon the understanding that the question would be referred to the High Court of Admiralty. He wished to know, at the same time, whether there would be any objection to state the form of reference? He understood that the orders had already been given, and, if so, he should like to hear in what terms.

VISCOUNT PALMERSTON said, he had already directed that the case should be so referred, but the particular form of reference had not yet been determined. About this, however, he presumed there would be no difficulty.

COLONEL SYKES considered there should be some definite law to guide the decision in these cases. At all events, there was no doubt that the Banda and Kirwee booty ought to have been distributed to the captors long since.

SIR HUGH CAIRNS said, that before the reference was finally made to the Court of Admiralty, the terms of it ought to be seen, because, unless some definite question was referred to them, the Court might say that it was matter of prerogative upon which they could not decide.

VISCOUNT PALMERSTON intimated that he would communicate the terms of the reference to the hon. Baronet.

Amendment, by leave, *withdrawn.*

REGISTRATION OF TITLES IN IRELAND.

ADDRESS MOVED.

MR. SCULLY said, he rose to move that an humble Address be presented to Her Majesty, for a Commission to inquire and report as to the best system of registering titles to land in Ireland, to frame a measure for that purpose, and to consider and report upon the creation of transferable debentures upon land in Ireland. He had brought the matter publicly forward some fifteen years before; in fact he entered Parliament principally for the purpose of introducing the subject, and he hoped to remain in that House until his object had been attained. Although he had confined the Commission to Ireland, he should not have the least objection to extend it to the Empire. Ireland, however, had usually been the pioneer in these important reforms, and possessed some machinery for carrying them out that did not exist in this country. There was an obvious distinction between the registration of titles and the registration of deeds and assurances. The registration of deeds spoke for itself. One either put upon the register the entire deed, which was then called an enrolment, or an abstract of the deed, which was called a memorial. That system existed only partially in England—namely, in Yorkshire and Middlesex, but it was general throughout Ireland, and was found the cause of great expense. The registration of titles was a very different matter. It was known that in the case of stock and shares, certain persons were entered as owners in the books of the bank, or of a company, and they could then transfer without any investigation of title. It had often been asked why there should be more difficulty in transfering £100,000 of landed property than there was in the transfer of £100,000 invested in the funds or in railways. Well, in the Bill which he brought forward in 1853, he claimed to be the originator of a new system which was adapted, in his opinion, to supply that want, and which had formed the basis of the plans since submitted to Parliament. He proposed that it should be open to the landowner to have his land brought under the operation of the Act, and submit his title to a preliminary investigation. If the Court were satisfied that a *primâ facie* right to the land had been made out, a full investigation of the title might be ordered, and if that were satisfactory the owner obtained a declaration of indefeasible title, good against the whole world. The title would be registered, a certificate of his indefeasible title would be given, and then the land would be transferable, like money in the funds or railway shares, by entry in the books of the office, or of the tribunal constituted for the purpose of carrying out the new system. The Bill was read a second time in 1853, and Lord Cranworth's Bill for the Registration of Assurances having come down from the Lords, both were referred to a Select Committee. That Committee could not go into all the details of the matter; but it distinctly condemned the proposal to register deeds, and recommended that a Commission should be appointed to inquire into the subject of registration of title. A Commission was accordingly appointed in January, 1854. Several plans were laid before the Commissioners, who sent out questions to leading members of the legal profession in this country and Ireland; but the Commission was not commissioned to frame any measure itself. There were three courses, any one of which might be adopted. First, the Government might bring in a Bill on their own responsibility; and if they undertook to do so he should leave the question in their hands. But he saw no likelihood of that. On the contrary, it seemed certain that they did not intend to introduce any measure on the subject, during that Session at least. The second course which might be adopted was that of bringing in a Bill himself. He did not, however, think that any measure emanating from a private Member would be likely to be adopted. It might be read a first and second time, and referred to a Select Committee. But could a Select Committee grapple with the details, and do the business in such a manner as to secure for the country a simple and useful measure? He feared not. There were hon. Members in the House fully competent to deal with the question in all its details; but could such men as the hon. and learned Member for Belfast (Sir Hugh Cairns) and the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) afford the time necessary for the discharge of such a task in the middle of the Session of Parliament? Besides, by having a Select Committee they would exclude a number of very eminent men who were authoritative on the subject—the Irish Master of the Rolls, Mr. Napier, and Judges Longfield and Hargreave, for instance. The third course was the appointment of a Commission. What would a new Commission have to do? A very respectable amount of work. A good deal of experience had been acquired since the last Commission concluded its labours; and that Commission did not examine into the foreign systems of registration. The Commission might very well inquire into the foreign systems of registration, and before the next Session, by means of questions circulated through our diplomatic agents, they might obtain all the information necessary on that part of the subject. The Commissioners might also go through the different Bills which had been brought forward, some of which had passed into law, and some of which had not. They might examine into the legislation of 1862, and see how far it was applicable for Ireland. The secretary of the Commission might be directed, under the superintendence of the Commissioners, to frame a Bill. He would probably do it as efficiently as any ordinary draughtsman, and the expense would be no greater. The House was perhaps not aware of the large number of Bills which had been passed on the subject [*the hon. Gentleman exhibited a large packet of them*]; but they were far too numerous for a Select Committee to deal with. A Commission alone could go through them effectively, selecting from each what was good in it, and framing a comprehensive measure. An important point for the consideration of the Commission—if it should be appointed—was how to combine complete facility of transfer with due protection against fraud, for he was quite ready to admit that, unless at least as much security were given as was now afforded, this country would not be prepared to adopt a system which would make land easily transferable, however desirable that system might be in itself. The Commissioners, however, who some years ago inquired into the subject, were of opinion that adequate protection could be provided, while he himself was of opinion that it could be better attained by other means than those which they had pointed out. It had, he might add, been said that there was no precedent for the issue of a Commission to prepare a Bill, but the mere fact of novelty was no argument. If a thing was right to be done, it ought to be done, whether the particular method was a novelty or not. But there was a precedent for his proposal in the Report of a Commission which had been appointed, on the recommendation of a second Commission on the subject, to prepare a body of law for India. He might quote many other eminent authorities in Ireland, but as most of them had given evidence before the Commission which inquired into the subject, he would not trouble the House with any further reference to their opinions. A movement had lately been set on foot in Ireland similar to that which commenced in the year 1851. Many large landed proprietors and eminent merchants took a great interest in the subject, and a short time ago a meeting was held in Dublin, which was largely attended, at which resolutions were passed declaring the necessity of the adoption of an improved system of conveyancing, and expressing approval of what was called the "Torrens system" of registration, which it was stated had succeeded very well in Australia. For his own part, he did not entirely approve that system, but thought that with certain improvements it might be made the basis of a good system of registration. At the time that the measure for which he was himself responsible was in preparation he issued a pamphlet—a copy of which was still available for any Member taking an interest in the subject, and among the replies which it elicited was one from an authority, if possible, higher than any he had referred to. The Chancellor of the Exchequer, in acknowledging the receipt of the pamphlet on *Free Trade in Land*, said, that on his own limited scale he had every reason to desire a thorough reform and simplification of our system as to the transfer of real property, while, on public grounds, he felt the question to be not only ripe, but urgent. Justice towards the land demanded a change, and, as far as he was able to lend a helping hand in a matter beyond his immediate Department, assistance on his part should be freely and zealously rendered. He was quite sure that some day or other the question would pass into the hands of the right hon. Gentleman, and he looked with confidence for the fulfilment of that pledge. In the meantime, all he asked for was the appointment of a Royal Commission, which would investigate the different schemes, and report in favour of that which they thought most desirable. The Government would not be bound by their decision, but it would show the country that there was a disposition to give effect to its wishes, and he did not believe that any branch of the legal profession in Ireland would stand in the way. Objections might be urged to any scheme; if there were 100 clauses in a Bill, there would no doubt be 100 misunderstandings of them. But that was the true way to settle the question, and he cheerfully relinquished any preference he might entertain for his own measure, to which he had given years of thought and labour, besides submitting it to the most competent men. He had no personal interest in the matter, except as an Irish landowner anxious to improve the value of property. As regarded land debentures he did not ask the Government to bring in a Bill on that subject. But no measure for the simplification of title would be complete unless attention at least were given to the subject of charges on land. A step in the right direction had been made during the Session, when a Bill for the investment of securities was passed through that House and sent to the Lords, but Lord Redesdale stopped it, and very properly turned it into a public Bill. In conversation with his Lordship he suggested that the advantages of that measure ought not to be confined to companies. It was well known that men of great authority in Ireland had pronounced in favour of some such plan as he had suggested, and the Commission of 1854, although they did not recommend a system of land debentures, yet they pointed out that there were facilities for trying such a system in Ireland, where strong opinions had been expressed in its favour. The House would remember that in 1862 two Bills for the creation of transferable debentures upon land in Ireland were brought in, one by himself and the other by the hon. and learned Member for the University of Dublin. Both those Bills had relation to the subject which he had now brought under the consideration of the House, and they were read a second time and were then referred to a Select Committee, but, owing to some unfortunate fatality, that Committee never sat. It was most important at the present time to inquire into the systems of land registration and of land debentures, and therefore he trusted the Government would consent to his Motion in its exact terms.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire and report as to the best system for Registering Titles to Land in Ireland, and to frame a measure for that purpose; also to consider and report as to the creation of transferable Debentures upon Land in Ireland,"—(*Mr. Scully,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. O'HAGAN (THE ATTORNEY GENERAL FOR IRELAND) said, it was quite impossible to exaggerate the importance of the subject which had been so ably brought before the House by the hon. and learned Member. He thought, too, that the subject was properly brought forward by the hon. and learned Member, who had distinguished himself by his zealous and persevering efforts in support of a principle which at one time did not seem likely to obtain much support. He did not intend to follow his hon. and learned Friend through all the details of his speech, but he might say that there was scarcely a principle laid down, or a position taken up by the hon. and learned Gentleman in which he (Mr. O'Hagan) did not agree. He believed that the establishment of a system of land transfer in Ireland, making the conveyance of land simple, speedy, and cheap, was a great necessity. There might be differences of opinion as to the effects of free trade upon Ireland, but one thing was certain, that that country was entitled to the benefit of free trade in land. There existed in Ireland a strong feeling upon the subject. The corporations of Dublin and other towns were united upon it, and the landed gentry, with the Duke of Leinster at their head, had also discussed it. He might further point out that there existed in Ireland special facilities for trying an experiment such as that recommended by his hon. and learned Friend. There was there a Landed Estates Court, presided over by Judges as enlightened and as able as any in the world. That Court had worked effectively and well for the people of Ireland, and it had laid the foundation, and had supplied the machinery for working a system of cheap and speedy transfer of land. That being so, and the principle being generally accepted, all they had to do was to see whether the principle could be carried out safely and without injury to any interest of the country. The proposed system would produce a great social revolution as far as landed property was concerned, and it would change the relations of different classes in the country. It might be expected that one result would be that the capital which was dammed up in Ireland might be let loose, and that through the instrumentality of a system of cheap transfer of land, a class might be created which Ireland sorely needed—a class of yeomen having an interest in the soil. There were a variety of projects to be considered. There was the plan of Mr. Torrens, which had undoubtedly succeeded in Australia. But then it must be remembered that there was a great difference between the simple relations of property in a new country and the complicated relations of an old country. It was, therefore, necessary to observe great caution in applying the principle to Ireland. He did not say that Mr. Torrens's system was not applicable to Ireland, but that great care should be exercised in dealing with the subject. Then, again, there had been a Bill introduced which contemplated the creation of a new machinery, a recording court and officers. The Government must consider whether there did not exist already in Ireland machinery adapted to the purpose. The question which the Government had to consider was, whether it was absolutely necessary that a new Commission should be appointed. A Commission, composed of extremely able men, had applied their full attention to the subject for a series of years within a recent period. He did not think they could constitute a Commission of more enlightened men, or that a Report could be obtained from those more deserving the confidence of Parliament and the country, than that they were already in possession of. It was the less necessary that they should go into any new inquiry, because measures had since been introduced in England by men of the highest ability, and they had an opportunity of seeing how these measures had worked. The matter then stood thus — a deputation had waited on the Lord Lieutenant for the purpose of impressing on his Excellency and the Government the necessity of considering the subject, and especially in connection with the scheme of Mr. Torrens. His Excellency had referred the memorial to the Law Officers of Ireland, and accordingly, along with his learned Friend the Solicitor General, he had been applying his mind as diligently as he could to the subject, and he was inclined to think it was quite possible to frame a measure with the information they already possessed, which might be satisfactory to the House and to the country. Perhaps, too, it would be more becoming, more according to precedent and principle, that such a measure, involving such large interests and consequences to the community, should be introduced on the responsibility of the Law Officers and of the Government itself. They had the matter under consideration; already a measure was more or less in progress, and he trusted, either before the end of that Session or at the beginning of the next, he should be able to introduce a measure at all events worthy of the consideration of the House. He had already enough of legal matters before him for the present, and it was manifest they could not reasonably entertain the hope of successful action that Session. It would be quite competent for the House to say when they saw the Bill, whether on the face of it there appeared any necessity for further inquiry. They would apply their minds to the subject as best they could, and submit their measure to the consideration of the House.

MR. MONSELL said, he entirely approved every portion of his right hon. and learned Friend's speech, except the last few sentences, which seemed to doubt the possibility of introducing a measure during the Session. The question had excited the highest interest not only of the legal profession, but also among the landed proprietors of Ireland, and considering the enormous importance of some

measure for simplifying and cheapening the transfer of land, looking especially to the frightful emigration going on in Ireland, and the distrust and anxiety which pervaded the mind of everybody connected with land in that country, the subject ought to be taken up with as little delay as possible, to see if some means could not be suggested for increasing employment and developing the resources of Ireland. If his right hon. and learned Friend had, as he understood, the skeleton of a measure prepared, why should he not at once lay it on the table, with a view, after it was read a second time, to refer it to a Select Committee—not for the purpose of taking evidence, but to go through its various clauses and render it as perfect a measure as possible? A Royal Commission, he thought, would be the best mode of shelving the question.

MR. BUTT said, he regretted that the right hon. and learned Gentleman should consider it necessary to oppose the issuing of a Commission. The question was one of the first importance, and any measure would require the greatest care and attention on the part of the framers of it. He wished, at the same time, to bear testimony to the great ability with which his hon. Friend had introduced the subject. He had himself been instructed by his hon. Friend in the true principles which ought to regulate their legislation on the subject. He had, many years ago, laid a Bill on the table which he was perfectly ready to submit again, and there was little necessity to make any changes in it, notwithstanding all the improvements which Mr. Torrens had suggested. He did not see why a Royal Commission should not be appointed, which might inquire into the subject and report long before the next Session, and then a Select Committee could be appointed to proceed with the inquiries, and perfect any Bill that might be introduced in that House.

MR. BRADY said, it would be highly satisfactory to the public in Ireland if the Government would that Session lay on the table a Bill on the subject. He quite agreed that the thanks of the House and the country were due to his hon. and learned Friend the Member for Cork for his exposition of the subject. He trusted the hon. and learned Attorney General would lay a Bill on the table during the Session that it might be considered during the recess. In the county with which he was connected there was hardly a landlord with whom he had had any communication who had not urged him to support any measure that would lead to a proper registration of titles to land.

Mr. O'HAGAN said, he had not stated that he would not lay a Bill on the table during that Session. On the contrary, he hoped to be able to do so; but he did not think there was any chance of the Bill being passed in the present Session.

Mr. HASSARD said, he trusted that the right hon. and learned Attorney General for Ireland would consider the subject well before bringing in any measure upon it. The real difficulty in relation to the conveyance and transfer of land arose from the length of time over which the search had to be made. A great deal of confusion arose from a misapprehension of the parties who wished to have a rapid transfer of land. Persons who wished to raise money upon land by way of mortgage no doubt liked to have a rapid title deduced; but it was impossible to have great rapidity and equal security at the same time. Another purpose for which a rapid transfer of land was required was for small purchases and in investments of trust funds upon land. He thought all these legitimate purposes might be attained by making it compulsory that at short recurring periods the land should pass through some tribunal like the Landed Estates Court, so that the point from which the title had to be deduced should not be remote. After an indefeasible Parliamentary title was obtained, all subsequent encumbrances on the property must be put upon the register. He did not think it was possible to make the transfer of land for permanent objects so rapid and easy as the hon. Member for Cork desired, nor could he bind himself to that hon. Gentleman's views as to the creation of land debentures. In the nature of things land could not be treated like bank-notes or railway shares. Duties attached to the ownership of land which did not exist in regard to movable chattels; and those landowners who desired to enjoy all the prestige of territorial proprietorship, and at the same time to be able to transfer their property with the same facility as railway stock, resembled persons who wished to eat their cake and have it at the same time. He hoped that before any Bill was introduced on this question, a Commission would be appointed to inquire into the best mode of registering titles; and he thought that the inquiry might be advantageously extended to England as well as Ireland, as under recent legislation the systems of the two countries were very much analogous. He would suggest that a Royal Commission should be issued, which might investigate the system of registering deeds in England, and upon their report there would be no difficulty in drawing a Bill which would meet all the requirements of the landed interests in Ireland.

Mr. SCULLY said, he was willing to withdraw his Amendment on the understanding that the right hon. and learned Attorney General would bring in his Bill as soon as possible.

Amendment, by leave, *withdrawn.*

LAW LIFE ASSURANCE COMPANY— CIVIL BILL EJECTMENTS.

OBSERVATIONS.

Mr. LONGFIELD said, he rose to call the attention of the House to the purchase by the Law Life Assurance Company of large estates in Ireland, and the results attending this acquisition of property, and to move an Address to the Crown on the subject. Some apology was due to the House for his Motion, because, as a general rule, it was not thought right for a Member of that House to avail himself of his position to call attention to the conduct of private individuals in the management of their property. It was, however, on grounds of a public character that he was now induced to bring the subject under the notice of the House, as the case to which he wished to call attention was one of those in which the power of the House to address the Crown might be usefully invoked. The conduct pursued by the Law Life Assurance Company with reference to the particular property had been productive of great misery through a large portion of the West of Ireland. The region to which he wished to direct the attention of the House was the romantic wilds of Connemara. It was a district which was formerly much more prosperous than at present it could be pronounced to be under a body of English gentlemen of high respectability and position. He did not know whether there was any Gentleman in the House connected with this Society, but if there should be he hoped it would be understood that he (Mr. Longfield) was desirous to avoid giving any personal offence in any observations he might have to offer. He wished to deal with this altogether as an impersonal matter, but at the same time, in referring to the proceedings of the Society in question, he could not help considering that they had purchased a large property improperly, and that they had abused their rights. Some years ago a gentleman of great humanity, and also of some eccentricity of character, who might be remembered by many hon. members—Mr. Richard Martin—was the owner of a very large estate in Connemara. The estate was deeply involved when he inherited it, and he was much embarrassed; but a kinder-hearted gentleman than Martin of Ballynahinch never lived. A few years since there appeared in the *Daily News* a very interesting series of letters from a writer who was sent out to report on the agricultural prospects of the country. He gave a very interesting account of this district of Connemara. He described that after riding a distance of forty miles through this property, formerly all belonging to one family, he arrived at Ballynahinch, the residence of the late lord, or rather lady of the domain. The lady owned the greatest number of acres possessed by any one subject of the Crown, and now there was not a single rood of property to which a descendant of the family could lay claim. The late Mr. Martin, however, had ever been a most kind and liberal landlord, beloved by his tenantry. In the year 1824 the Law Life Assurance Society was founded, composed principally of lawyers, and governed by some leading legal authorities. These great estates gradually passed into the hands of this Society; and although they were not, technically and legally speaking, mortgagees in possession, they yet contrived to enter into receipt of the rents and profits under the clauses of their deed by means of an agent. They thus became the virtual owners of the property, and were morally, if not legally, responsible for what had taken place. They had taken the whole of the proceeds, depriving Mrs. Martin even of her jointure. In this he could not blame them; they were actuated by no personal feelings; they were an impersonal company, without feelings, merely trying to do the best they could for their shareholders. Probably the principle on which they had acted had been merely to invest their capital to the best advantage. They next proceeded to prepare the estate for sale, and the first thing they did was to serve a number of ejectments on the tenants, a policy which they pursued with very little consideration. It must be admitted that the tenants were not of a very desirable class. They were for the most part without capital, though he believed that if favour had been extended to them, many of the tenants would have become useful and profitable servants to their landlords. The estate was prepared for sale, and it was purchased in 1852. It consisted of about 200,000 acres of land, and the number of tenants was 827. He was not aware that the estate was ever offered for sale publicly in Ireland. It was bought in by the Law Life Society under a private contract by means of trustees for something like £1 per acre, for a sum which was said to be due to the Society. Having placed the Society in possession of the property, he would proceed to trace their management of it during the twelve years which they had been the owners of it; and he would show that from year to year the property had been most fearfully mismanaged; that the number of evictions had been enormous; that no encouragement whatever had been given to the tenants; and that the result had been that the acquisition of land by this wealthy Society had been a curse to that part of the country. What made the matter worse was that the Society had not the slightest right to become the purchasers of estates in Ireland. They were a society or fraternity having perpetual succession, but they had not the slightest right to become possessors of estates. From the earliest times the acquisition of property by corporations, or those who possessed a corporate succession, had been discouraged by the Legislature. The Statutes of Mortmain prohibited the acquisition of estates by religious bodies, and an Act passed in the reign of Richard II. extended the prohibition to purchases made for guilds, fraternities, and other societies of a similar description. He held that the Law Life Society having become purchasers of the Martin property by an evasion of the law, the Crown might seize upon the land and confiscate it. Not many years ago the Crown seized upon property acquired by another Insurance Company, and it might pursue the same course in the present instance. It would readily be believed that the purchase of the Martin estates by the Law Life Society had proved most injurious to the country, for of all absentee landlords a body of persons animated by a corporate spirit, never visiting the property, but merely receiving the rents, and managing the estate by a solicitor in London and an agent in Ireland, was by far the worst. Feeling that they had acted contrary to law, the Law Life Society in 1854 sought to obtain an Act to facilitate their dealing with the estate. Power was given to them to lend and advance money on the security of freehold, leasehold and other property in Great Britain and Ireland. He need hardly point out, however, that power to lend money upon security did not enable the Company to purchase property. Again, in 1863, after the mismanagement of the estate had become notorious, after several attempts had been made to compel a sale, after it was well known that the Society were owners of land contrary to law, another Act was got enabling them to sue and defend all actions in their own name, instead of the names of trustees, and to have them properly vested successively in trustees whenever nominated, without payment of stamp or succession duties. That Act gave them extraordinary powers and privileges — powers and privileges not possessed by private owners—but it did not really enable them to purchase land; so that, according both to the old Acts and to the new, they were not the legal owners of the Martin property. He had already hinted at the manner in which they had performed the duties of proprietors. Since 1852, as appeared from a Return recently laid before the House, they had prosecuted in the Civil Bill Court alone no fewer than 191 ejectments, affecting about a fourth or a third of all the tenants on the estate. The total number of defendants was 735. This Society, numbering amongst its members some of the highest lawyers in the land, having contrived to escape the ordinary burdens on property, had endeavoured to avoid all local charges. As managers of the property they had winked at the tenants falling into arrears with their county rates, and when they purchased the estate it was found that the arrears amounted to about £1,000 for county rates, and that most liberal Company sought to place the debts due from their tenants upon the county at large. They traversed the presentment which was made. The grand jury considered it unjust that the rest of the county of Galway should pay the arrears of the tenants of the Law Life Company's estate after they had evicted tenants who were able to pay—although, perhaps, not very willing. The Law Life Society again attempted to evade the obligation, but the county was successful, and the Society were unable to get the county to pay their rates. It was clear that the Society was as much disposed to evade its local obligations as the succession and stamp duties. These, however, were but minor matters. With an enormous territory under their control, they had disregarded their duties as owners of land, and set an evil example to other owners. From a Return which the House ordered to be printed on the 26th April, 1864, it would be seen that they were utterly unfitted to manage their property, and it would be a great blessing to the country if they could be compelled to part with it. Dr. Brodie, the Poor Law Inspector to the Commissioners, in his Report, dated the 21st November, 1861, said—

> "About a mile and a half from Clifden, in the townland of Derrygimla, on the Law Life property, I remarked some fences or embankments partially raised; and seeing no men at work I inquired the reason, and was informed by one of the men who had been employed on the work that he and five others were engaged at it at so much per perch (1*s.* 6*d.*), and that having worked eight days, they received 15*s.* for their labour, or at the rate of 3¾*d.* per day for each man; and that they were compelled to give up the work. In the Bunowen division I saw some men employed in making fences; they informed me they were receiving 10*d.* per day, and spoke in the highest terms of their landlord and employer, Mr. Lyons. The poorer tenants require indulgence from their landlords in the payment of the rents. There is a fine field for doing good, for the exercise of benevolence, and for establishing a high claim to public and private gratitude, in the drainage and improvement of the land. With good management the outlay will prove remunerative. The Law Life Assurance Company own property to the extent of over one-fourth the whole valuation of the Clifden union, and it is estimated that they received a rental of £7,000 a year. Much is expected from this body. The Company is expected to set an example of judicious liberality and enlightened philanthropy to the other property owners in the district. Let us hope that they will no longer delay doing so."

In the same Return he found the following most extraordinary resolution, which was passed at a meeting presided over by the agent of the society. At that meeting a letter from Mr. Lyons, a landed proprietor, was read, suggesting that some means should be taken for providing the poor with a better supply of fuel. That letter was highly approved of, and the following resolution was passed:—

> "That the agent of the Law Life Assurance Company be communicated with on the subject, sending him a copy of Mr. Lyons's admirable letter, with the view of ascertaining what amount that company, being the chief proprietors of the locality, would undertake to subscribe towards the purchase of fuel as proposed."

He now came to two letters which did credit to the writers. The first of them was from the Poor Law Commissioners to Sir Robert Peel, and the other from the right hon. Gentleman the Secretary for the Home Department. On the 22nd November the chief clerk to the Poor Law Commissioners wrote as follows:—

> "The expectation that an example will be promptly given by the Law Life Assurance Company, who possess a great part of the property of the Clifden Union, it is to be hoped will not be disappointed. Mr. Robinson, the agent, who manages the property on behalf of the company, is chairman of the Board of Guardians of the Clifden Union, and must be well acquainted with the circumstances of the district. This is the same gentleman who transmitted a memorial for assistance from the Gôvernment, which appeared in the newspapers a few days since."

To that letter the following reply was sent by direction of the Home Secretary:—

> "Whitehall, 2nd December, 1861.
>
> "Sir,—I am directed by Secretary Sir George Grey to request that you will, at the earliest opportunity, bring under the notice of the managing direction of the Law Life Assurance Company the enclosed copy of a letter addressed by the Poor Law Board in Ireland to the Chief Secretary to the Lord Lieutenant. Sir George Grey has received several private communications from Ireland, which he does not feel he should be authorized in transmitting to you as official documents, but which concur in the expression of opinion that the resident agent of the Law Life Assurance Company has not shown the disposition which might have been expected from a gentleman representing a company possessed of an estate of vast extent in Galway, to take an active part in promoting local efforts for the relief of the poor in that district, while he appears to have taken a prominent part in appealing to the Government for assistance. Without entering on the question of whether such assistance may, or may not, hereafter become necessary, it must be obvious that it is of the greatest importance that the first and chief reliance should be placed on local efforts; and it is gratifying to be assured that many of the landed proprietors in the West of Ireland are exerting themselves honourably and successfully in adopting measures to avert, or mitigate, the apprehended distress. Sir George Grey is far from assuming, from the facts already before him, that the conduct of Mr. Robinson may not be susceptible of satisfactory explanation; but he cannot doubt that the managing direction will share the anxiety which he himself feels, that no suspicion should exist as to their desire that their agent should be one of the foremost in promoting every practicable scheme of local benevolence, and should heartily co-operate with other landowners in the exertions which they are making; and he entertains the fullest confidence that this subject will receive the prompt and serious attention of the directors.—I am, &c.,
>
> (Signed) "H. Waddington.
>
> "To D. S. Bockett, Esq.,
> "Law Life Assurance Company."

The demand for relief at that time was very urgent, and, owing to the pressure from the Home Secretary, the Society could no longer avoid coming forward. On the 20th December Mr. Bockett wrote to Mr. Waddington, stating that the Law Life Society had put £200 at the disposal of Mr. Robinson, to be applied in the purchase of fuel for distribution amongst the poor of the districts in which their estates were situated, either gratuitously or at reduced prices, as he should deem best, except that out of the above £200 they had directed that £20 be paid to the Clifden Fuel Committee, and £20 to the Oughterard Committee. He believed—and to the credit of Ireland be it spoken—that this wealthy Society were the only landlords in Ireland to whom the Secretary of State was compelled to address a remonstrance and to complain of their tardiness, in comparison with the other landlords in that district, in adopting measures for the relief of the distress. Having shown from public documents what was the character of the management of the Society's estate, he would now refer to other testimony to the same effect. He held in his hand two private communications. Those documents emanated from tenants on the land, who were thoroughly acquainted with the subject on which they were speaking. For obvious reasons he would not give their names to the House, but he was prepared to guarantee their respectability and their integrity. In one of those documents was a list of forty-three tenants who had, within the last ten days, emigrated from the district. There were many more whose passages to America were paid, but who could not as yet leave the country. The cause assigned for that emigration was the severity and persecution of both agent and landlords. The document went on to say that the tenants received no relief except a few pounds of turnip seed, for which they were charged double price in six months afterwards—that a vast number of houses had been thrown down during the last year—that no such things as leases were given; but that every year a fresh agreement was signed by each tenant, who paid 2*s.* 6*d.* for signing the paper. It was impossible to deny that such a district did not offer a very promising field for tenants. A tenant from year to year had a tenure of an uncertain duration. Still that tenure might last for a long time, but the tenants of the Law Life Assurance Company were obliged to sign a fresh agreement every year. What, he would ask, could the House expect from a society of lawyers, placed as landlords under such circumstances? He was prepared to prove the facts he had stated before a Committee of the House. Another gentleman, writing on the 12th of May, 1861, stated—

"There is so much poverty and misery in this country that I hardly know where to begin to describe it to you. For many years past the tenants on the Law Life property have had some stock to pay their rents with; now they have none. Since I came to this country, now nearly five years, I have seen in the fair of Roundstone, on the 25th of March, as many as 300 cattle on the fair green, but on the 25th of March last, I do not think there were more than thirty. To show you still more, the Law Life has had two large townlands in their own hands close by me ever since I came here; Letterdife and Rossrow, more than 3,000 acres which they let out for grazing; and other years at this time they had about 200 cattle taken into graze, and this year I am certain they have not thirty. The houses are of loose stones, put together without clay or mortar. I have often said to the tenants on the Law Life property, 'Why do you not make your houses more warm and comfortable, and make a few fields round you houses, in which to grow carrots, parsnips, turnips, and cabbages for your families in the winter, when you find that this oft-cultivated land still continues to rot your potatoes?' Their answer was, 'And if I done that same, perhaps I would only have it one year, for either my "rint" would be raised, or some one else would fancy it, and I would be put out.' There are no cow-houses or pig-houses, or stables; in Connemara those who are fortunate to possess a few beasts, cattle, pigs, or sheep, during the whole of the winter keep all in the same cabin with their family, and in the same apartment, but were I to write for a week, I could not tell you of half the misery of this country. If the Law Life goes on a little longer as it is doing now, no one will be able to live in this country. The small tenants are going fast, and those that are a little better off, must soon follow. Since the Ballinahinch estate became the property of the Law Life Society, they have had as many as 1,000 ejectments tried at one quarter sessions at Oughterard. The farm I now hold, Toombeola, was formerly let for £27 a year. I took it in the year 1860 at a rent of £60, including all rates and taxes. The first year I held it, I laid out £150 upon it, between houses and land, and since that time I have laid out upon improvements (permanent improvements) more than £30 a year; and now Messrs. Bockett and Robinson have offered me a lease at £70 a year, and I to pay all rates and taxes, which would make my rent something like £75 or £76 a year; my last rates were £4 4*s.* 4½*d.* Before I took my farm it had been waste, and in the hands of the Society for some eight or nine years, consequently it was in a dreadful state when I got it, just one sheet of dirt and water and bog holes. Whenever any lands or houses fall into the hands of the Society they never do anything to keep them up or improve them. I must tell you that all the money they allowed me for all I have laid out on my house and land was £30. I have no road over which I can drive a car, and they will not allow 1*s.* to make one—fences that the agent promised to make three years ago between me and the adjoining village or townland, have never been touched yet. There are petty sessions held at Roundstone and Carna once every fortnight, and sometimes in the summer there will be as many as thirty to forty summonses tried at each, and all, nearly all, for trespass. You might see poor creatures travelling some five, some ten, and some fifteen miles to these sessions to prove or defend their cases, and that is where the swearing goes on, and a little resident magistrate telling the poor things that he does not believe one word they are swearing. It was only the other day (last Monday) that I told the agent that it was unjust to think of giving me a lease at £70 a year for twenty-one years, and I to pay all rates and taxes, and the country coming down at such a rate. 'Well,' said he, 'don't take it.' But you perceive that I cannot go on improving without a lease, and I hardly know what to do. I wish I had never come to this country. The Law Life will not give a lease at a fair price. I have not time to say more now, but I have not told you of half the misery of this country."

All this showed a state of things really lamentable—the result of twelve years' management of an Irish estate under a wealthy English Society, who had been permitted to acquire the land in contravention of the law. They had abused the power which they possessed, and the estate, so far from improving, had been becoming worse. Such being the state of things it would be in the power of the Crown to do what it did in 1833 under similar circumstances. At that time the University Life Assurance Society, contrary to the provisions under which they were allowed to lend money, purchased lands in Staffordshire, and letters patent were issued to Commissioners to investigate the matter, and if the society had purchased the lands then to seize them. That Commission was actually executed. He had no desire to see matters carried to such a length in the present instance, and he hoped that the effect of the discussion in that House would be to cause the Law Life Society to see that they could not be permitted to retain any longer the proprietorship of this estate. He believed that the moral pressure, which had induced them to give £200 for the relief of the distress, would also induce them to surrender up the estate for sale in a reasonable time, and all that he was anxious for was that the property should pass away from persons who had acquired it improperly. He concluded by moving an address to the Crown on the subject to which he had called the attention of the House.

Lord JOHN BROWNE said, he would not express any opinion as to the legal authority of the Law Life Assurance Company over the estates in question, but would merely observe that if they were acting illegally either the Government or any private individual might call them to account without the intervention of that House. Neither would he go into the general question, whether it was desirable that any large English company should hold property in Ireland; but he would explain the exact circumstances of the case which had been brought under the notice of the House. Some years before the famine the Law Life Assurance Company lent large sums of money as a first charge on these estates—for there were two estates; other parties lent money as a second charge; the interest of the second charges was not duly paid, and those who had the second charge put the estates into Chancery. From the moment they got into Chancery things went from bad to worse, and it became unavoidable that the estates should be sold in the Incumbered Estates Court. But it was not the Law Life Assurance Company which either put the estates into Chancery or brought them into the Incumbered Estates Court, but those who had the second charge. In that state of affairs, the condition of Ireland being so bad, it soon became apparent that no one would buy the estates. At that time estates were sold in Ireland for a mere song. He recollected one property, the Ordnance value of which was from £260 to £270 a year, which was put up for sale over and over again without finding a bidder, and at last was sold for £1,000, or less than four years' purchase. Now, there was a sum of £282,000 due to the Law Life Society at that time upon the two estates, and it was probable, had the estates been then put up for sale, they would not have realized more than one-fourth of that amount, and it was not to be supposed that any society would be justified in making such a sacrifice as three-fourths of the money due. But since that time the Company had been always willing to sell the estates either together or in lots to suit purchasers. The best proof that the price asked was not absolutely prohibitory, and that the Company really desired to sell, was that they had already sold £80,000 worth of the property, and but for some bad seasons of late they would have sold a much larger portion. Then the character of the Company as landlords had been attacked. Now he had every opportunity of seeing and hearing how the Mayo estate, a property of about £3,000 a year, was managed, and he believed that very few properties in Ireland belonging to absentees were better managed. Moreover, he knew the agent, Mr. Robinson well. He was not an Englishman as had been alleged, but an Irishman. He belonged to an old Sligo family, and was an energetic, straightforward, just, and kindhearted man, who was popular among the tenants. It had been said that the rents had been raised, and that the property was now let above its real value. Probably the rents had been increased, for this had been the case on every estate as better times had come. But he had authority for stating that the rental of the estate in his county was not so high as it stood before the famine, while the Company paid all the rates and taxes. As an instance, a farm formerly let at £37 a year, the tenant paying a portion of the taxes, was now let for £30, the Company paying all the taxes. Besides this the Company had gone largely into drainage, road making, building of walls, fences and works of that description, not so much for the purpose of improvement as for giving employment. During the distress twenty tons of meal were given away or sold to the tenantry at reduced prices; coal was supplied at half its cost; and subscriptions had been made to the relief committees. So much for the Mayo property. He knew but little of that in Galway, but during the last five years the sum of £7,000 had been spent in relief works of various descriptions, and he challenged the hon. Members for Galway and Mallow to point out an instance in which a landed proprietor, with estates of the same size, had spent as large a sum upon similar works. Then in support of the charge against the Company, an ejectment return had been relied on; but what should have been asked was not how many such notices had been served, but how many had been actually carried out by the removal of the parties off the estate. The notices entered furnished no criterion of the number actually enforced. In Galway the rundale system of holding was very much in use—a piece of mountain ground being let to a number of persons as joint tenants. These persons paid their rent separately, and if it was desired to get rid of one, it was necessary to go through the form of proceeding against the whole. The system was a bad one, but it accounted for a large proportion of the ejectment notices. In the county Mayo, it appeared that the total number of ejectments entered on an estate of £3,000 per annum, during a period of between twelve and thirteen years,

Lord John Browne

only amounted to twenty-four. Of that number no further proceedings were taken in five cases. In six the decree was taken out but not acted upon; and one was in duplicate—which reduced it to twelve. Of that number one was the case of a man who was ejected, but immediately restored, and was still in possession of the property. Nine were in arrears for rent, in one case to the extent of £111; and one who held a joint tenancy with his father was ejected for assaulting the agent for remonstrating with him for having done something against the rules of the estate, but his father had ever since retained possession of it; and the other was the case of a man who prevented the tenants from repairing the Clare Island Pier, which was ordered for the purpose of giving employment. When Dr. Brodie visited the estate in Galway, on the 21st November, he declared there was no distress, and food was plentiful and selling at reasonable prices; but he anticipated great distress for want of fuel, unless immediate steps were taken by the parties locally interested to obtain a supply of coal to be sold at reasonable prices. It, however, appeared that at that time a cargo of coal was expected. On the previous day, the 20th November, there was an ordinary meeting of the Clifden Board of Guardians, and after they had disposed of the ordinary business of the Board they formed themselves into a Committee to consider the question, and the charge against Mr. Robinson was that though he had signed the memorial to the Government agreed to by the meeting of which he was the chairman, some time previously, asking for public assistance, he absented himself from a meeting which proposed that local efforts should be made for the same object. He did not understand the sneers that had been cast against him for asking for public assistance. It was not the first time it had been done in Ireland, and he should like to know how many Members, English, Irish, and Scotch, had not done the same thing in order to get their respective constituents relieved in some shape or other in the remission of some tax, which was pretty much the same thing. As the hon. Member for Galway, who moved for the Return, did not intend to found such a charge against Mr. Robinson, it was not necessary for him further to enter into it. The insinuation that Mr. Robinson purposely absented himself from that meeting was most unjust. The correspondence showed that the meeting referred to was an impromptu meeting, and there was no intention o holding it but for Dr. Brodie's visit. Moreover Mr. Robinson could not by possibility have known of the meeting, and it should be borne in mind that at that very time Mr. Robinson was engaged in a similar object on Clare Island, he having gone there to inquire into the condition of the people, and to make arrangements for employing them and supplying them with fuel during the winter. Now, what had been done by those in the locality who had brought these charges against Mr. Robinson? Only one-fourth of Clifden Union belonged to the Law Life Assurance Company, and what, he asked, had been done by the owners of the remaining three-fourths of the Union? If they subscribed anything they had hid their light under a bushel, and had taken care not to let the public or Mr. Robinson know what they had done. All he could see of a subscription on the occasion was what was contained in a letter from Dr. Lyons of Dublin. Dr. Lyons suggested that £100 or £150 should be raised, and he expressed his readiness to contribute his share, or even above it, but it appeared that the Committee abstained from putting their hands into their own pockets because they were waiting for the Society to come forward and to set an example of "judicious liberality and enlightened philanthropy" to others in the district. All, however, they did was to direct the clerk to write a letter to the Company, informing them of the resolution that had been agreed to, and calling upon them to supply the necessary funds, amounting to £200, with which to enable the committee to carry out their good intentions. The Company had only a small property in that part of the Union, and it was but natural they should expect others to make an effort with them. The Company objected to their money being spent on the whole of the Union, but they handed over the amount named to Mr. Robinson to be divided in the proportion they named. For some time before this the Company had been in communication with Mr. Robinson on the best mode of meeting the contemplated distress, and relief works had been begun before anything was said about it. Dr. Brodie, in his Report, said he saw some of the works partially executed; and it was right the House should know why it was the works were stopped, and how it was the men earned but $3\frac{3}{4}d.$ per day, and it would have been better if he had written to

Mr. Robinson for an explanation before he embodied it in his Report. Mr. Robinson was anxious to employ the people as much as possible on their own holdings, and he set them at task work at the ordinary rate of remuneration; but the people objected to task work, and insisted on day work. They were then in a position to stand out if they did not get their own terms, because, as Dr. Brodie stated, the distress had not then begun. He hoped his hon. Friend the Member for Galway would favour the House with the amount of money subscribed by the other owners of property. He did not mean with the amount received by the Clifden committee, for no doubt they had received subscriptions from many sources, including that estimable body the Society of Friends, who never failed to send money to any part of Ireland in which there was great distress. The Law Life Society expended £200 for fuel alone, independently of the employment which they gave; and if the other proprietors had subscribed in the same proportion they would have given £600. The Secretary of State, in a communication to Mr. Bockett, said he had received private letters commenting on the conduct of Mr. Robinson. If the right hon. Gentleman considered those letters to be private he ought to have kept them private; but as they were mentioned in the Parliamentary papers, he ought to publish them, in order to give Mr. Robinson an opportunity of showing up the mendacity of his secret assailants. His hon. and learned Friend the Member for Mallow said he had the greatest confidence in his correspondents, who were tenants on the property, and who had written to him, but whose names he did not like to state; but the Parliamentary Return from which the hon. and learned Gentleman had quoted showed the extraordinary inaccuracy of his correspondent's statement on the subject of the thousand ejectments at one session, for by the Return it appeared that since the Law Life Society became owners of the estate there had been only 191 ejectments against 700 people. [Mr. GREGORY: The one thousand ejectments occurred in a year not included in the Return.] If these ejectments occurred in 1851 they occurred before the Law Life Society got possession of the estate. [Mr. GREGORY: They were mortgagees in possession.] He contended that no charge could be justly laid against the Law Life Society, except that of their being absentee proprietors in company with the owners of a large portion of the land of Ireland, including much of his own county. No doubt absenteeism was one of the great evils of Ireland. There was no greater. It was the chief cause of the misery and the backward condition of that country. He believed it would be better to have a very indifferent resident landlord than the best absentee proprietor; but that was a matter which the House of Commons could not deal with. In this free country we could not say that a man must live in a particular place; and he believed the inevitable result of the forced sale of those estates which the hon. and learned Member suggested would be that they would fall into the hands of other absentee proprietors, who would not manage them half as well as the Law Life Society did. In consequence of the successive bad seasons which had been experienced in Ireland, the present would be a bad time to force a sale of land in that country, and he had heard that on those portions of the estates which the Law Life Society had sold the rents had been nearly doubled, in addition to the tenants being obliged to pay the poor rates and cess. If the remaining portions of the estates were sold now they would be bought by land speculators, by land jobbers or land sharks, as they were called, who would double the rents and sell their purchases to other capitalists, who would be loth to reduce the rental on what they had bought. Under such circumstances, the condition of the tenants would be very much worse than it was under the Law Life Society.

MR. MURRAY said, that as a director of the Law Life Society, he wished to express his regret that instead of attacks being made in that House, founded on information furnished by correspondents whose names were not mentioned, it would have been much better to have communicated the facts to the Directors, and in the first instance to have ascertained their correctness. The Society desired to do everything in its power to improve the condition of its tenants. The Society had already spent thousands in constructing roads, in aiding charities, and in erecting a church on their property; it had done everything a resident landlord could do, and a great many things which no absentee proprietor did to make their tenantry happy. The Directors had never received any complaint from any tenant, and if there had been any complaint instead of these anonymous letters—

Mr. LONGFIELD said, that the letters were not anonymous; the writers had all signed their names; and though he had not read them to the House he had made himself responsible for the respectability and trustworthiness of the writers.

Mr. MURRAY said, the letters were anonymous as far as the House was concerned. When the hon. Gentleman read an extract from Dr. Brodie's report, it would have been but candid if he had read the whole of Mr. Bockett's letter in reply, and which was considered satisfactory by the Secretary of State in 1861. About the same time the Clifton Fuel Fund Society sent a vote of thanks to the Law Life Association for their assistance: when the next season of distress came, in May, 1863, the Society's solicitor had written to the local agent, some days before the communication from the Home Secretary had been received, directing the agent to provide employment for the tenants in order to alleviate the distress. From that time to the present no complaint had ever reached the Society so far as he was aware. It had been said, "Sell the estates;" but it was not so easy. If the hon. and learned Member for Mallow would find a buyer, he for one should be thankful. The hon. Gentleman, no doubt, knew that joint-stock companies were beginning to look after landed estates in Ireland, and knowing this and seeing repeated notices in the paper, from February last to the present time against the Law Life Society, he began to think they had something to do with the idea of a joint-stock company wishing to buy these estates. The Society had no disposition to retain the estates, they had been an annoyance and not a pleasure, and if any of the hon. Gentleman's friends were willing to become purchasers, the estates were for sale at a fair valuation.

Mr. LONGFIELD said, he had had no communication directly or indirectly with any persons anxious to purchase property in Ireland, and he had brought the subject under the notice of the House without the smallest reference to any such object.

Mr. GREGORY said, when the notice of his hon. Friend was put upon the paper, he had put himself in communication with gentlemen upon the spot for the purpose of ascertaining whether there was any foundation for the complaints made of the oppressive conduct of the Law Life Assurance Company in the management of their Irish property. He had no desire to join in a cry against the owners of any estate. He should be very glad to have received favourable reports of the management of the Society; but he was bound to say that he had received a great number of letters from landowners and others of the highest position, and not one of them was favourable to the management of the Society. The accounts in question proceeded from landowners who were as high Conservatives as any Members of that House, and it was impossible that he could disregard them. So far from there being the ideal paradise in Mayo which the noble Lord the Member for Mayo had depicted, one gentleman wrote that in the summer, when the Society was said to have behaved with so much munificence, he was himself obliged to feed many of their tenants. He had also obtained a Return from the Clerk of the Peace of Galway, which showed that since the Law Life Society had had to deal with the management of the estates in Galway, there had been 3,158 ejectments. In reply to the noble Lord, who said that persons purchasing land from the Company generally raised the rents, he might further state that he had received a letter from a gentleman of undoubted veracity, in which he said that those persons who had purchased from the Company had not, as was alleged, raised the rents of the tenants save in rare instances; whereas the Society, instead of having simply raised their own rents somewhat above the low ebb at which they stood at the time of the famine, had, as he was informed, increased them in many instances to more than double the rate of the Ordnance valuation, which afforded a good test of what land was really worth, rents in general varying some 25 per cent over that valuation. Now, as to the liberality of the Society which had been so praised. On the 24th October, 1861, a meeting was held, over which Mr. Robinson, the agent of the Law Life Assurance Society, presided, at which a resolution was agreed to setting forth the great destitution which existed in the western districts of Galway. Mr. Robinson wrote that famine, with all its concomitant horrors, was inevitable. On the 21st November Dr. Brodie was sent down to see what was going on in the way of relief in that part of the world, and he reported at that time, one month after it had been declared that famine was inevitable, that nothing was doing by the Law Life Assurance Society. The agent was authorized, they say, to give employment; but how does Dr. Brodie describe that employment and its remuneration. He says the men were employed in making ditches, at that inclement season of the year, badly clad, with no fuel or food to return to, at 3½*d.* per day. It was not till the 20th of December the solicitor of the Law Life Assurance Society said that they had put £200 at the disposal of Mr. Robinson for the purchase of fuel, and made arrangements for the employment of useful labourers at 1*s.* 1½*d.* a day, and that was only done by the pressure and remonstrance of the Home Secretary. He remembered the right hon. Gentleman the Secretary for Ireland saying to him in that lobby that their conduct was atrocious. He remembered it well. He, for one, trusted that the Law Life Assurance Society would fulfil their intention of selling their land as soon as possible. It was said it would be a satisfaction to themselves, and he was sure that it would be a satisfaction to that part of the world, from which he trusted they would soon be severed.

Sir ROBERT PEEL said, that as he had been so pointedly alluded to by the hon. Member for Galway, he felt bound to say a few words on the subject, although after the able statement of his noble Friend the Member for Mayo (Lord John Browne), it was hardly necessary that he should do so. It was true that in 1861 he had to pass through the county in which the property alluded to was situated, and he upon that occasion heard that the estates of the Society were very badly managed. The statements on the subject came, he believed, principally from his hon. Friend the Member for Galway, who told him that the tenants on those estates had a standing notice to quit always hanging over their heads; that was to say, that they were not only yearly tenants, but that, at the expiration of each year, they might be called upon to quit without further notice. [Mr. Gregory: I never heard that until the other day, and I never spoke about it to the right hon. Gentleman in my life.] Now, that statement he believed to be wholly unfounded. The tenants of the Society certainly were yearly tenants, but they were entitled to have six months' notice, and that would be the case with any property in the hands of a company or association desirous of selling their property. There could, he understood, be no doubt that the Law Life Society held the property against their will, and that they were all through anxious to meet with a purchaser for it. He believed that it could not but have struck hon. Members that a more irregular discussion had never been brought before the House. His hon. Friend the Member for Galway had referred to a variety of letters which he had received. He would not term them anonymous, but the hon. Member had only distinctly referred to one, and that was the instance of a shopkeeper in Galway, who took a portion of the property from the Law Life Assurance Company at a rental of £12 a year, and who was deprived of the land at the end of three years without obtaining any advantage from the money which he had expended upon the land during his occupation. No one could give better evidence upon the question as to the management of property in Mayo than his noble Friend the Member for the county, and his noble Friend had completely replied to the arguments of the hon. Member for Mallow. He believed he was right in stating that, out of the very large property held by the Law Life Assurance Company, they had sold land to the value of about £80,000. He believed, also, that in every instance the rental of the land disposed of had been more than doubled. The tenants of the property which had been sold had actually come to Mr. Robinson, the agent of the Company, or had written to the Committee in London, and had urged the Company not to sell the property, because the value of their tenancy would become very much deteriorated by a change of landlords. He desired to allude to another point, and that was the question of ejectment. The House was in possession of Returns upon the subject, moved for by the hon. Member for Galway himself; but the hon. Member had not taken his figures from those Returns, but had referred to ejectments which had taken place two years anterior, and the House was consequently deprived of the opportunity of testing the accuracy of his figures. In the Return which was before the House, they would find that the ejectments entered and the number of defendants at the suit of the Law Life Assurance Company were remarkably few as compared with the number throughout the whole of Ireland. He believed that in the whole of Ireland the ejectments had perhaps exceeded 6,000 in number, but in 1863 the defendants in cases of ejectment at the suit of the Law Life Assurance Company only numbered thirty-five. To properly appreciate the difference it was necessary for the House to bear in mind that the property of the Law Life Assurance Company in Ireland exceeded 130,000 acres, and that it was situated in a very remote and impoverished district. In 1861 he had received very serious accounts of the distress—he might almost say famine—which existed in the western parts of Ireland, and with the full concurrence of the noble Viscount at the head of the Government he paid a visit to that district for the purpose of ascertaining the real state of affairs. On that occasion he traversed a good portion of the property of the Law Life Assurance Company, and his impression was that the distress existing among the tenants on that property was greater than elsewhere. On returning to Dublin he did not hesitate to write to his right hon. Friend the Secretary of State for the Home Department, by whom a letter was written to the Law Life Assurance Company. The result was that the Company not only sent out instructions to their local agent to obtain immediate employment for the labourers upon the estates, but also sent £200 to be expended in the purchase of fuel, and to be devoted to the benefit of the poor. He believed that the Law Life Assurance Company acted on that occasion as liberally and as generously as could be expected of them, and that their conduct during that period of severe pressure and want would bare comparison with the behaviour of any of the other landlords in that part of the country. He would appeal to the hon. Baronet the Member for Galway in confirmation of that opinion. He must say that he believed that the discussion had been brought forward in an unusual manner, for the purpose of creating dissatisfaction and a feeling of hostility against a Society which held a vast quantity of land in Galway and Mayo against their own will, and who were prepared to sell the land at the present moment if any persons would come forward and offer them an amount at all adequate to its value. He understood that the hon. Gentleman the Member for Mallow did not intend to take any further steps with regard to the matter, but that he was content with the discussion which had already been elicited; but he did hope that when the hon. Gentleman took part in any future discussions of a similar nature he would abstain from indulging in criticisms upon the conduct of individuals or companies unless they were based on a better foundation than could be claimed for his remarks that evening. He confessed that at first his opinion had been similar to that entertained by the hon. Member for Galway, but on a fuller examination he became convinced that his opinion was unfounded, and that the Company were prepared to do everything which was consistent with their duties as landlords.

SIR THOMAS BURKE said, he wished to bear testimony to the exceedingly good management of the property held by the Law Life Assurance Company, and to express his regret very much that the discussion had been brought forward. He had had the pleasure of meeting Mr. Robinson some years ago, and although that Gentleman was politically opposed to him, he believed his management of the property with which he had been intrusted was entitled to the highest credit.

MR. MAGUIRE looked upon the discussion as one possessing great interest, but still most bewildering in its contradictions. The right hon. Baronet, in reference to the conduct of the Law Life Assurance Company, had used language which would hardly have been Parliamentary if spoken on the floor of the House, but which, spoken in the lobby, did honour to the generous impulse of his feelings. On that occasion he designated the conduct of the Law Life Assurance Company as "atrocious," and he now gave it the highest possible praise. [Sir ROBERT PEEL: No. I deny having said so.] I think that my hon. Friend the Member for Galway must have been suffering from some strange defect of memory. [Sir ROBERT PEEL: Hear, hear!] It was, however, certain that his hon. Friend still laboured under the impression that the word had been used by the right hon. Baronet. [Mr. GREGORY: Hear, hear!] For his own part, he must say that if the description of the property given by his hon. Friend were correct, he should be fully inclined to endorse the opinion attributed to the right hon. Baronet on the occasion referred to. Regarding it from the most favourable point of view, it did not present a very pleasing aspect. There was much boasting of the lavish employment given by this great and generous Company; but it turned out that the splendid wages of 3½*d.* per day were earned by the fortunate people on the estate. The last speaker (Mr. Murray) took credit for the Company for having just ordered £100 of additional work—£100 of work spread over a property of forty miles in extent! Certainly that was a noble instance of liberality. But the real truth was, that the state of things described as existing on the property in question was not as exceptional as it was stated to be; for it had been proved not long since before a Committee upstairs, that it was the custom in a certain district in Donegal to serve notice to quit every year upon the wretched tenants, thus holding them utterly at the mercy of the landlords, who used that terrible power as a screw for raising the rents upon their helpless victims. Nor was the reason given by the tenants of the Law Life Assurance Company for not improving their dwellings limited to their case; it was common to a vast number of properties in Ireland, on which the tenants, holding by the most uncertain and precarious tenure—from year to year—were liable to have their rent raised in case they improved their farms or dwellings, or to have the fruits of their industry given to others. The discussion was of this value, that it enabled the House to obtain glimpses of many of the causes of that misery which Englishmen found it so difficult to account for and understand. For instance, the noble Lord the Member for Mayo (Lord John Browne) asserted, and no doubt truly, that the Mayo property of the Company was quite as well managed as the other absentee properties in his county. If so, what a picture of the evils of absenteeism—of the misery and wretchedness which it brought upon Ireland! Englishmen were constantly asking what were the causes of the misery and wretchedness of the Irish people. In the triumphant vindication of the Company might be traced one cause; for it was confidently asserted that this property was no worse managed than that of other absentee proprietors. He believed in his soul that absenteeism was one of the most hideous of the curses that afflicted Ireland; and, until Parliament had the courage to grapple with it, as well as with the land question, they could not get at the root of the evil, and certainly could not restore peace or prosperity to that country. He did not say that absentees should be deprived of their property—of course, no such notion could enter his mind; but he did say that absentees should have a special tax placed upon them—that they should be taxed to a larger amount than other proprietors—that they should be made to pay some compensation for the injuries they inflicted, and for the loss which those from whom they derived their incomes suffered in having everything drained from the land and the people. The wealth of the country was spent in splendour and luxury in England, or on the Continent, while those from whom that wealth was raised were left to the mercy of an agent, good or bad—were left without encouragement or guidance, deprived of all protection or support. It and the land question were no doubt questions of grave difficulty; but until statesmen at both sides of the House and men of all parties resolved on dealing with such questions in a bold and energetic spirit, the country would continue to be filled with misery and discontent, and the people would fly from its shores in despair. This was a grave and solemn question—not a trumpery question about Yeomanry cavalry—but one which concerned the very existence of the Irish people. And until Englishmen had the courage to deal with it, they would be held responsible by the civilized world for the unhappiness and misery of Ireland; for they could not free themselves from that responsibility, inasmuch as the affairs of Ireland were managed by an English Parliament. Ireland was still, and would for years continue to be, an agricultural country; and, until manufactures were spread over the south and west of that country, the prosperity or poverty of its people would altogether depend upon the chance of a good or a bad harvest; and, therefore, the necessity of giving protection to the tenant for the fruits of his industry, and thus alone could he be induced to put forth those energies which would increase the productive power of the soil, and fill the land with plenty and content. He did not desire to make any special accusation against this special proprietary; he was quite content to allow the House to form its own judgment from the conflicting statements it had heard. Enough had been said to show that great and grievous evils existed in Ireland, and that it was the duty of Parliament to grapple with them without delay, so as, if possible, to afford that poor country some gleam of sunshine—some glimpse of a brighter and better state of things—after the long years of sorrow and misery it had passed through.

COLONEL EDWARDS said, that he could not conceive why the hon. Member for

Dungarvan, to whose remarks he had listened with attention and interest, should have dragged him into this discussion by referring to the question of the Yeomanry.

MR. MAGUIRE said, that he was under the impression that the hon. and gallant Gentleman had made some sneering remark upon something which he said.

COLONEL EDWARDS: I never spoke a word.

MR. MAGUIRE: Then, Sir, I beg to apologize.

MR. SCULLY said, he doubted very much whether any company could hold land except for its corporate purposes. He was at a loss for a cause to which to attribute the extraordinary Parliamentary indecency of which the Chief Secretary had been guilty in coming forward to defend this company, and treating the hon. Member for Galway scarcely with courtesy.

MR. SPEAKER said, he had to remind the hon. Member that he had already addressed the House.

MR. SCULLY said, that he was under the impression that, according to the new rule, a Member could on Friday evening speak on every subject that was introduced.

MR. SPEAKER said, that the hon. Member for Mallow had moved no Amendment, and therefore the Question before the House was the same as that upon which the hon. Member for Cork had already spoken.

PUBLIC MEETINGS IN THE PARKS.

OBSERVATIONS.

MR. WHALLEY said, he wished to call attention to the instructions issued to the Police Commissioners, as to the suppression of public meetings in the parks, and to the powers assumed by subordinate members of the Force in suppressing the meeting at Primrose Hill. One reason for his soliciting attention to the matter was, that he had last Session moved for some Returns, and introduced a Bill in reference to the police. He did not intend to discuss the questions connected with the Garibaldi meetings held in 1862 and the present year, or with the right exercised from time immemorial of discussing public matters in the public parks. But it certainly was an unfortunate coincidence that that gentleman, Garibaldi, with whom the inhabitants of London and the people of this country generally felt so deep a sympathy, should have been the cause, unwittingly, of the greatest injury which the inhabitants of the metropolis had sustained for years past. With the question as to the authority of the Government or of the Ranger of the parks to say in what way the parks should be used by the public he would not deal, because that question more properly belonged to the representatives of the metropolis. But what he did venture to refer to was the position assumed by the Chief Commissioner of Police, which rendered it immaterial whether the public enjoyed the right of meeting in the parks or not, for his instructions rendered it impossible that in the parks they could any longer enjoy the right of free discussion. If the instructions contained in these Returns were tacitly sanctioned, he ventured to say that no police force on the Continent would more arbitrarily set itself above the law or act in more direct antagonism to the public interests than that commanded by Sir Richard Mayne. He should justify that statement by a reference to the Return which had been made in pursuance of his Motion. The House would recollect that in answer to a Question put by the hon. Member for Marylebone as to the recent suppression of a meeting on Primrose Hill relating to Garibaldi, the right hon. Gentleman said, the police had stopped that meeting because they supposed the order issued two years ago by Sir Richard Mayne as to riotous assemblages in the parks justified them in doing so. Now, the Returns to which he had alluded contained two papers only; one a printed notice addressed to the public, and the other a private order addressed to the police in furtherance of that notice. In the printed notice, which was dated October 9, 1862, Sir Richard Mayne said—

> "Whereas numbers of persons have been in the habit of assembling and holding meetings on Sundays in Hyde Park and the other parks in the metropolis for the purpose of delivering and hearing speeches, and for the public discussion of popular and exciting topics."

He had looked through all the Police Acts relating to the metropolis, and had not found anything authorizing Sir Richard Mayne to use those words, or to sit in judgment as to what were "popular and exciting topics." The notice went on to say—

> "And whereas such meetings are inconsistent with the purposes for which the parks are thrown open to, and used by, the public,"

—that statement was made without a particle of authority—

> "and the excitement occasioned by such discussions at such meetings has frequently led to tumults and disorders so as to endanger the public peace; and on last Sunday and the Sunday before large numbers of persons assembled in Hyde Park for the purposes assigned, and when so assembled conducted themselves in a disorderly and riotous manner, so as to endanger the public peace, and by the use of sticks and throwing stones and other missiles, committed many violent assaults upon persons quietly passing along the parks, and interrupted the thoroughfares."

That portion of the notice was wholly at variance with the facts. It was perfectly well known that the persons assembled to discuss the subject of Garibaldi brought neither sticks or stones, but came for a perfectly legitimate purpose. Those, on the contrary, who came, he believed, from Connemara in some instances to prevent discussion, were the persons who brought these weapons with them. It would be well that the Chief Commissioner for Works, or some other Member of the Government, having had his attention directed to that misstatement, should offer some explanation on the point. In the police order dated the 11th of October, the members of the force were told that—

> "Meetings for the purpose of delivering or hearing speeches, or for the public discussion of popular and exciting topics, are not to be allowed on Sundays in any of the Parks.

The House would observe that the order was limited to Sundays, and yet the police, professedly acting in obedience to the order, put down the last meeting, which was held on Saturday. The terms of the order moreover allowed individual constables to put such a construction upon them as they thought likely to be gratifying to their superiors. He trusted that the House would agree that the Chief Commissioner of Police, intrusted with the duty of carrying out the laws for the benefit of the subject, had set an example of the most glaring and flagrant illegality. The right hon. Gentleman had said that if any person was aggrieved he had the remedy in his own hands, as he could prosecute the police-constable for assault, but that proceeding had been anticipated and provided against by Sir Richard Mayne. The 10th paragraph of instructions ran thus—

> "It is desirable to avoid taking persons into custody, either for addressing meetings or for joining one which is prohibited."

Nothing could be more astute than that direction. [Sir GEORGE GREY: Read the whole paragraph.] He had read the whole paragraph. He wanted to know what business Sir Richard Mayne had to interfere with any person unless he took him into custody, and thus gave him an opportunity of questioning the legality of the act. The other paragraphs of that remarkable order of Sir Richard Mayne were directed to the instruction of the police how to prevent public meetings, and that it was which gave significance to the tenth paragraph, which prevented any person aggrieved from testing the legality of the acts of the police. By the last paragraph, the police were

> "Specially cautioned not to notice any offensive or angry language used towards them; if required to interfere they are to do so with the necessary vigour to effect the object, but to show great forbearance towards all not actually engaged in the commission of illegal acts."

Thus Sir Richard Mayne was pleased to say that any person not committing an illegal act was to be treated with forbearance. It was well to recollect who were the persons to whom the carrying out of these orders was intrusted. He could speak from his own personal knowledge, being connected with a society comprising Members of the other House of Parliament, whose attention had been attracted to the conduct of the police, and he could say that their conduct was not satisfactory. But he would cite better authority. Mr. Selfe, a well-known metropolitan magistrate, referring to a case which came before him, said the police sergeant had been too officious. He had seen so many cases of similar misconduct that he intended to keep a record of all such cases, and upon another occasion the same magistrate said that, speaking generally, it would be well if constables were not so officious, and were to refrain from ill using persons. And yet these were the constables who were justified by the right hon. Gentleman for applying an order made to prevent meetings on Sundays to a meeting held on a Saturday. Mr. Yardley, also a magistrate, said, day after day persons were brought before him who ought never to have been taken into custody. A still higher authority, Mr. Baron Bramwell, said, in relation to a case tried before him, that the police were a stupid set of men. In conclusion, he hoped the right hon. Gentleman would give some explanation how it was that he justified orders which indicated an assumption of authority on the part of the police which was dangerous to the liberty of the subject, and was calculated to bring the law and the administration of justice into contempt.

MR. AYRTON said, he wished to call the attention of the right hon. Gentleman to the inconvenience which was caused to the people of the metropolis by the course he, on behalf of the Government, had pursued upon the Question. His hon. Friend who had called attention to the subject had done so, perhaps, not in a very lucid manner, so that its real importance might not be apparent to hon. Gentlemen. It really was a serious Question, what were the precise rights of the people in the parks of this metropolis, as great inconvenience had resulted from the people being left by the Government under a misconception upon that point. It was the duty of the Government upon a Question of the kind to state clearly and distinctly what were their views, so that the people ought to be under no misapprehension as to their rights in the parks. It was not for him to suggest what those rights were, but for the Government to state what authority they claimed over the parks and over the people who went into them for any purpose. Would the right hon. Baronet explain whether the public had a right to go into the parks and to assemble there to discuss any public question. It could not be allowed that it should be left to Sir Richard Mayne or to any subordinate person to say that people should assemble for one purpose but not for another—that 50,000 persons might assemble on Primrose Hill to plant a tree in honour of Shakespeare, but that they should not assemble there to express an opinion about Garibaldi. There must be some principle governing all meetings, but if there was to be a discretion, it must be intrusted to some other authority than Sir Richard Mayne. He wanted to know in whom that discretion was vested. Was it in the Home Secretary or in the Chief Commissioner of Works? A capricious application of the rule made for Sunday meetings to Saturday meetings left the Question in a position which involved danger to the peace of the metropolis.

SIR GEORGE GREY: Sir, I am glad to have an opportunity of stating what I believe to be the right of the people to the parks. Before I do so, however, I wish to advert to what has fallen from the hon. Member for Peterborough. He has raised two questions—the right of the public generally to assemble in the parks for all purposes, and he has questioned the expediency, and even the legality, of the notice issued in 1862 upon that subject, and the instructions given by the Chief Commissioner for the guidance of the police. He has also raised what I may call a minor question, as to the expediency or legality of interfering with the meeting which was recently held on Primrose Hill. The hon. Gentleman says he has looked through the Police Acts, and in vain endeavoured to find the authority under which Sir Richard Mayne interferes, as he has done, with the people in the parks. But the authority is not contained in the Police Acts at all. The order was issued in October, 1862, and was caused by the riotous assemblies which had then recently taken place in the parks. The Police Acts confer no such authority as the hon. Gentleman referred to on Sir Richard Mayne. But the parks are Royal parks. They are the property of the Crown; and through the liberality and munificence of the Crown, with the desire that the public shall have the enjoyment of the parks, they have been dedicated to the public use—to the use of all classes in the metropolis, and of persons coming to visit the metropolis, subject to certain restrictions and conditions, which are essential to the objects for which the parks have thus been thrown open. The Crown, therefore, has the right to issue regulations with regard to the manner in which the parks are to be used by the public, and the enforcement of these regulations is not left to the mere discretion of the police, but to the Commissioner of Police and the force under his command, acting under the instructions of the Secretary of State. [MR. WHALLEY: That is not stated in the order.] That is true, but it is not necessary for the validity of such an order that the authority under which it is made should be stated in it. Really I was not aware that any doubt existed on the subject. I thought it was universally known that the parks were Crown property. Intimations to that effect may be seen constantly exhibited on the park gates, giving notice to all the world that there are certain regulations under which the parks are to be used. The notice issued in October, 1862, although signed by Sir Richard Mayne, was given by the direct authority of myself, as Secretary of State, consequent upon the riotous proceedings which took place at that time, and which were the subject of very general and very just complaint. I am entirely responsible for it. The order referred to Sunday meetings, and distinctly stated that they could not be allowed, because they were utterly inconsistent with the objects for which the parks had been dedicated to the use of the public. The hon. Gentleman said there was a gross mistake in that notice. He said that the persons who came there were peaceably disposed, but others came not so disposed, and actual conflict took place in the park on two or three successive Sundays. Persons came there armed with sticks and stones, and it was absolutely necessary for public order and for the sake of those who used the parks, that such riotous proceedings should be put a stop to, and Sir Richard Mayne gave instructions to the police to give effect to the terms of that notice. These meetings had been held on Sunday, and he limited his instructions to Sunday because on Sunday only had the objectionable proceedings arisen; but the terms of the notice were general, warning the public against such meetings at any time. The hon. Member complains of the terms in which the order was issued, and he is extremely indignant that constables are told not to take people into custody or take notice of any offensive language, but to show great forbearance, because by such conduct persons are deprived of any ground of complaint before a magistrate. Then he complains of the conduct of the police, and quotes remarks made by magistrates with reference to individual cases brought before them, and not with reference to the general conduct of the force. I am very glad to find the hon. Gentleman has no new complaint to make of the conduct of the police since last year, for the passages he has read from Mr. Selfe and other magistrates were all published and circulated last year by the society with which the hon. Gentleman says he is connected. I have already answered the question as to the authority under which public meetings are prohibited in the parks. As to the expediency of that prohibition, I will not now enter into any argument; I will only say that I believe it to be conducive to the public interests, and the enjoyment of all persons making use of the parks, that they should not be used for holding such meetings. With regard to Primrose Hill, although not specially alluded to, I may say that it does not stand on the same footing as the other Royal parks, but it is placed by Act of Parliament under the express authority of the Chief Commissioner of Public Works, and under special directions it also is dedicated to the public. It became necessary, therefore, when a tree was to be planted to the memory of Shakespeare, to make application to my right hon. Friend for leave to assemble a large body of people there. On that occasion leave was readily conceded. Then I come to the other case—namely, the meeting to discuss the departure of General Garibaldi. The hon. Gentleman says I justified it with reference to the instructions given in October, 1862. Neither the Secretary of State, nor the Commissioner of Works, nor the Chief Commissioner of Police, gave any directions to the police to interfere with that meeting. I regretted that interference, but I said I believed the Superintendent of Police on the spot conceived that he was acting in the spirit of the notice of October, 1862, prohibiting meetings of an exciting character in the parks. So far from justifying interference, I expressed my regret, and the Chief Commissioner of Police himself intimated to the superintendent on duty there that he had exceeded his duty in interfering with that meeting, and that he ought not to have done so without special instructions. No injury was inflicted on any person, and it is not likely, after the notice Sir Richard Mayne had taken of the proceedings, that any such interference will again occur. I have, I think, answered the question of the hon. Gentleman—Sir Richard Mayne has no authority on these matters. It is the Secretary of State and the Chief Commissioner of Works who have the authority, and we are entirely responsible for what we have done.

MR. NEATE said, he wished to know, if it were desired to hold a peaceful meeting on Primrose Hill, to take into consideration the rejection of the £6 franchise by that House, whether permission would be given for such a purpose?

SIR GEORGE GREY: The best answer I can give to that question is to state, that when a request was made subsequently to my right hon. Friend to hold a meeting on Primrose Hill, anticipating that it would be a peaceful meeting—and it turned out a very small as well as a peaceful one—permission was given.

MR. WHITESIDE said, he would venture to suggest if another meeting should be held to discuss the departure of Garibaldi it should be held before Sutherland House.

Mr. F. S. POWELL observed, that it was the custom of the Government to make a statement on introducing the Army and Navy Estimates, but not the Miscellaneous, or Civil Service, or Supplemental Votes. He wished, therefore, to ask the First Commissioner of Works whether he was prepared to make a statement with reference to the plans of the National Gallery and the result of the negotiations with the Royal Academy, and whether he would allow full time for consideration after the statement so made, before the House was asked to vote money in pursuance of it?

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

SUPPLY.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

PUBLIC AND REFRESHMENT HOUSES (METROPOLIS) BILL—[Bill 92.]

SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read a second time."—(*Sir George Grey.*)

Sir GEORGE GREY, in moving the second reading of the Bill, said, the measure proposed that the class of houses to which it referred should be closed during the hours between one and four o'clock in the morning. Since the Bill had been printed and circulated, the licensed victuallers of the metropolis, whom it chiefly concerned, had held a meeting, and passed resolutions entirely concurring in its object, believing it would be conducive to public morality and not prejudicial to their interests. They and the refreshment housekeepers had made some suggestions as to certain exceptions being made in the case of houses which were licensed for musical and other entertainments. It was desired that there should be a power of granting an occasional licence for such places to be kept open beyond one o'clock; and he should endeavour to prepare a clause for that purpose. He wished also to amend the Bill by including the City of London within its operation, because, though geographically within the metropolitan district, the City was not technically within it.

Motion *agreed to.*

Bill read 2°, and *committed* for *Monday,* 6th June.

JURIES IN CRIMINAL CASES BILL.

On Motion of Sir Colman O'Loghlen, Bill to regulate and amend the Law in relation to the keeping together and discharge of Juries in Criminal Cases, *ordered* to be brought in by Sir Colman O'Loghlen and Mr. Longfield.

Bill *presented,* and read 1°. [Bill 120.]

PETTY OFFENCES LAW AMENDMENT BILL.

On Motion of Mr. Whalley, Bill to amend the Law as regards persons charged with Petty Offences, and to enable such persons, and their wives or husbands, to give evidence, *ordered* to be brought in by Mr. Whalley and Mr. M'Mahon.

Bill *presented,* and read 1°. [Bill 121.]

COURT OF QUEEN'S BENCH (IRELAND) BILL.

On Motion of Mr. Attorney General for Ireland, Bill to amend the practice and procedure at the Crown side of the Court of Queen's Bench in Ireland, *ordered* to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel.

Bill *presented,* and read 1°. [Bill 123.]

MARRIED WOMEN'S ACKNOWLEDGMENTS BILL.

On Motion of Mr. Attorney General for Ireland, Bill to facilitate the taking of Acknowledgments of Married Women in England and Ireland, *ordered* to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel.

Bill *presented,* and read 1°. [Bill 122.]

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 30, 1864.

MINUTES.]—Public Bills—*First Reading—* Public Schools (No. 100); Chain Cables and Anchors* (No. 101); Union Assessment Committee Act Amendment* (No. 102).

Select Committee— Scottish Episcopal Clergy Disabilities Removal* (No. 79), *nominated.*

Committee — Local Government Supplemental* (No. 71); Divorce and Matrimonial Causes Amendment* (No. 75).

PUBLIC SCHOOLS BILL—[H.L.]

FIRST READING.

The Earl of CLARENDON *presented* a Bill for annexing certain Conditions to the Appointment of Persons to offices in the governing Bodies of certain Public Schools and Colleges.

Earl STANHOPE said, it was quite proper that no new vested interests should be created until Parliament had expressed its opinion; but his object in rising was to state that it would be desirable to renew the discussion respecting public schools upon the second reading of the Bill now introduced, inasmuch as the discussion on Friday evening was arrested by the indisposition of a noble Lord who had intended to take part in it.

Bill read 1^a; to be *printed;* and to be read 2^a on *Monday* next. (No. 100.)

VACCINATION.—QUESTION.

Lord LYTTELTON wished to ask the President of the Council a Question of which he had given him private notice, respecting the intentions of the Government in order to secure the more effectual enforcement of vaccination. The Returns of the Registrar General showed a large amount of preventible disease and of deaths from small-pox, and it was very desirable that something should be done.

The Earl of SHAFTESBURY said, the subject was one which eminently deserved the consideration of the Government. He would beg to read to their Lordships an extract from the report of the Epidemiological Society—

> "3,240 persons die, on an average, every year in England from small-pox. In the metropolis alone the average annual mortality from this disease exceeds 700. At epidemic periods the mortality assumes much higher proportions, and in the epidemic which ravaged London last year and has not yet quite ended, nearly 2,500 lives have already been sacrificed. . . Nothing can be more certain than that, if all were thoroughly well vaccinated in early infancy, small-pox might be nearly banished from our death registers. But it should be emphatically stated that this cannot be accomplished by the mere extension of vaccination, unless means be taken at the same time to secure the more complete and effectual performance of the operation. . . It appears to the Committee very inexpedient that the control of public vaccination should be vested in two distinct Government Boards, and they are of opinion that the powers now exercised by the Poor Law Board should be transferred to the Privy Council."

Earl GRANVILLE stated, that the matter had been under the consideration of the Government. There were only two ways of effecting the object, either by the adoption of more compulsory means, or by higher payments in some shape or other. Her Majesty's Government had come to the conclusion that the first alternative was not desirable, and he believed that this was also the opinion of the Epidemiological Society. There was hardly sufficient information to justify the Government in paying more of the public money without further inquiry. He (Earl Granville) suggested that Lord Lyttelton should bring in a Bill, and that that Bill should be referred to a Select Committee of the House.

Earl Stanhope

NEW ZEALAND.—QUESTION.

Lord LYTTELTON, in rising to ask the intention of Her Majesty's Government with respect to a loan for which the New Zealand Government had requested the guarantee of this country, and to call the attention of the House to the present state of the Native question in New Zealand, said, that he should also include in his Motion a question upon the Suppression of Rebellion Bill, an important Act which had been passed by the New Zealeand Legislature. He believed that it could not be said that since he brought the latter subject before the House a year ago, or since it was introduced three years ago by his noble Friend on the cross-benches (Earl Grey), just before Governor Sir George Grey had undertaken the management of the colony for the second time, any improvement had taken place in the condition of the Native population of New Zealand. So far from that being the case, the Natives had, on the contrary, deteriorated, numerically, socially, and religiously. It was to be very much doubted if they were half as numerous at the present time as they were some years ago, or if their number now exceeded 50,000, and this, too, had occurred in spite of the cessation of internal warfare. In a blue-book published on the affairs of New Zealand, he found the following description of the social state of the Native population by Mr. Gorst, then resident among the Waikato Tribes:—

> "Persons long resident in this district inform me that the Natives have steadily grown poorer since the 'King movement' commenced. However this may be, the fact and the cause of their present poverty are plain enough. A great many of the European traders have either left the district or ceased to trade; those who remain are unanimous in declaring that for £100 they took formerly they do not take £10 now. The Natives in this neighbourhood, once the greatest wheat-growing district in the Waikato, are now planting scarcely any wheat; they have sold nearly all their horses and cattle, and most of their pigs; their houses have fallen into ruin; their clothes are ragged; their mills, ploughs, and thrashing machines are left to go to decay, while the owners are travelling about to 'huis' and 'tangis,' or spending their days in sitting watching a boundary line that they may pounce upon stray cattle. In the coming winter there will probably be serious scarcity of food. At Peria, in November last, William Thompson and his tribe were living exclusively on fern root; they are the most generous and hospitable of Natives, but at that time they had not a pig or a potato either for themselves or their guests."

Archdeacon Hare had said forty years ago that it was possible at some far distant time that the proudest memorial of this country might be found in the Christian empire of New Zealand, and since that time greater success had in that country attended missionary efforts than in probably any other part of our dominions. But now, he regretted to find that in a letter published in *The Times* not long ago, Bishop Selwyn had stated that the Natives were decaying both in morality and religion. His noble Friend upon the cross-benches (Earl Grey) when he brought forward this subject upon a former occasion made two recommendations. One of those recommendations was to take back the power of control over native affairs from the Colonists into the hands of the Crown. The noble Lord (Lord Lyveden) opposed that proposition, which indeed he (Lord Lyttelton) did not think would have been justified by the circumstances of the case; nor did he believe that his noble Friend would now venture seriously to propose such a course. Whatever misfortunes had occurred, they were not owing, he believed, to the establishment of a constitutional Government in New Zealand. And it was at all events impossible that such a course could be adopted; there was no instance where self-government once conferred upon a colony had been taken away. The other suggestion of his noble Friend was adopted, and Sir George Grey, who had distinguished himself as a colonial Governor in South Australia and New Zealand, had been again sent to New Zealand as Governor. For his own part he had never been able to participate in the sanguine hopes entertained as to the results of that appointment, and certainly not much had been done as yet to justify the expectation. A mere change of Government in itself produced a bad effect upon the minds of the Natives, as anything like vacillation or hesitation excited an unsatisfactory state of feeling among them. It was true that it was hard to say what more than he had done, Sir George Grey could do, but even the noble Earl must admit that as yet but little benefit had accrued from the change of Governors. Indeed, as to the proximate cause of the last war, Sir George Grey had admitted that it must be traced to an error of his own, and if the Governor had restored to the Natives some land which had been taken from them, simultaneously with the re-occupation of some land of ours, it was very possible that the war would have been for a time averted. But he did not blame the Government for that not having been done, because whatever might have been the cause of the war, it was impossible in the then excited state of the Native mind that an outbreak could long have been delayed. With respect to the manner in which the war had been carried on he should not trouble the House with many remarks, as he believed that upon the whole the war had been conducted in a proper spirit. He had some doubts about the propriety of some proceedings, especially as to the eviction from some villages near Auckland of a number of infirm and aged Natives; but there was at the time a feeling of alarm for the safety of Auckland which explained that proceeding. The cause of the war was very simple. We had not governed the Natives in any way as we were solemnly bound to do. It was said that the Natives now in arms against us were rebels; and no doubt they were so—but the term rebel must be applied to them with considerable leniency. The chiefs of New Zealand were originally independent. If the Treaty of Waitangi had been signed by a majority of the chiefs of the Northern Island the opposition of the minority could have been passed over; but of the great tribe of the Waikatos hardly one chief signed the treaty. What we had undertaken to do for the Natives was briefly stated by Sir William Martin—

> "It is plain that the framers of the treaty desired to bring all the Natives into the position of subjects of the Crown; but it is not to be conceived that they contemplated the introduction at once among the New Zealanders of the minute and technical terms of English law; they regarded only the substance of the law—the substantial fruits of settled Government—legal protection for life, legal protection for property."

That we had not given them. The papers before the House proved that Governor Browne, too much supported in that view by the Home Government, took no cognizance of local disputes or quarrels among the Natives themselves. We had destroyed the kind of local administration which they had possessed, and we had given them nothing in its place. What was chiefly wanted was a good system of police. Unless there was an efficient system of police to administer the law, whatever the law might be it would be ineffectual. With reference to the Colonial Department at home, the papers before the House contained a despatch from the noble Duke who lately held the seals of the

Colonial Office—and he could not mention his name without expressing the regret which every Member of their Lordships' House felt for, he feared, the more than temporary loss which the public service of the country had sustained in him. No one could be treated with more kindness and courtesy than he had received from his noble Friend, on which account he felt bound to say this. Yet he could not but regret that the long report which had been forwarded to him had been acknowledged without any suggestions whatever, contrary to his own views as stated in a recent speech, that the chief function now of the Colonial Office was to give advice. He could not help repeating the suggestion he had formerly made, that they should throw on the colony of New Zealand the cost of their wars. The present war would cost a great deal more than £1,000,000, which was to be allowed by the Government; and it was a monstrous thing that the people of a colony should be able to carry on unlimited wars in a great measure at the expense of the mother country. To the outlying settlers in the wild regions around Auckland this war was no doubt a very serious calamity; but the shopkeepers and contractors of that town, so long as they had British troops to defend them, paid for by this country, had the most direct interest in its continuance. In fact, the Commissariat expenses in Auckland were the main support of the business of that place. Adverting to the despatch which had been sent out by the right hon. Gentleman the Secretary of State (Mr. Cardwell), he must say for himself that he thought the Government were right in promising to see the colonists through this war if they applied themselves fairly to bring it to a conclusion; but he did think that a day ought to be fixed beyond which not a single farthing of expense should be thrown on this country, for the purpose of carrying on the internal wars of New Zealand. He did not go so far as to say that we ought not to furnish them with any troops, but he was clearly of opinion that we ought not to pay for their support. With regard to the measures which had been sent home for confirmation by the Government, there was, first of all, the Suppression of the Rebellion Act. That was a very serious measure. It was unlimited in its operations, and might place under martial law even his own colony of Canterbury. He should be glad to know what notice the Government had taken of that Bill, and whether they had given it their sanction. There was another Act, commonly called the Confiscation Act, under which the lands of Natives having been engaged in any act of rebellion since January 1, 1863, were to be confiscated. The Secretary of State appeared to think there were legal doubts as to the power of the colonial Parliament to pass that measure, and he should be glad to know whether that point had been settled by reference to the Law Advisers of the Crown. There were, certainly, objections to the Act, many of which were well pointed out by the Secretary of State. As to the disaffected Natives, would not the depriving them of all their lands drive them to despair? And, with regard to the friendly Natives, did not the Treaty of Waitangi give them absolute power over their own lands, declaring that no authority should interfere with their land without their consent? Besides, the project of inviting no less than 20,000 new settlers into the northern province of New Zealand was more than questionable; English emigration could not be carried on to that extent, and it was to be feared the effect would be to introduce an inferior population from Australia and elsewhere. It would also have the effect of disturbing the political proportions of the provinces, unless the seat of Government were to be removed from the northern extremity to a more central part of the colony. He confessed he should not regret if the Government had come to the determination to disallow the Confiscation Act altogether. The making of military roads through the disturbed districts, though a slower, would in the long run be as effectual a proceeding as the other measure, and would not be attended with such inconveniences. That measure, coupled after the cessation of the war with a policy of justice and fairness towards the Natives, would, he believed, give hope of a better state of things for the future. At the same time, he was not prepared to condemn what had been done by the Government; and if the present hostilities could be brought to a termination, and if the expense of future wars of that kind were thrown upon the colony of New Zealand itself, that, together with the adoption of an improved policy towards the Natives, would, he trusted, prevent the recurrence of the evils which they had lately had to deplore. He now wished to ask Her Majesty's Government, What they had done with regard to the Suppression of the Rebellion Bill, and whether they thought the passing of that and the accompanying Bill was within the competence of the New Zealand Legislature? With regard to the Loan Bill, he was glad to see that the Government had not consented to the guarantee, as far as concerned the proposed confiscation.

EARL GRANVILLE said, that the Question to which the noble Lord had called attention was one of the greatest importance, and also one of the greatest difficulty. Indeed, the best mode of conducting relations with the aborigines was one of the most difficult problems of Colonial Government, and there could be no doubt that our relations with the Natives of New Zealand were in a most unsatisfactory state. With respect to the commencement of the present war, there was no doubt that, whatever course might have then been taken, the minds of the Natives were in such a state that it would have been impossible to avert the outbreak, and that outbreak had been commenced by a violent outrage on the part of the Natives. He thought that, under the trying circumstances of the war, the government of Sir George Grey was entitled to the highest praise, and he was sure that the House would admit that, as far as the exertions both of our naval and military forces in New Zealand were concerned, nothing could have been more decisive and satisfactory, or at the same time more humane, than the manner in which the operations had been carried on. He agreed with the noble Lord to a great extent in what he had said as to calling upon the colonial community to pay the expenses resulting from their own policy, and to defray the cost of wars that were not Imperial but colonial in their character. With respect to the establishment of a European police in the Native districts, the practical difficulty arose from the anomalous position of the Native chiefs, who were undoubtedly subjects of the Queen, and yet retained some portion of their own forms of Government. Some further action on the part of the Government might be desirable, but the matter was one requiring great consideration before a decision was come to upon it. As to the formation of military roads, that was no doubt a suggestion which deserved attention. But it was quite clear that at the present moment the great thing to be desired was to put an end to the war, completely to assert our authority over the Maories, and then immediately to set to work upon the adoption of a healing policy, conceived in a spirit of fairness towards the English colonists, and also of justice and forbearance towards the Natives. The noble Lord asked what course the Government had taken with regard to the Suppression of the Rebellion Bill. When the Bill reached this country it was referred to the Law Officers of the Crown, who gave their opinion that it was not *ultra vires*. With respect to the grant of a general amnesty, it was most undesirable to take any step which might weaken the authority of the Colonial Government, or interfere with its responsibility.

LORD LYVEDEN thought the state of affairs in New Zealand was such as to justify some decisive measures. In the history of that colony, from its first administration, they had an example of every species of colonial misgovernment. It was seized in a hurried manner, and then first settled by a company, one of the most reckless and unscrupulous societies that he ever came across, whose only object was to wheedle emigrants and to seize the land of the Natives. For this purpose one of them told him they had applied for a "Bishop," as they thought it would "take." Continual wars soon arose between the settlers and the Natives; and the missionaries also acted with much indiscretion. The disputes were all about land—the only object of those who went to the colony, and the only object for the sake of which the Natives rebelled. That state of things lasted for about twenty years, when the cry arose for representative institutions and responsible government for the colonies; and these concessions could not well have been withheld from New Zealand, and having once been granted could not be withdrawn. The natural consequence of this state of things was, the Maories again broke out into rebellion. General Cameron and other officers were intrusted with the conduct of the war, and now the Colonial Legislature had passed a series of measures, one of which was the Confiscation Bill—a Bill for the Confiscation of all the lands of the rebellious Natives. The only argument used in justification of this sweeping measure was that it was no more than the Natives expected, because in their tribal disputes the conquered tribe lost its land. The whole land question was admirably stated by Sir William Martin in a paper recently presented to their Lordships. It appeared that the Natives had lost all confidence in the English authorities, and no longer put faith in their promises. How were things to be set right? He was afraid that the extermination of the Natives would be the ultimate result. Such had been the case wherever the Anglo-Saxons had been brought into contact with savage races. Such had been the result in Australia, and the same result was in course of accomplishment in New Zealand, where, however, they were a more intelligent and active race; and this being so, our object should be to soften the fate of the Natives as much as possible. It could not be expected that the Natives should have any kindly feeling towards the colonists—they had dispossessed them of their land, and they would never forgive them. Their position had been well likened by Sir William Martin to that of the native Irish, and to the Native races of other conquered countries—the conquered race never forgot or forgave their conquerors, and maintained a traditional and determined hostility towards them. His own impression was that, as matters now stood, there were only two courses open to us. One was to allow the Natives to establish a kingdom of their own in some part of New Zealand and to set aside the sovereignty of the Queen; and the other was to confiscate all the remaining land in their possession. The latter was the object of the Bill for which the Royal Assent was now sought. He approved the suggestion of the Colonial Secretary that the operation of the Act should be limited to two years; but, at the same time, he felt quite certain that it would be continued beyond that period. Some resolute action should at once be taken on the part of the Colonial Office to prevent the mother country becoming responsible for the cost of future wars. As long as the settlers imagined that the Imperial purse was open to them, they would readily engage in war with the aborigines. He trusted, therefore, that the Colonial Secretary would not carry into effect any scheme for guaranteeing a loan for the colony. The difference to the colonists of a guarantee would not be more than 1 per cent; but, on the other hand, a guarantee would induce them to believe that we intended to support and favour them in every possible way, and there would be no end to wars with the Natives. New Zealand possessed representative institutions, and it ought to defray its own charges. Further aid and encouragement from the mother country, while doing no good to the Natives, but rather hastening their destruction, would eventually prove injurious to the colonists themselves.

THE EARL OF CLANCARTY: My Lords, I have listened with much interest to the speech of the noble Lord who commenced this discussion, and to what has fallen from the noble Lords that followed him, and I concur with them in deploring the state of things that now exists in New Zealand. It is plain that the policy that has been pursued towards the Natives has rendered the question of the manner in which the future Government of that colony is to be conducted one of great difficulty. I had not the advantage of hearing clearly the speech of the noble Earl the President of the Council, in consequence of the low and colloquial tone in which he addressed himself rather to the noble Lord whom he was answering than to the House; but I presume the views of the Secretary of State for the Colonial Department, so ably expressed in his despatch of the 26th of April, as to the impolicy of one of the Bills sent hither for the Royal Assent, entitled the New Zealand Settlement Act, 1863, may be considered as the views of the Government upon the subject. In the objections Mr. Cardwell has pointed out as condemnatory of the policy proposed to be pursued under that Act, I most fully concur; but I regret, that in the face of those objections he should have concluded his despatch by conveying the sanction of the Government to the passing of the Bill. The Governor, Sir George Grey, is indeed recommended to act upon it with great caution and forbearance, and great confidence is placed in his judgment and discretion. But, however humanely and wisely the Act may be administered, it will, if it becomes the law of New Zealand, remain for ever as a damning record of confiscation and injustice towards the Natives. The Bill proposes among other things that neutral and even loyal men shall be dispossessed of their property, if others of the same tribe have taken up arms against the Government. Would such a proposition be tolerated for a moment in England as that an estate, held in copartnership, should be wholly confiscated, because one or more of the proprietors had been guilty of high treason? Certainly not; and yet the case is exactly analogous. What hope could we have then that the New Zealanders, whose views of right and wrong are quite as clear as our own, should ever become reconciled to a Government so regardless of justice? It is, moreover, very questionable whether those that have been, and may still be, in arms against the Colonial Government, can properly be designated as rebels; they are, I believe, more correctly noticed in Mr. Cardwell's despatch as insurgents, for whatever outrages may be laid to their charge they have ever been in retaliation for wrong, they have never been the aggressors in any war; and in the present case they have risen in insurrection against what they, with some reason, regarded as an invasion of their just rights, the tribal rights that had been secured to them. If the rights of Englishmen had been similarly assailed, our past history warrants me in saying they would have been similarly defended; and is it any wonder that a brave, though a savage nation, should take up arms in their own defence? Subjects of the Crown they could hardly be considered when, as testified by Sir William Martin, late Chief Justice of New Zealand, in his very interesting and instructive paper on the relation of the Government to the Native population, the Queen's authority has never at any time been established over them, or exercised, except for the protection of the settlers; and it is totally contrary to the principle of constitutional Government to expect that the Natives should have respect for laws passed by a Legislature in which the settlers alone are represented. The grasping and unscrupulous spirit of the New Zealand Government, so constituted, may be gathered from the Bills now sent over for approval. What hope, I would ask, can there be of ever attaching the New Zealanders to British rule, if the proposed Act for territorial confiscation be carried into effect? The consequence of it must be a perpetual conflict between the settlers and Natives until the latter are exterminated. I hope that the disgrace of sanctioning such a policy may not be incurred. If the power of England is to be exercised for the civilization and improvement of the savage races, it must ever be directed by a strict regard for justice and good faith, for thus only can a beneficial influence be established. This rule, unhappily, has not been followed, and it will be difficult to restore confidence between Natives and settlers and to repair the mischiefs of mis-government. I do not say that the Islands have derived no benefits under the Sovereignty of the British Crown. Through the enterprise of the colonists many substantial improvements have been made; European seeds and animals of various kinds, and farming implements have been sent out, whereby the value of the land has been greatly enhanced and its capabilities exhibited; but all this must of necessity have increased the reluctance of the Natives to part with it. It is true also that, through the agency of English missionaries, the inestimable boon of Christianity has been extended to the New Zealander; but this has only rendered it the more incumbent on the Colonial Government, in all its relations with the Native population, to exemplify the spirit of Christianity, and not to mar a good work by wrong or injustice. The papers that have been laid upon the table, especially the admirable and candid review by Sir William Martin of our past and present relations with New Zealand, are, unhappily, a confession that the conduct of the British settlers and of the Colonial Government towards the Natives has not been such as to gain their respect, or to warrant any claim to their confidence; but they are also suggestive of a course of policy by which disaffection may be subdued, the true interests of the Colony promoted, and the Queen's subjects of different races ultimately united. Even the Legislative Assembly of New Zealand, composed as it must be of persons little fitted by education to deal with the important interests confided to them, and many of them mere adventurers, unscrupulously eager to get possession of the lands in the hands of the Natives, yet includes some members who raised their voices against the Confiscation Act, now sent hither for the Royal Assent. Surely such men as have had the moral courage to remonstrate against the injustice and rapacity of the majority, and who, in their rejected resolutions, propounded a just and conciliatory policy, are well entitled to have their views considered by the Home Government at this important crisis in the affairs of the colony. It, in fact, depends upon the course of policy now to be determined on by Her Majesty's Government, whether the Natives of New Zealand shall have justice done to them and become incorporated with equal rights and privileges with the rest of the Queen's subjects, or whether a brave nation shall be doomed to extermination.

EARL GREY said, this was a very serious and painful question. Very disastrous events had taken place in New Zealand. One of its most flourishing settlements had been ruined, an immense amount of property had been destroyed; there had been a frightful expenditure of life and treasure, and a war, which promised to become one of extermination, was now raging between the original inhabitants and the settlers. It behoved their Lordships to consider how it was that the present state of things had arisen. Ten years ago the colony was enjoying the utmost prosperity. The Native inhabitants were then contented and loyal subjects of Her Majesty; education and religion had been widely spread among them, and were daily becoming more general. They were advancing in all the arts of civilization; and the settlers were becoming more and more intimately acquainted with them. Friendly relations subsisted between the two races; and through the united exertions of both the colony was making great progress. Now, to what was it that the lamentable change that had occurred was attributable? With the view of explaining the causes of the unhappy contrast presented by the present and the former state of things, he would briefly review some of the chief events in the history of New Zealand. It had been justly said that the colonization of that country had been begun in a most irregular manner. It was notorious that the Governments of a former day were extremely anxious to prevent British subjects from settling there, but that was found to be impossible; and during the Administration of Lord Melbourne the first steps were taken for establishing our authority in those Islands. But the difficulty which had from the first existed with regard to land soon grew to be serious, and ultimately a war broke out between the settlers and the Natives. At that critical time the noble Earl behind him (the Earl of Derby), then the Secretary of State, took the wise and certainly the most successful measure of sending out Sir George Grey, then the Governor of South Australia, who with the assistance of a not very large military force suppressed the rebellion. In August, 1847, the last sparks of the insurrection were extinguished, and tranquillity was restored. It had been intended to establish representative institutions in New Zealand, and an Act of Parliament had been passed for that purpose in 1846; but Sir George Grey was of opinion that this step had been prematurely taken, considering the excitement caused by the war, and he recommended that the proposed change in the form of government should be deferred. That advice was taken, and it was his (Earl Grey's) duty to submit to their Lordships a Bill suspending the measure for the adoption of representative government in New Zealand, which was passed in both Houses without opposition. That Bill vested considerable powers in the hands of the Governor; and it was to the fair and impartial exercise of those powers in regard both to Maories and settlers, that the happy state of the colony between 1847 and 1855 was due. The country was prosperous in almost every respect. Even the decrease of the Native population which had given rise to a good deal of anxiety ceased, and the natural increase seemed to be again beginning. Unfortunately, it was supposed that the welfare of the colony now rested on so secure a foundation that considerable changes might be made, without any danger, in the state of the Government. In 1852, by the advice of Sir George Grey, the design of conferring representative institutions on the colony was resumed, and might probably have been carried into effect with safety and advantage if the change had been made judiciously. Unfortunately, however, a clause was introduced into the Bill which virtually took the Executive power out of the hands of the Crown, by making the Superintendents, who were really Lieutenant Governors of the several provinces into which the colony was divided, elective, instead of being officers appointed by the Crown and removable by the Crown. The Governor could only act through these officers, over whom he could exercise no real control from the tenure by which they held their appointments. The Act of 1852 thus took the Executive power from the hands of the Government, and passed it to the nominees of the settlers. Even that would not, however, have been sufficient to produce the misfortunes which ensued, had it not been subsequently determined, under the Administration of Lord Aberdeen, to establish what was called a responsible Government in New Zealand, which meant that the Governor was to be controlled by Ministers who were responsible to the Colonial Legislature. In theory this form of Colonial Government might be the same as our own constitution, but it was different in practice. The Colonial Legislature was elected by a suffrage which was almost universal, and it was to a body thus constituted that, practically, the administration of the colony was transferred. There was no possibility of constituting in a colony a branch of the Legislature possessing anything like the weight or authority of the House of Lords, nor could the Governor be placed on a level with the Sovereign in this country. Hence generally in the colonies, responsible government meant party government in the hands of a complete democracy, and with no check whatever to any conceivable abuse of their authority by the party for the time being in power. He was persuaded that in the earlier stages, at all events, of colonies, this system would not be found to work well. This opinion was confirmed by all that had occurred in Australia. But in those colonies this system of Government was, at least, free from the objection of creating a tyranny in the hands of one part of the population over the other, as the Aborigines were there so few in number and so barbarous. But in New Zealand, the Natives were a considerable majority of the population, and were fully capable of understanding the injustice done to them, and yet they were excluded from all share or participation in the government. By an interpretation of the law, which in his own belief was erroneous, the Maories were excluded from sitting in the Assembly, and also from voting in the election of Members; for it was held that land held by a Native carried with it no vote; and therefore the Natives, though some of them were very wealthy, had no votes. Some of the missionaries (if he was correctly informed), suggested that this was unjust, and that provision ought to be made for giving some share in the representation to the Natives; but that proposition was deliberately rejected. The result of this system of government was to hand over the Native population to the unchecked dominion of the white population. What could they expect from such a system? They knew that what took place in Ireland when the Catholics were under the dominion of the Protestants was an opprobium to our history; and in New Zealand it was worse, for there the evils of allowing a minority to govern the majority were aggravated by the contemptuous feeling which Englishmen, especially those of the less educated classes, habitually entertain towards the coloured races, whom they contumeliously describe as "niggers." The oppression of the inferior race was the inevitable result of what was done; and he conceived that the Government which allowed all power to be engrossed by the settlers over the Natives were responsible for the consequences which had ensued, and which were now witnessed. The papers which had been laid before Parliament contained the clearest evidence that the calamities of New Zealand were entirely due to the cause he had described. In 1854, and even so late as the beginning of 1855, the Governor represented the Natives as loyal and attached subjects of the Crown. But responsible Government came into operation in 1855, and towards the close of that year a change had already taken place. The Governor then described the Natives as becoming discontented, suspicious, and alarmed, as well they might be; for, looking at the manner in which they were governed, it was not difficult to find ample cause for distrust and alarm. In the first place, a stop was virtually put to all measures which had been contemplated for their benefit. There was no further extension of schools, or hospitals, or of those improvements which tended gradually to civilize a Native population, and to bring them under a European system of government. Moreover, the New Zealanders found that the persons in whom they confided were deprived of all situations of trust and power, and that other men, with very opposite sentiments, were put in their place. The Governor himself said, in one of his despatches, that there was among the settlers a perfect passion for land, which they were determined to obtain, by fair means, if possible, but, if not, then by foul. These sentiments were expressed by some of the colonial newspapers in terms most calculated to alarm the Maories, who were ready enough to perceive that the persons for whom these newspapers were written, and whose opinions they expressed, had become the virtual rulers of the country. Up to this time the Governor had been endeavouring gradually to extend the exercise of his authority over the Natives for the purpose of maintaining peace and order among them, and the institution of an effective police with this view had been contemplated. But after responsible Government was established, nothing more was done in this direction; and it was one of the just complaints of the Natives, that the Government made no attempt to guard them from the evils of violence and wrong among themselves, and never interfered to prevent crimes, unless Europeans were murdered, or some outrage was committed against white men. Further than this, the misconduct of some European traders in their endeavours to introduce spirits was a great source of disorder. The Natives endeavoured to suppress that cause of evil, but the Ministers who held power under the system of responsible Government counteracted their efforts and prevented them from doing so. It was impossible but that this state of things should produce a very bad feeling, which, no doubt, contributed to cause what was called the "Native King movement." At first, however, there was nothing at all hostile to British rule in that movement: the object of the Natives was only to establish some means of preserving order among themselves, and to create some authority to perform those necessary functions which, so far as they were concerned, had been entirely neglected by the Colonial Government. So completely was this understoood to be the real meaning of the movement, that at first it was rather encouraged than discouraged by the Colonial Government. While things were in this condition, the Colonial Legislature and Government repealed the wholesome law passed by Sir George Grey to restrain the importation of arms and gunpowder for the Natives. Those who had the chief influence in the Assembly carried this measure for the sake of the gain to be made by the trade in arms and ammunition, and this at the very time they were provoking the Maories to war. For the measures of the new Administration soon caused again that jealousy of the Maories on the subject of land, which in the early days of the colony had been the source of so much difficulty. After the war of 1846 the policy of the Government had been successful in appeasing their fears on this subject, and so long as the Natives saw that their interests were really attended to — so long as not only the words but the acts of the Government showed that the Queen's subjects of both races were considered equally entitled to her protection—so long as the Natives were assured that the lands sold by them would be held by the Crown as trustees for the common good of both races, they parted with them without reluctance. Though there might be a difficulty in buying some particular portions of lands, which for particular reasons the Natives were unwilling to dispose of, there was no difficulty in purchasing for almost a nominal price a far larger extent of land than the settlers could possibly occupy with any advantage to themselves. But when nothing was done for their benefit, and they were told that their land would be taken from them by force if they did not part with it willingly—when they came to regard the Government not as their protector, but as pursuing a grasping policy, and caring only for the interests of the colonists—no wonder the feelings of the Natives became changed, and the difficulties in the purchase of land increased. Then the colonial newspapers were found full of insulting expressions towards the Maories for their refusal to sell land, and they were told that, if they did not sell it, it would be taken from them by force. Angry passions were aroused on both sides; and at this point a question arose respecting the sale of a particular block of land, the validity of which was disputed. Among all well-informed and impartial persons there was an unanimous opinion that, to take forcible possession of this land would be an act of the greatest impolicy, as well as injustice; and the present Governor has by further inquiry been so satisfied of the invalidity of the purchase made by his predecessor, that he had by formal proclamation disclaimed the purchase and abandoned the land to the Natives. Doubtful, however, as was the validity of the transaction at the time, it was determined to take forcible possession of the land. The Natives did not proceed to any act of violence, but merely remained in a state of passive resistance in occupation of the land. But, notwithstanding this, the troops were ordered out, and, before a single act of violence was committed by the Maories, a fire from Armstrong guns was opened upon the Native pahs and villages, and possession was taken of the land. Such was the beginning of the war; while the Natives cautiously abstained from the use of arms, the British authorities were the first to employ them to enforce a claim which at the time was doubtful, and has since been admitted to be bad. When we had thus broken the peace he did not deny that, in the course of the war which followed, the Maories committed many acts of unjustifiable violence. Property was destroyed, settlers were murdered, and in some few cases women and children were killed. But, considering that these people had so lately risen from the condition of mere savages, that within a comparatively short period they had practised cannibalism, that their traditions pointed to wars carried on with unsparing ferocity, and considering also what provocation they had received, it was matter of surprise that the war had been carried on with so few atrocities. He feared too that on our side we were not guiltless in this matter. An article quoted from one of the New Zealand papers, *The Southern Cross*, described the surprise of a Native village by a party of irregular troops, who, guided by the sound of the bell which was summoning the Maories to Christian worship, crept up to the place where they were assembling, opened fire without any warning, and killed a considerable number of Natives. Great credit was taken for the fact that, though women and children were mixed up with the men, none were killed; and the spirit in which this article was written, the praise given to those who effected the surprise, for their success in inflicting so heavy a loss upon the Natives, spoke volumes as to the manner in which the war had been carried on. In the present war the British forces had been very much increased. There were 10,000 men of Her Majesty's regular army, with a force of seamen and marines landed by our ships of war, and a large number of colonial militia and volunteers, making fully 20,000 Europeans engaged in this war; while, on the other hand, the Native population had been greatly reduced. It must be admitted that, so far as could be judged from the accounts that had been published, the tactics of General Cameron seemed to have been very able, and that they had been admirably seconded by the force under his command; and by the latest advices it appeared that though the war is by no means over, the strength of the Natives had been broken. Our duty now is to consider what course we should pursue. Two courses were open for our adoption. We could either endeavour to conciliate the Maories, or we could destroy them. We could either take some step to mitigate the severity of the dominion to which the Native population was subjected, or we could leave the Natives to the unchecked control of the settlers—and we all knew how that control had been exercised. It appeared that practically the Government had determined on a policy of unmixed severity and coercion, for he could not discover that any single step had been taken to mitigate the animosity of the Natives. More than that, the New Zealand Legislature had passed three Acts, the very character of which afforded ample indication, if such were needed, of the manner in which the Natives were treated by the settlers. The objections to the Confiscation Act had been ably stated by the Colonial Secretary, who had pointed out the obvious injustice and impolicy of the measure; but it had not been disallowed—only a hope was expressed that Sir George Grey would see that it was carried out in as unobjectionable a manner as possible. Was it right that the Government should allow itself to become a party to such a measure, and that it should lend its soldiers and sailors to the carrying out of its provisions? Ought it not rather to disallow an act which it had pronounced to be so justly deserving of condemnation? The Government, however, preferred to sanction the measure, trusting to the Governor not to allow its provisions to be carried into effect. He maintained that such a course was not fair to Sir George Grey, because they required him to prevent the operation of the Act that had been passed by the New Zealand Legislature on the advice of his Ministers; they required him by his personal vigilance not to allow it to be put in force. They might anticipate the natural result of such a course. The very first time that Sir George Grey might decline to sanction any measure his Ministers proposed to adopt under this law, they would send in their resignation, and he would not find others to take their places. Sir George Grey would find himself absolutely powerless—a mere puppet, in fact, in their hands, for he could not by any possibility help himself. All this time the Government at home would be laying the flattering unction to their soul that they had in no way allowed themselves to become parties to the injustice contemplated by the Act. But, although they declined to assume the direct responsibility themselves, they were virtually intrusting the power to the hands of those by whom they knew it would be employed. With regard to the loan which was proposed, did anybody believe that, in the present state of affairs in New Zealand, the money could be repaid? This consideration would present itself more forcibly when they remembered that it would be employed mainly for the benefit of one portion of the colony —the northern part—to which the difficulties which had arisen were confined. In his opinion, nothing could be more improper than to encourage the colony at the present time in incurring large debts without having any means whatever to discharge them. They should remember that if they allowed a policy to be pursued which would incite the remaining Maori population of New Zealand to destroy the lives and property of the settlers, as far as they possibly could—and this result he regarded as certain to ensue from the sanctioning of this Act—it would be totally impossible for them to avoid protecting the British subjects in the colony. They had already had some experience of that fact. In 1861 he brought this same question before the House, and on that occasion he ventured to use the same arguments as he had employed to-night as to the cause of the war, and the manner in which it had been carried on. He then ventured to predict that unless some more decided policy were adopted, the war would be pursued until the final extinction of the Maories had been nearly or completely effected at the cost of this country. He then recommended that the representative institutions of the colony should be suspended for a time, and that the Government should be vested in Sir George Grey, who should be authorized to treat with the Maories, in order that protection should be secured to the colonists without cruelty or injustice to the Natives. This, however, his noble Friend had declared to be impossible. He had brought forward no arguments to prove this impossibility, and against his mere assertion he (Lord Grey) would appeal to the fact that, in urgent cases, the course he had recommended had been taken by Parliament. In the case of Canada, when a time of difficulty presented itself, representative institutions were suspended, and all power was vested in the hands of the Governor. The extraordinary power vested in him was used by Lord Sydenham with such discretion, that the colony was completely tranquillized, and the Government re-organized in such a manner as to enable Parliament to restore to it representative Government under improved arrangements. He lamented that a similar course had not been followed with respect to New Zealand, for he believed that if similar powers had been intrusted to Sir George Grey a long series of misfortunes might have been prevented. It was quite certain that if the settlers of New Zealand had been made to understand that they could not expect to receive the aid of the Imperial Government unless that Government had the control of affairs, they would have raised no objection. Much of the present difficulty and misfortune had been caused by a too ready adoption of certain plausible theories. It had been said that the colonists ought to defend themselves, and that the Imperial Government ought not to interfere with them at all. The answer to that was simply that such a course was impossible. No Government, no Parliament, could leave British subjects to be destroyed in a contest with savages, and when British settlers and Native races were placed side by side within a limited territory, it was impossible to prevent struggles between them. In such a case, where the aboriginal race was brought into opposition to a highly civilized one, they might be quite assured that the result would be that the Native race would be trodden down and cast into absolute despair, and British soldiers and sailors might be called upon to discharge a duty most repugnant to them—that of assisting in the extermination of a noble and brave people. The Governor ought to be made responsible for the administration of affairs, and he should be assisted by men who should virtually hold their offices during good behaviour, and who should not be liable to lose their places at any moment of popular caprice. He thought this question should be seriously considered by Parliament at once. If Parliament did nothing, but allowed the Acts which had been passed by the Colonial Legislature to come into force, and if British troops were allowed to remain upon a vague assurance that some time or other the burden would cease, the result would be that the Natives would be driven to desperation, and it would be impossible to withdraw our troops from the colony. He thought that Parliament had a just right to complain of the manner in which this subject had been dealt with by the Government. If Her Majesty's Government had been resolved to pursue a policy so full of danger and likely to lead to such serious consequences, it was their duty in some way or other to have submitted the question to the judgment of Parliament. The papers had only been placed in the hands of Members of that House on Saturday last, and no opportunity had been given them to consider the policy of the Government. It was not right that it should be left to an independent Member to submit a Motion in order to elicit the opinion of Parliament on so important a question. It was the duty of the Government to have consulted Parliament, and that might have been done by bringing in at once the Bill which it appeared was to be proposed with a view of guaranteeing a portion of the loan to be raised for New Zealand. The question whether that Bill should be agreed to would raise the whole question of the policy of the Government. It was not reasonable that a measure of such importance should be deferred until the end of the Session. If the Bill were not brought into the House of Commons until June, it could not reach their Lordships' House until the month of July, a period when there was such a pressure of business that they would have no time properly to consider the measure. In conclusion, he would only refer to a recommendation which he had made upon a former occasion, and which had been alluded to by his noble Friend who originated the discussion—namely, that Sir George Grey should be re-appointed as Governor of New Zealand; but at the time he expressly remarked, that to send him there with the limited power with which it was proposed to invest him would be utterly useless, and he would not have the means of doing good.

House adjourned at a quarter before
Eight o'clock, till To-morrow
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 30, 1864.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered*—Coventry Free Grammar School*; Sale of Gas (Scotland)*; Burials Registration *; Church of England Estates*.

First Reading—Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland) * [Bill 125]; Burials Registration * [Bill 126]; Church of England Estates * [Bill 127].

Second Reading—Writs Registration (Scotland) [Bill 84], *Debate adjourned;* Administration of Trusts (Scotland) * [Bill 95]; Banking Copartnerships* [Bill 118]; College of Physicians* [Bill 98].

Select Committee—On Highways Act Amendment * [Bill 113], *nominated* (see p. 881.)

Third Reading — Vacating of Seats (House of Commons) * [Bill 107].

NAVY—THE "RESEARCH."

QUESTION.

SIR FREDERIC SMITH said, he wished to ask the Secretary to the Admiralty, Whether he has received from the Naval Commander-in-Chief at Devonport any official Report of the damage done to the *Research* in the late experiment; and, if so, whether he has any objection to lay it upon the table of the House; and, if he has not received such Report, is it the intention to call for it?

LORD CLARENCE PAGET, in reply, said, he had received a Return of the damage done to the *Research* on the occasion referred to, and, without troubling the House with details, he might state that the repairs of that damage would cost the public £19 in labour and £5 in materials, in all £24. If the hon. Baronet wished to see the details, he should be glad to lay the Return on the table.

ADMIRAL DUNCOMBE said, he wished to know, whether the vessel had not since been taken into dock.

LORD CLARENCE PAGET said, the report was that the vessel was ready to proceed anywhere, and he believed there had been no necessity for taking her into dock.

SIR FREDERIC SMITH said, he would give notice that on Thursday he should move that the Return be laid on the table.

MR. FERRAND said, the noble Lord had not answered the question. Would the Return be produced?

LORD CLARENCE PAGET said, he saw no objection to its being laid on the table.

SUPPLY OF SILVER COIN.

QUESTION.

MR. BAINES said, he wished to ask the Secretary to the Treasury, Whether the Mint are taking any measures to remedy the present deficiency in the supply of silver coin?

MR. PEEL said, in reply, that the Mint had lately been so much occupied by the demand for gold coinage, that some delay had been experienced in the silver coinage, but he hoped that in a very short time the supply of the silver coinage would be equal to the demand.

THE RUSSO-AMERICAN TELEGRAPH.

QUESTION.

MR. WATKINS said, he would beg to ask the Secretary of State for the Colonies, If any application has been made to Her Majesty's Government, or to the local authorities, by or on behalf of Mr. Collins, the Concessionaire of the Russo-American line of Telegraph, intended to pas *viâ* Behring's Straits, for permission to carry a portion of such line through British Columbia; and, if so, whether such permission has been or is proposed to be given?

Mr. CARDWELL said, in reply, that such an application had been made, but it was not only an application to pass through British Columbia, but it was an application for an exclusive privilege. An answer was returned favourable to the right of passage, but disapproving that part of the application which referred to an exclusive privilege.

UNION OF THE BRITISH AMERICAN PROVINCES.—QUESTION.

Mr. HOPWOOD said, he would beg to ask the Secretary of State for the Colonies, If a Union of the three Lower Provinces of North America—Nova Scotia, New Brunswick, and Prince Edward's Island, is in contemplation; and, if so, what is to be the nature of that Union, Federal or Legislative? Also what steps, if any, have been taken by these Provinces towards the Union, and if they have received the approval of Her Majesty's Government?

Mr. CARDWELL replied that the Colonies referred to had passed Resolutions requesting the appointment of delegates by the Governors to consider the expediency of uniting the Colonies referred to by the hon. Member, with the view of placing them under one Legislature and Government; but these delegates had not yet met, and, therefore, the time for the Imperial Government coming to any decision on the matter had not yet arrived.

OFFICIALS IN THE IONIAN ISLANDS.
QUESTION.

Mr. ROEBUCK said, he wished to ask the Secretary of State for the Colonies as to the conduct of the Government with respect to meeting the claims of the Officials in the Ionian Islands. He wished to know, Whether the Government is prepared to secure to those Officials the payment of their Pensions, or whether those Gentlemen are to be thrown helpless upon the tender mercies of a Government which has never yet performed any one of its treaty obligations?

Mr. CARDWELL, in reply, said, his hon. and learned Friend was well aware that these charges had long been paid by the Government of the Ionian Islands, and by the Convention they were made the next charge after the sum charged to the Civil List. The amount was to be paid in half yearly instalments to Her Majesty's Consul at Corfu, and the Government expected that the payments would be made in due course.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE STEAM RAMS.—QUESTION.

Mr. HODGKINSON said, in reference to Mr. Solicitor General's statement in the Court of Exchequer on Thursday last, that the case of "The Attorney General *v.* Laird and Others," relating to the seizure of the Confederate Rams, had been arranged, he would beg to ask Mr. Attorney General, Whether the arrangement alluded to involved the purchase of those Vessels; and, if so, whether only at their fair value, or at some higher price; whether the inducement to the Crown to make such arrangement was a doubt as to the construction and application of the provisions of the Foreign Enlistment Act, with regard to equipping and arming Vessels; whether it was part of the terms of arrangement that the alleged misdemeanour under the seventh section of the Foreign Enlistment Act should be condoned by the Crown, and that no claim for compensation for the seizure should be made by the Defendants; and whether any legislation will be proposed in order to obviate in future the doubts and difficulties attending the construction and enforcing of the Foreign Enlistment Act, and thus prevent the arrangement of the recent case operating as a premium to Ship Builders to speculate on building Vessels of War for belligerents?

The ATTORNEY GENERAL: In answer to the Question of the hon. Gentlemen, it will be necessary for me to make a short statement to the House. The House is probably aware that in the month of September last — some time before the seizure of these vessels—the Government applied to certain persons representing themselves to be the owners of these ships, expressing their willingness, if they were really in the hands of *bonâ fide* owners, to treat for the purchase of them. At that time the overture so made by the Government was entirely ineffectual, and the seizure afterwards took place. No overture of any kind was subsequently made by the Government; but, on the other hand, an offer was made to the Government some time ago, offering the ships in question to the Government at a price named, which in the opinion of the Government did not represent their fair value, but was, in fact, much above their value. That overture was simply and absolutely declined, and no further communications were made having any tendency to lead to an arrangement. The same party—and I may mention his name — M. Bravay — afterwards renewed the application in another form. He stated that as the sum formerly demanded had been deemed extravagant, he was desirous of knowing whether there were any pecuniary terms which the Government, on their part, would be willing to offer by means of which the matter might be brought to an end, it being understood that no admission was to be asked from the one party to the effect that a violation of the law had been committed, or from the other in the contrary sense. Upon that the Admiralty, by the assistance they were able to command, ascertained what in their opinion would be the fair value of the vessels. They named that value, stating that they were prepared, for the reasons assigned, to put an end to the matter on the terms of paying the fair value of the vessels, but not on the terms of paying any other or greater price. That value was very much less than the sum first asked, and very much less than the parties stated they would be able to obtain from other purchasers if they had the command of the vessels. They, however, closed with the offer made by the Government, and on that footing the arrangement was made. The hon. Gentleman further asks whether the inducement to the Crown to make such arrangement was a doubt as to the construction and application of the provisions of the Foreign Enlistment Act with regard to the equipping and arming of vessels. In answer to that question I may say, that the House is perfectly well able to judge what the doubts are which appertain to the subject; but I may, in reference to this particular case, add, that doubts as to the construction of the Act in regard to it had no considerable place in the motives which influenced the Crown to enter into the arrangement to which I have referred. The motives of the advisers of the Crown were rather these — when the question before the Courts was one of fact as well as of law, it would not have been in accordance with the experience of those acquainted with the uncertainty attending the administration of justice to assume with a too absolute confidence that the verdict, however strong the Crown might feel in the goodness of its case, would necessarily be in its favour — more particularly in a matter in which, to say the least of it, political feeling might exercise some influence on the result. The Crown could not, therefore, take it for granted that they would, as a matter of course, be successful. But I am, at the same time, bound to say that it was not any doubt in the mind of the Law Officers of the Crown that they had a good case on which they might hope to succeed, which induced them on their side to enter into this arrangement. Besides the advantage of securing those public objects for which, and not for the sake of inflicting any loss or forfeiture upon individuals, the seizures had been made, these considerations operated on the minds of the advisers of the Crown. In the first place, there certainly had been prevailing considerable uncertainty in the public mind as to the extent to which a subject might go in the way of building or equipping ships for belligerents without infringing the law. It was well known that, before these seizures took place, opinions had been given by which individuals might have been encouraged to believe that they were safe in acting on a view of the law, contrary to that on which the Government might be advised to act. Consequently, there were some grounds for believing it to be possible that British subjects in this country had, or might have, offended against the law under a *bonâ fide* impression that they were not doing so. Then the advisers of the Crown had the case of the *Pampero* in Scotland in view, in which they had recently made arrangements upon the same — as I venture to think it—liberal principle. They had allowed the ship to remain in the hands of the owners, not insisting upon the forfeiture, but upon the terms that security should be given against its belligerent employment. In this particular case, the ships are good ships, which it is worth the while of the nation to possess at their fair and legitimate value. At the same time, it was felt that the possession of the ships by the nation would be more complete and satisfactory security against their employment for belligerent purposes than any other engagement into which it was possible for the parties concerned to be asked to enter. Under these circumstances, the Crown, not caring to make money out of the transaction, or to inflict pecuniary loss on the individuals concerned, its Law Advisers thought they were at liberty to deal with the defendants in this as they had done in the other case. Of course, the House will understand that these defendants throughout insisted, and still insist, that they were guilty of no violation of the law, and no arrangement was made with them which entitles any one to say that they have admitted themselves to be guilty of any such violation. With regard to the next question, my answer is, that no such condonation as that which it indicates was part of the terms of the arrangement. The Crown was not prosecuting for a misdemeanour; it was only proceeding against the ships. As regards the question of the claim for compensation for the seizure, I can only say that it is quite impossible that any such claim can be made, consistently with the footing on which the arrangement has proceeded. I may add, in reply to the last question, that I hope it will not be found necessary to propose any new legislation on the subject. The Government confidently trust that all parties will profit by what has taken place, and that there may be no occasion for further legislation or prosecutions. But, undoubtedly, the Government are as much prepared and determined as ever to maintain the law as they have understood, and as they still understand it to be, if any future infraction of it should be attempted. They do not, I may further observe, think that this arrangement will operate as a premium to shipbuilders to speculate in building vessels of war for belligerents; because the parties to the arrangement have represented, and the Government have no reason to doubt the *bona fides* of that representation, that if the ships were entirely under their own control, they would be able to bring them to a more profitable market, and to obtain for them a larger price than the Government have consented to give.

Mr. HUNT said, he wished to know how payment for the purchase of the vessels in question was to be provided, and whether a supplementary Estimate for the purpose would be laid on the table?

Mr. CHILDERS: If the hon. Gentleman asks the question to-morrow, I will answer it.

Mr. HOPWOOD: What is the price of the ships?

The ATTORNEY GENERAL: The price, as they stand, was fixed by the valuer for the Admiralty at £195,000; and for their completion in all respects a further sum of £25,000 will be required.

Mr. HOPWOOD: What was the price originally asked?

The ATTORNEY GENERAL: £300,000.

Mr. LINDSAY said, he hoped the Government would place all the Correspondence before the House before any Vote was asked for.

THE VOLUNTEER REVIEW.

QUESTION.

Major KNOX said, he would beg to ask, Whether the Government have received any Return of the casualties which occurred at the Volunteer Review in Hyde Park on Saturday last; and also, whether the Report which had appeared in the papers is true, to the effect that Sir Richard Mayne had declined to provide any extra protection for the public on that occasion?

Sir GEORGE GREY said, he had received no such Return as that to which the hon. and gallant Gentleman referred; but he had ascertained that so far as the information of the police went only one accident had occurred, which was occasioned by the breaking of a bough of a tree up which some person had climbed. In reply to the second Question, he might observe that the police had done all that by previous arrangement they had undertaken to do. On the 23rd instant he received official intimation from the War Department to the effect that, as 22,000 Volunteers were expected to assemble in Hyde Park on the following Saturday, there might be great difficulty in getting the various corps into the Park, unless the different approaches to it could be kept clear by a body of police. He immediately, on the receipt of the letter, directed Sir Richard Mayne to place himself in communication with the officers of the War Department and the Horse Guards, who undertook that the duties within the Park should be performed by the military. It was not, he believed, known at the time that there was to be a reserved space fenced in by iron hurdles, for persons who were provided with tickets of admission; but he subsequently was applied to with the view of having instructions issued to the police to lend their aid in securing admission to the reserved space in question. The keeping of the approaches to the Park clear, however, involved the employment of a considerable body of men, who were for the purpose withdrawn from their ordinary occupation, and much dissatisfaction would naturally be created in other parts of the metropolis if they were drafted away in such numbers as to endanger the safety of property in those quarters. It was therefore arranged that this part should be guarded by the military. In addition to keeping the approaches to the Park, the police undertook to provide a sufficient number of men to secure access to the line of hurdles of the various corps until they came to the inclosure; and their duties in providing ingress and egress for the troops engaged in the review were so efficiently performed, that not the slightest interruption had, he believed, taken place.

MR. PAULL desired to ask the First Commissioner of Works, on what principle the distribution of tickets for the reserved space was made? It was stated that seats would be provided for ladies; but such accommodation was not afforded. It was also, as he understood, announced that tickets would be given to the Members of the two Houses of Parliament; but many persons were admitted who, he should say, were by no means closely connected with Members of either House.

MR. COWPER said, that the main object was to enable the friends of the Volunteers to see their evolutions, and 4,000 tickets were given to the commanding officers to be distributed as they pleased among the members of their corps. That, of course, led to the admission of very various classes and ranks of society. Besides this, tickets were sent to the Members of both Houses of Parliament and to official persons, to foreigners and others, who seemed entitled to a preference. It was stated on the cards that the first three rows of chairs were to be reserved for ladies; but he was sorry to say that many in the station of gentlemen disregarded this regulation, and were so discourteous to the ladies, that they took the front seats, and refused to give them up to ladies when asked to do so, and intercepted the view of those behind by standing upon the chairs. Although he could distribute the tickets, it was beyond his power to teach manners to those who had possession of them. It was a source of great regret to him that Englishmen should have disgraced themselves, as he thought they had done, on Saturday afternoon, by retaining seats while ladies were standing by.

THE SPIRIT DUTIES.

RESOLUTION.

MR. WHITESIDE rose, pursuant to notice, to move—

> "That in the opinion of this House it is expedient that the existing Duties upon Spirits should be reduced."

The subject of which he had given notice involved a question of considerable importance. In the commercial language of the country, he might say that as sugar was easy, and as tea was looking up, he thought that the article of spirits might fairly claim some consideration from the House. Let it not be supposed that he had risen to advocate a discriminating duty on behalf of Ireland. Although the question involved was one which deeply affected the interest of Ireland, it certainly was not his intention to ask for any discriminating duty. But the difference between the Chancellor of the Exchequer and himself, in point of argument, was this—that while it would be enough for him (Mr. Whiteside) to prove that the right hon. Gentleman's last experiment upon the spirit duties was inapplicable or had failed both as regarded Ireland and Scotland, on the Chancellor of the Exchequer lay the onus of establishing that his experiment was applicable to all parts of the United Kingdom. Now, he intended to quote the right hon. Gentleman's own opinions in favour of his view of the matter, and to prove that that was a reasonable and logical view. If the right hon. Gentleman intended to apply one duty to all parts of the Empire, it lay with him to prove that such duty was applicable to the condition of each branch of the United Kingdom. He (Mr. Whiteside) was in a condition to prove that the experiment of the right hon. Gentleman was wholly inapplicable to the condition of Ireland. In 1853 the spirit duties in England, Ireland, and Scotland varied very materially. The astute mind of the Chancellor of the Exchequer was then directed to the question of equalizing the duties in the three countries, and he then said that he had for a long time been considering whether a great object of financial policy could not be obtained by equalizing the spirit duties in the three countries. The right hon. Gentleman then proceeded to state the nature of the task which he had undertaken. He observed—

> "That is, however, a very difficult problem. It may be very doubtful whether it will ever be entirely obtained, but such an approximation to it as will stop smuggling, might, perhaps, at some time be reached. It is quite plain that such an equalization cannot be obtained without some reduction of the spirit duties in England. We must lower the English duties at a fitting time to some point up to which the others may be raised."

The right hon. Gentleman then suggested an increase of duty "within reasonable bounds" for Scotland of 1*s.* a gallon, in addition to 2*s.* 8*d.* before. Making, then, an allowance for waste, the Chancellor of the Exchequer calculated a gain to the revenue from Scotland of £278,000. Now the House would see what he proposed to do for Ireland. He (Mr. Whiteside) confessed he always felt alarmed for his country when the right hon. Gentleman promised to extend the benefits of his measures to Ireland. The right hon. Gentleman went on to say—

> "The Government have also anxiously considered this question as it regards Ireland. It is quite plain, I am afraid, that we can in no case stand as we are with regard to the Irish spirit duty, since an allowance for waste in bond will entail a diminution of revenue. At present the spirit duty in Ireland is extremely low in comparison with the duty in the two other countries. When an attempt was made to increase the tax in 1842 by 1*s.* per gallon, it was found most difficult to give effect to the increased duty, and we think it would not even now be safe to propose to levy an additional tax of 1*s.* a gallon upon home-made spirits in Ireland."

The right hon. Gentleman then discussed certain changes contemplated in the revenue as essential to the levying of the duty on spirits. He said—

> "We think we may fairly propose an additional duty of 8*d.* per gallon on Irish spirits, namely, an augmentation from 2*s.* 8*d.* to 3*s.* 4*d.* a gallon."

The right hon. Gentleman exhibited great caution then in the measures he was taking for amending and reforming the system by which the additional tax was to be levied. At that time he (Mr. Whiteside) pointed out the difficulties attending the attainment of that object, which he thought could only be carried out by some reduction of the spirit duty in England; but he made no advance to the settlement of that difficult problem, nor was any step taken towards it until the year 1858, when his right hon. Friend the Member for Buckinghamshire, being then Chancellor of the Exchequer, undertook to deal with the Question. Nothing was more remarkable and nothing reflected more severely upon all financiers who had dealt with the spirit duties, except his right hon. Friend, than did the numerous alterations which had in the last few years been made in those duties. It was really surprising how any man would embark his capital in such a business, and it was not to be wondered at that so many skilful people left this country in order to avoid the legislation of a capricious Minister and a fickle assembly. He (Mr. Whiteside) could safely say that the grounds on which the distillers of Ireland were induced to give their assent to the proposition of his right hon. Friend the Member for Buckinghamshire were reasonable and just—namely, that a fixed, permanent, equitable, and uniform duty would be imposed upon all parts of the country, and that the markets of England and Scotland would be opened to the manufacture of Ireland, so that they might be compensated by the greater sale of the article manufactured for the increased duty which was to be placed upon it. It was a very serious thing to raise the duty in Ireland in that year from 6*s.* 2*d.* to 8*s.* a gallon; still it was effected on the understanding that the duty was to remain permanent. That was the converse of what was recommended by the present Chancellor of the Exchequer in 1853, which was to reduce the standard in England to a figure to which the duties levied in Scotland and Ireland might reasonably be raised. The arrangement finally made was, to preserve the duty at the figure at which it stood in England, and to impose additional burdens on Scotland and Ireland. But it was understood at the time that that was to be a permanent settlement. The next thing that took place, however, was a China war. The noble Viscount saw a British flag, which was seen by no one else, floating upon the Lorcha Arrow, and went to war with China. As a consequence he had a large bill to pay. No one denounced that war more eloquently or justly than did the Chancellor of the Exchequer. Having made that speech and defeated the noble Viscount, he ultimately became Chancellor of the Exchequer, and was called on to pay the bill—a very unpleasant predicament in which to place the right hon. Gentleman.

And accordingly, in July, 1860, when the Irish Members were taken at a disadvantage, being, as they often were, at the assizes, or else crossing the sea on their way back, the Chancellor of the Exchequer brought in a supplementary Budget, introducing it with all those expressions of regret and explanatory observations which, from experience, they knew the right hon. Gentleman to be capable of making, particularly when he was on the wrong side of the Question. He expressed his regret at the China war, which placed him in the painful predicament of providing the means for meeting the cost of that war; and he then proceeded to show how he proposed to raise the money. This was the hinge of the whole Question. If the right hon. Gentleman was right then, he was clearly right now; but if he was wrong, as experience showed him to have been, he presumed he would not be unwilling to reduce the duty upon spirits to the standard settled in 1858, levying an equal and uniform tax upon the three kingdoms. Friends of his in Ireland were anxious to have the duty reduced to the rate at which it stood previous to 1858, but he did not think they ought to separate themselves from the English and Scotch merchants, who made out a very strong case against the last addition of taxation. The right hon. Gentleman treated the Question with great candour, admitting that the whole affair was one of money. The question was often discussed as if it were one of morals; but the Chancellor of the Exchequer put it roundly on the short and distinct issue that he must have money, and the only question to be considered was how he was to get it. The right hon. Gentleman, then, in effect, said, "I will unsettle what was settled in 1858." In February, 1860, the differential customs duty on spirits was, in substance, abolished, and, in July, 1*s.* 11*d.* duty was laid upon foreign as well as on British spirits. The following was the Estimate made by the right hon. Gentleman. He said that the increase to 10*s.* upon British spirits would produce an augmentation of £2,252,000, independently of the revenue to be derived from foreign spirits; but, making every allowance for the diminution of consumption consequent upon the higher duty, he would only estimate the augmentation at £1,000,000. From foreign spirits the right hon. Gentleman was to receive £400,000. The Chancellor of the Exchequer carried the House so far with him that in July, 1860, they agreed to his Resolutions. What had been the fulfilment of that prophecy? The speeches of the right hon. Gentleman had been collected in a book; and he (Mr. Whiteside) could imagine an advice to be offered to them by an enraptured economist—namely, that they might burn the Orations of Cicero, provided they preserved the Speeches of the Chancellor of the Exchequer and made them their study. He should be happy to study the speeches of the right hon. Gentleman, but he should certainly object to the other suggestion. But did the Chancellor of the Exchequer recollect the admirable speeches which he had made in reference to those measures he had introduced? All those speeches, which he had read with infinite pleasure and satisfaction, were speeches in extenuation and mitigation of punishment. Not one of those speeches had been made with the view of showing that his figures had been realized, or that his predictions in regard to the revenue to be derived from spirits had been fulfilled. The fact was this—the Chancellor of the Exchequer had never got the money he anticipated from his financial experiments, and what was more, he never would get the money. Nay more, if the right hon. Gentleman had simply left the duty as it had been, he would have obtained infinitely more than he had ever got under his new disturbance of the former equitable adjustment of those duties. His (Mr. Whiteside's) proposition, therefore, was that the House should prefer the settlement of 1858 to the novelty introduced by the right hon. Gentleman in 1860. In 1861 the right hon. Gentleman made a speech upon the grievances of the distillers — he stated those grievances very clearly, but he gave them no relief. Now, five gentlemen, distillers from grain in this city, had done him the honour of communicating with him, one of whom stated that his firm alone paid £600,000 yearly to the State, and that the five together paid nearly £3,000,000. Five others from Scotland paid about £2,000,000; and those from Ireland, with whom he was acquainted, paid £2,250,000. But to refer to the speech of the right hon. Gentleman in 1861. He said—

> "It is one of the main complaints of the distillers of spirits, than whom I never had the pleasure of meeting with a more intelligent body of British merchants and tradesmen, that they are taxed, as they think, most unfairly in proportion to beer. I admit from its nature that beer ought to be taxed more lightly than ardent

spirits; but we have certainly pushed this principle as far as it can go."

He admitted from its nature that beer ought to be taxed more lightly than ardent spirits, and said that the Government had pursued that principle as far as possible—the alcohol in spirits was charged with a duty of 10*s.* 6*d.* a gallon, that on wine between 6*s.* and 7*s.* a gallon, and the alcohol in beer at only 1*s.* 10*d.* a gallon—that, in fact, while beer was taxed at the rate of 18 to 23 per cent *ad valorem*, and wine from 25 to 80 per cent, the tax upon spirits was upwards of 400 per cent. The right hon. Gentleman, however, declined to give the distillers any redress. Now, with respect to Ireland, he (Mr. Whiteside) considered it indispensable that the House should consider the condition of the distillers in that country. They belonged to a body of men who paid into the revenue about £10,000,000 a year. He had endeavoured to lay before the Committee the exact state of the facts. In 1861 the right hon. Gentleman not only failed to get the additional million from spirits which he had calculated upon as a moderate estimate, but his receipts from that source fell short by more than £500,000 of the amount received from the article in the previous year. That was to say, that they not only did not pay the additional revenue estimated by the Chancellor of the Exchequer, but the sum raised in the shape of duty fell short of that of the previous year by upwards of £500,000. The right hon. Gentleman, in admitting those facts, stated that—

> "It was estimated, on the contrary, before and apart from any change of duty, that the tax would yield about £400,000 more than the duty had yielded in the year before."

So much for the estimate of the right hon. Gentleman. The Chancellor of the Exchequer seemed, then, to be fully convinced of the error of his figures—an error from which no figures of rhetoric could rescue them. Now, it was generally the practice of the right hon. Gentleman, when his figures were in his favour, to assume a triumphant tone, and when they were against him an explanatory one. Accordingly the right hon. Gentleman said it never was the case that in the first year after a fiscal change of this kind the Government had received all the money which was contemplated. Well, but why then did the Chancellor of the Exchequer say that he estimated the immediate increase from his new experiment at £1,000,000; and afterwards, when he found that his anticipations were lamentably disappointed, account for the enormous discrepancy by saying that the full and fruitful results of his experiments could not be expected in the first year after the increase of duty? And, referring to Ireland, the right hon. Gentleman went on to say—

> "The country we naturally look to with misapprehension, and which may be called the peccant part of the United Kingdom. Illicit distillation was not increasing, as has been proved by the returns of the detections in Ireland; it was, in fact, reduced, and the police was effective in this regard."

Well, he (Mr. Whiteside) admitted that that was rather a strong representation of the right hon. Gentleman's case, but he did not intend to leave that point untouched. He had now shown that the right hon. Gentleman had utterly failed in his experiment of 1860. He would now show what was the case in 1862. If the Returns of the revenue were bad in 1861, they were worse in 1862, the second year after the new experiment of the Chancellor of the Exchequer. The right hon. Gentleman, in reference to the spirits duties of that year, said—

> "With respect to the spirit duty, that is a fiscal and likewise a social question of very great interest and importance. The figures were but partially satisfactory. I estimated with a liberal allowance the effect of the heightened price—that we should receive £10,000,000 of revenue from British spirits. We have only got about £9,600,000. It is true there is an increase of £359,000 upon the previous year, but even this is not so large an increase as we thought we should receive. Now, the serious question is, from what cause has the revenue fallen short? Is it from illicit distillation, or is it from an alteration in the public taste, or is it from a diminished power of consumption? It is certainly not from illicit distillation."

The right hon. Gentleman then entered into a dissertation upon public taste — a subject no one was more competent to discuss than himself. Those who thought that the taste of a nation could be altered had better go to Holland and see how the Dutch burgomasters and their friends swallowed the strong drinks there, although they had the sour wines of Germany which they never touch, and the light wines of France which they never taste. So in the damp climates of Scotland and Ireland. They might wish them to drink tea or coffee, but they persisted in drinking spirits; and that being so, the question was how they might be supplied at a high price without encouraging crime by illicit distillation. The right hon. Gentleman admitted the diminished consumption, but said that it did not arise from illicit distillation, but from the increased sobriety of the people. That prediction, however, unfortunately, had not been fulfilled. According to the last Return of the Inspector of Prisons in Ireland, the committals for drunkenness in 1862 exceeded by a trifle those of 1861. In 1862, when the duty might be said to have had an effect in diminishing drunkenness, the Inspector stated that the committals in Dublin for drunkenness amounted to 6,868, of which 3,788 were females, which was somewhat in excess of the numbers in 1861. This was after two years' experience of the duty which the right hon. Gentleman predicted would diminish drunkenness. The right hon. Gentleman the Chancellor of the Exchequer had truly said, with regard to the dangerous and weak side of any system for raising a duty on spirits, that in Ireland there had been no illicit distillation. Before, however, he entered upon that part of the question, he would refer to the Budget of 1863; and here he had to thank the right hon. Gentleman for giving a true but fearful description of the condition of Ireland. He said truly that the attention of the people of this country had not been fully awakened to the amount of calamity which during the last few years had befallen that portion of the Empire. The right hon. Gentleman went through each particular head of production, and he proved to the satisfaction of all who heard him that the loss that year reached £13,000,000, which approached the full amount of the estimated valuation of that country, namely, £13,400,000. The right hon. Gentleman then proceeded to explain how it was he did not get the million, and he said that if he did not get the whole he did a part of it. It was, however, a very small part, and he made an ingenious calculation, beginning the year at a different period to that when he persuaded the House to assent to his Resolutions in 1860, for the purpose of showing that his loss had not been really so great as it was; and he said that he admitted the principle to be to get what money he could, provided it did not increase illicit distillation, and he then a second time pronounced a deserved panegyric upon the eminent persons engaged in the trade, and of the importance of having their assent and support in the collection of this great revenue. His hon. Friend (Sir Stafford Northcote), who was so well versed in financial matters, had obtained a Return relative to this subject, and it showed the net revenue, after deducting all drawbacks and allowances, from home made spirits for the five years commencing 1860. In that year the revenue was £9,778,960. In 1861 it was £9,225,538, showing a diminution of £553,422. So that instead of getting a million the diminution was about half a million. In 1862 there was a revenue of £9,618,291, and the decrease compared with the year in which he made the increase of duty was shown to be £160,669. In 1863 the revenue was £9,399,707, showing a decrease of £379,253, compared with 1860. Then there was the year 1864, which was estimated to reach £9,600,000, which would show a diminution of £178,960; and the Gentlemen who had prepared the Return had done what he was not called upon to do, and in endeavouring to make a case for the right hon. Gentleman added that the dealers, being apprehensive in 1860 that he was about to raise the duty, paid a large amount of duty in anticipation, which ought to be taken into account in reckoning the receipts of the present year. A Return moved for by his hon. Friend the Member for Dublin (Sir Edward Grogan) showed that the diminution in the manufacture of the article in Ireland had reached 5,000,000 gallons a year. The Return gave a comparison of the years 1838, 1839, and 1840, with 1858, 1859, and 1860. The diminution was enormous, for 1838 it was 12,296,342 gallons, against 5,335,774 gallons in 1860. A very useful Return was likewise obtained by the hon. Gentleman opposite (Mr. Moffatt), which showed an immense reduction on the amount of spirits distilled and upon which duty was paid in Ireland in 1863. All these Returns showed that the effect of raising the duty had been to diminish the consumption, and that while the right hon. Gentleman had only estimated the reduction of consumption consequent on the increase of duty at 10 per cent it amounted to 23 per cent. Before he entered upon the question of illicit distillation he would remind the right hon. Gentleman of the argument he used in 1863. He said that though he had not got his money illicit distillation had not increased, and he appealed to the opinions of the distillers in confirmation of that opinion. Now the opinion of the rectifying distillers of England were against the right hon. Gentleman. The hon. Gentleman the Member for the City of London (Mr. Crawford), had presented a petition to the House from the rectifying distillers of England. They set forth in that petition the effect of the varying scales of duty which continued up to 1859, and the reason assigned in 1860 for the increase of the duty was the necessity to provide for the increased expenditure which the country had to meet on account of the war in China. They stated that the annual revenue from the duty on spirits amounted to somewhere about £10,000,000 sterling, and it appeared by the Returns presented to Parliament that—

> "Since the high rate of duty of 10*s.* per gallon was imposed, not only has a very considerable decrease in quantity consumed taken place, but that a large deficit in the annual revenue derived from duty on spirits has resulted. Your petitioners refer to these statements for the purpose of declaring their conviction, not that the quantity of spirit actually made in the country is less, but that a very large quantity of what in all probability is actually consumed is derived from the increase of resort to illegal means for making and vending spirits; and one among the several proofs we have confirming this view is, that one of our body was recently offered spirits of wine 63 per cent over proof, at the rate of 500 gallons per week, at very little more than half the duty of 10*s.* per gallon, to be delivered in bulk in champagne cases, lined with tin, so as to make it appear they were filled with wine—an extremely easy process to introduce illicit spirits among dealers and retailers without fear of detection."

Then they said that the quantity manufactured was, in 1859, 23,878,688 gallons, when duty was 8*s.* per gallon; 1860, 21,338,448 gallons, at 8*s.* to July, when raised to 10*s.*; 1861, 19,514,201, at 13*s.*; 1862, 18,836,187, at 10*s.*; and that if they were challenged they could show that consumption had not been diminished, the extra quantity being supplied by illicit distillation. The fine-grain distillers to whom he had alluded, who paid the enormous revenue of three millions, stated their views to the Chancellor of the Exchequer in a memorial to which they received a reply that the right hon. Gentleman could not adopt their views. The Scotch distillers had recently sent to him a document, in which they stated their belief that the duty should be uniform for Great Britain and Ireland at 8*s.* per gallon for British spirits, and they proceeded to state—

> "The lamentable failure of the measure by which the duty was raised in 1860 to 10*s.* per gallon is too evident to need much proof. It was passed to produce an annual increase of revenue of £1,335,000: it has only produced £197,165, or £1,137,835 less than estimate. Had it not been for the rise of duty there is no reason to believe that duty-paid spirits would not have shared the constant increase of consumption which has taken place with all other duty-paying articles. The increase in duty-paid British spirits, which it was estimated would be from 10 to 11 per cent, has reached the enormous amount of 20 per cent. We submit that the chief cause of this astounding diminution is the constant increase of illicit distillation, which bids fair to prevent any further expansion of the spirit duties."

They said that the amount of distillation had been decreased 20 per cent, and the high rate of duty in addition prevented all expansion of the home trade, and they also stated their belief that it had had the effect of greatly increasing illicit distillation, which the Chancellor of the Exchequer could not have failed to observe. The last Report of the Commission of Inland Revenue was, perhaps, not so satisfactory on this point as the right hon. Gentleman could have wished. They said—

> "We do not deny that in one point of view the revenue accounts since the spirit duties were raised to their present rate have disappointed us. The consumption has undoubtedly decreased in a greater degree than we had expected, and although in the past year there were obvious abnormal causes operating towards this result, we cannot but feel great hesitation in making an estimate for the future."

He thought this admission of the Commissioners decisive. He would take now the case of the Scotch distillers, who had drawn up an able petition, which had been presented to the House. They stated that prior to 1823 the Spirit Duty had been for some years retained at a high point, the result of which was that smuggling had increased to such an extent that the Government of the day, having found it impossible either to collect the revenue or to prevent illicit trade, reduced the duty. They then stated that they had embarked a large capital in the trade, believing the duty to be settled, and they besought the House to do them that justice which had been done to the foreign producers of brandy and rum. The Chancellor of the Exchequer returned the same answer to the Scotch distillers as he had done to others—that their memorial would be considered; which meant, in fact, that it would never be looked at. He contended that the opinion of Scotland was not to be relied on as favourable to the right hon. Gentleman. Within the last few days he had received a letter from Scotland in which the writer said it was the opinion of the Scotch distillers that there should be a uniform duty imposed, such as that which was settled by the right hon. Gentleman the Member for Buckinghamshire, and that the lamentable failure of the measure by which the duty was raised in 1860 to 10*s.* was too evident to be denied. It also stated that there was a constant increase of illicit distillation, because the same quantity of spirits was consumed now as was done before the increase of the duty. The right hon. Gentleman, in speaking of the consuming power of the country and its expansive energies, had quoted those persons when in his favour, and the least thing he could do now that they were against him was to give the same weight to their opinions. He could speak with confidence with regard to the effect of the high duty of spirits in Ireland. The right hon. Gentleman had, in truth, decimated the distillers of that country, the effect of his measure having been to reduce them from 100 to 25. They also troubled him with a memorial, in which they set out their case, and informed him that the effect of the high duty would be to throw the trade into dishonest hands, that demoralization would become prevalent, and that it would produce no increase to the revenue. They said that all they submitted to the right hon. Gentleman had come to pass—that demoralization and illicit distillation had increased, with no gain to the Treasury, except the £179,000, which some gentlemen said would have been greater if the duty had not been increased. The right hon. Gentleman had appealed to the opinion of the distillers of Ireland, who were men of the highest respectability, such as Messrs. Jamieson, Sir J. Romer, Messrs. Roe, and others; now he must throw their opinion overboard. Beyond doubt the high rate of the duty had greatly increased illicit distillation in Ireland. He had received the following letter and Return, showing the extent to which illicit distillation was carried on in one part of the county of Tyrone:—

"Glenelly Rectory, Gortin, Newtownstewart,
"April 26, 1864.

"Dear Sir,—Observing that you have given notice of your intention to bring under the consideration of the House the subject of the reduction of the existing duties on spirits, I send you a Return, showing the extent to which, within a very limited district, illicit distillation has lately been carried on. The seizures have been made within less than four months by one party, consisting of a constable and three sub-constables, and within two miles of my glebe house. It is quite unnecessary for me to make any observation on the demoralizing tendency of the practice, as productive of drunkenness, and tending to further infractions of the law.

"I have not the pleasure of a personal acquaintance with you, but I have a very great pleasure in being one of your constituents.—Very truly yours,

"E. M. CLARKE, J. P.,
Ex-Schol.-Rector of the Parish of Upper Badoney.

"To the right hon. J. Whiteside," &c.

The Return was as follows:—On January 7, 1864, at Glenerin, in Upper Badony, there were seized, 1 stillhouse, still, stillhead and worm, 100 gallons of singlings, 80 gallons of wort, 100 gallons of potale, and 50 bushels of grains; on January 29, at Dunlogan, county Derry, in Ballinarine, stillhouse, still, 350 gallons wort, and two prisoners; on February 19, Canontrayhaugh, in Upper Badony, 1 barrel containing illicit matter; Keadycam, in Upper Bodeny, 1 stillhouse, kieve 2 barrels, 2 stone of malt, and — bushels of grains; on March 1, at Strahull, in Upper Badony, stillhouse, still, rieve 3 barrels, 30 gallons of singlings, 2 stone of malt, and 4 bushels of grains; on March 29, at Garvagh, in Upper Badony, 1 stillhouse, for the purpose of carrying on illicit distillation; on April 4, at Goles, in Upper Badony, 1 stillhouse, 60 bushels of grains, and 200 gallons of potale; on April 12, at Leaghs, in Upper Badony, stillhouse, and 350 gallons of wort; on April 14, at Keodycam, in Upper Badony, stillhouse, 30 bushels of grains, and 100 gallons of potale. He begged the right hon. Gentleman to notice the distinction between the sales of spirits by publicans who are under some control and the illicit traders who were under no control. It was a perfectly legitimate Motion to propose to the House that public-houses should be shut up on the Sabbath Day, for you have the power and the right to do it if you think fit; but what law or control had you over those persons who were possessed of stills, and manufactured an article and disposed of it at one half the price legitimate dealers could sell it at. They committed not only a crime in manufacturing it, but they were the cause of crime in others. He had received some amusing letters in reference to it, and one which he would read, but the writer did not wish him to mention his name. It stated that it cost only a few shillings to set up a still beside a running water, whilst the facilities for disposing of the spirits were very great indeed. A dealer in Londonderry had written him as follows:—

"As a tobacco manufacturer and spirit retailer, I pay a yearly licence of £20 18*s.* 11*d.* to the inland revenue. I can buy any quantity of illici whisky of real 'Innishowin,' so can any spirit retailer in this city. In fact, it is hawked about by sample during the day, and a delivery made at once if a bargain is made. The number of seizures or convictions for illicit distillation is no criterion by which to judge of the extent to which the traffic is at present carried on. The 'poteen' is sold from 7*s*. 6*d*. to 11*s*. per gallon, according to quality and strength."

So they saw how successfully the illicit distiller could compete with the honest tradesman. A learned Judge in charging the grand jury at the late assizes, Donegal, referred to the fact of there being between twenty and thirty persons confined in the gaol for summary convictions against the revenue laws. No other county presented such a picture, the learned Judge observed, as the result of illicit distillation. The grand jury stated that the duty on spirits was so high, it now became impossible to put down illicit distillation. The learned Judge to whom he had alluded further stated that Ribbonism and agrarian outrage always accompanied illicit distillation, and wherever the spirit-stills abounded there arose a plentiful crop of crime. The result of all this was that there had been laid upon the table of the House a Return which completely refuted all the views of the right hon. Gentleman the Chancellor of the Exchequer with respect to the anticipated increase of legitimate distillation. The Return had been summarized in a morning paper in this way—That in the year ended March, 1864, there were 2,743 detections and 411 convictions for offences against the Excise laws. Taking the last three months only, namely, the first three months of 1864, and comparing them with the corresponding months of 1863, he found that while in January, 1863, there had been in the county of Donegal 74 detections, the number in January, 1864, had increased to 140, with only 17 convictions. In February, 1863, the number of detections was 98, the convictions 23; this year the numbers were 148 and 38. In March of the present year the detections had been 129 in that one county. It was, then, impossible to maintain the duty at so high a figure that it led to increased illicit distillation and crime, and drove out of the trade the highly respectable and honourable men who found that they could not carry on the trade under the present duties—gentlemen to whose opinion the right hon. Gentleman referred when they were in favour of his views, but which he rejected when their opinions were opposed to his own. The manufacture of spirits in Ireland was a very important trade. It was intimately connected with the agricultural interest, with the farming class, with those who fattened cattle and kept dairies; and if the right hon. Gentleman persevered in crushing these interests by the weight of the duties, he did an irreparable injury, and brought himself within the criticism of the *Edinburgh Review*, the organ of the old Whig party with which he was now so inseparably connected, that the current of his fiscal legislation of late had been altogether detrimental to the interests of Ireland. In 1853, and again in 1858, the right hon. Gentleman stated to the House that he was sure of obtaining as large an amount of money by a diminution of duty as with the higher rate. But, thinking it desirable to check drunkenness, he raised the duty. The consequence had been an increase of illicit distillation, and an increase of drunkenness. This being so, was it not a fair appeal that he now made to the right hon. Gentleman to take the whole of the circumstances connected with the morality and industry of Ireland, as affected by the spirit duties, into his serious consideration? The right hon. Gentleman had admitted the great extent of the misfortunes of Ireland. But what had he done to administer relief? Positively nothing. Yes, the Government had thrown them into Chancery. Not a single Irish Bill was upon the table except a Chancery Bill. This was not a pleasant subject to discuss at present. "Sufficient for the day was the evil thereof." There was another point he had omitted to mention, which was that the publicans throughout the country were driven, by the enormous duty on spirits, and the consequent increase of illicit distillation, to resort to poisonous adulterations, and thus the people were injured both mentally and physically—maddened, in fact, by the adulterated drink; whereas there were abundant proofs that pure Irish whisky, when taken, not as the Scotchman took it, but drank as an Irishman and an Englishman drank it, injured neither the mind nor the body. The right hon. Gentleman was scarcely aware of the extent of the adulteration. By the fraudulent skill of the chemist the methyl was extracted from the methyllated spirit admitted duty free, and the spirits to some extent rendered potable and forced into the market to the injury of the revenue. It was the same case of the brandied wine, three-fifths of the spirit was imported duty free. It was clear that if these large duties were to be maintained there must be a very considerable increase in the number of detectives, a much greater vigilance would have to be exercised, and the police must be more liberally paid. It was true that a large number of detections had been made; but this was the symptom only of the malady, not a proof that the disease had been subdued. It was clear, then, that the right hon. Gentleman's experiment had failed, and the best thing he could do was to retrace his steps.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the existing Duties on Spirits should be reduced."—(*Mr. Whiteside,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

The CHANCELLOR of the EXCHEQUER said, he admitted that the right hon. Gentleman was fully entitled to call attention to this subject—not so much, perhaps, in deference to his particular constituents, who would hardly recognise him on this occasion as discharging any special duties they had committed to him, as in deference to the interests of the important trade whose cause he had pleaded with so much moderation and ability. The right hon. Gentleman had himself made an admission which he must feel bore very materially on this point—that the question they had now to deal with did not affect the case of Ireland alone, but involved the rate of spirit duty to be levied for the three kingdoms. The right hon. Gentleman had stated—and with truth, provided the application of the remark was kept within certain limits—that he, as Chancellor of the Exchequer, was bound to show that any measure proposed for the entire kingdom was applicable to every portion of the kingdom. The case, however, did not stand now as it stood in 1842, when Sir Robert Peel, having laid an additional duty on spirits in Ireland, and an increase of smuggling appearing to be traceable to that augmentation, came down himself and proposed the removal of the additional duty. It would not have been equally easy to adopt that course; in fact, its policy would have been very doubtful, if the duties in the three kingdoms had been uniform, as they were afterwards made by successive measures of Sir George Lewis and the right hon. Gentleman the Member for Bucks. The right hon. Gentleman (Mr. Whiteside) went back to the year 1853, when he himself proposed to the House to take the first step in the policy of equalization—not at all concealing that equalization was the ultimate aim, but stating at the same time that he was not so sanguine as to anticipate that equalization could be obtained without an augmentation in Ireland and Scotland and a reduction in England. At that time he should certainly have thought it sanguine to anticipate that even an 8*s.* duty could be levied through the three kingdoms; but the result of the augmentation of 1853-4 was so satisfactory, that each step in that direction warranted encouragement—nay, even seemed imperatively to demand the step by which it was succeeded, until they came to the limit where the 8*s.* duty was made uniform through the three kingdoms. The right hon. Gentleman (Mr. Whiteside) said that when the 8*s.* duty was imposed on Irish spirits it was regarded by the parties interested as a final arrangement. He certainly could not bear out that statement. The Chancellor of the Exchequer of 1858 did not pronounce any such opinion, and he would have been most unwise if he had. The principle on which Parliament had always acted with respect to the spirit duties was to impose on that article the highest amount of duty which it was possible to levy, without increasing illicit distillation, and the mere statement of that proposition was sufficient to show that the right hon. Gentleman was mistaken in supposing that the 8*s.* duty was regarded as a final settlement. The further augmentation which was proposed, the right hon. gentleman seemed to think the step from a wise to an unwise policy. Perhaps it was hardly worth while correcting the inaccuracy of the right hon. Gentleman's statement, that this augmentation was made to pay the bill for the China war, which had sprung up during the first Administration of the noble Viscount (Viscount Palmerston). The bill for that China war had been paid; it was to pay the little bill for another China war which broke out under the Earl of Malmesbury, who was Foreign Secretary of the Administration with which the right hon. Gentleman was himself connected, that that measure had to be resorted to. But, though the augmentation was made on that occasion, it would be quite an error to imagine that the proposal was then invented. It was a proposal held steadily in view by the Revenue Department, which had been mentioned before anybody was aware that such an exigency would occur; and the only question was, whether the time was then ripe for it, or whether its adoption should be postponed? All previous experience was in favour of it. It was perfectly true that all the increase of revenue which he had calculated upon had not been received; but the right hon. Gentleman, who had studied his speeches so closely, would recollect he did not rest the case exclusively on an anticipation of increased revenue, but that he explicitly laid down the principle that whatever revenue was to be raised from spirits it was desirable that it should be raised from as small a consumption as possible. In dealing with tea, sugar, and such articles, the principle was to raise the revenue by a duty as low as possible, in order not to interfere with the expansion of trade; but the exact reverse of that principle was applicable to spirits, and it was sought to raise the largest revenue which could be got from the smallest area of consumption. He could not agree with the right hon. Gentleman that the observation made by the Revenue Department in the Return to which he referred to prove the failure of his measure was needless and calculated to mislead. On the contrary, without it the Return would have been fallacious. If it were true that the spirit revenue of 1859-60 was a just and safe basis from which to reason as to the increase or decrease of the duty in subsequent years, the statement of the hon. and learned Gentleman might be an accurate one; but, on the contrary, it was demonstrable that the revenue of 1859-60 had been considerably swelled by the premature delivery of spirits, in order to escape from an anticipated increase of duty. The proof of the justice of his statement was to be found in the fact, that the revenue derived from spirits during the first four months of the years 1860-1, when there was no anticipation whatever of an augmentation of the duty, and, therefore, no motive for the premature delivery of spirits from bond, fell greatly below the revenue of the preceding year. Now, that circumstance was, he contended, to be explained in no other possible way than by the supposition that towards the close of the previous financial year a much larger quantity of spirits had been taken out of bond than was necessary to supply the wants of the dealer. If that were so, it was plain that the year 1859-60 absorbed a considerable portion of the revenue due to 1860-1, and to that extent was not to be taken as a fair standard of comparison for subsequent years. The right hon. Gentleman, he might add, had omitted to take into account in the argumentative part of his statement another most important portion of the case. The substance of his argument was that the duty on spirits ought to be reduced for the sake of the distillers in this country. But that argument looked not simply to the effect to be produced in illicit distillation, but to an augmentation in the consumption of spirits. The right hon. Gentleman in one portion of his speech delivered a most cogent argument against the diminution of the duty on malt, and it was plain that a Motion with that object would not receive his support; but be that as it might, he pressed that the duty on spirits should be reduced, while he failed to show whence the money was to be procured for the purpose. He contended, indeed, that there was an increase of £170,000, which sum might be secured to the revenue by means of an increased consumption; but he seemed altogether to forget the duties on foreign and colonial spirits, which, at the present increased rate of duty, yielded nearly £500,000 a year. How was that sum to be made up? Was it out of the diminution of illicit distillation in Ireland? If not, did the right hon. Gentleman mean to propose that the duty on spirits should be reduced with the prospect of the reduction causing a deficiency in the revenue? There were two questions to be considered in dealing with the matter. He would, in the first place, ask whether, if the Motion of the right hon. Gentleman were acceded to, the Exchequer would be likely to obtain the money which he promised; and in the second place whether, if that money could be obtained, the House would be justified by the prospect in making the proposed reduction. Now, in reply to the first question he would say, that he did not think we could obtain the money; while he was also of opinion that the House would not be justified in obtaining it unless it could be shown that it was to be done by the diminution of illicit distillation. That point of illicit distillation was in reality the only one on which the right hon. Gentleman was able to rely. He touched indeed, but only very lightly, on the subject of adulteration, while he must admit that there were many causes in operation which pressed on the distiller independent of the augmentation of the duty. Such, for instance, was the greatly increased consumption of tea and wine, which tended to restrain the consumption of spirits. If the 3,000,000 gallons of wine added to the consumption of the country within the last three years were taken into consideration, the fact would account for the disappearance of something like 1,000,000 gallons of spirits. Besides, the consumption of beer was gaining greatly on that of spirits, and he should not, under those circumstances, be surprised to hear the right hon. Gentleman propose that the duty on malt should be doubled. The number of beer-houses in Dublin, as stated by his right hon. Friend the Secretary for Ireland the other night, had increased from 3 to 370 during the last few years. Thus beer, which was lightly taxed in consequence of the lowness of the malt duty, had been constantly pressing on the business of the distiller. Again the competition of foreign spirits was undoubtedly an element in the case. Very nearly at the same time that the augmented duty on British spirits was adopted, there was also adopted the practical equalization of duty as between British and Foreign spirits. There were, in addition, other causes of pressure under which the distillers in Ireland might have suffered. At the time of the augmentation of the duty, the Legislature sought to improve the position of the distiller with regard to the Excise, and also gave him facilities for export by the allowance of a drawback, which he did not before enjoy. Those facilities operated in England, and in Scotland more especially, to the encouragement of an export trade, which he was afraid was not to the same extent developed in Ireland; but he saw no reason why the Irish distiller should not seek in the same direction some compensation for the reduction of his trade. The right hon. Gentleman, he might add, did not, as he had before observed, dwell at any length on the subject of adulteration, although he might have found in a poet who dealt with Irish questions a complete bearing on the point which would have furnished an illustration for his argument—

"Poor Paddy, of all Christian men, I think,
On basest food pours down the vilest drink."

That was a sort of synopsis of the case as to adulteration, but the poet had too much good sense and knowledge of political economy to attribute it all to the augmentation of the spirit duties. It was true that spirits were commonly adulterated; the adulteration of food seemed, indeed, to be a special and distinct characteristic of this country; but in none of the spirits which had been purchased in small quantities by officers of the revenue had any adulterations of a pernicious character been discovered.

Having thus cleared the ground of other matters, he desired to draw the attention of the House more closely than had hitherto been done to that which was the turning point of the case — the question of illicit distillation. Here the right hon. Gentleman had the vague and general statements of a portion of the body of distillers—statements which, whenever they had been investigated, had proved to be entirely without support—and the Returns of the number of detections which had been presented to that House. He would begin by showing the worst of the case first. In the financial year ending in March, 1861, the detections amounted to 1,585; and in 1862 they rose to 2,110, but even then they were less than in the last year of the lower duty. The right hon. Gentleman saw no wisdom in any one but the right hon. Member for Buckinghamshire. It seemed that 8*s*. was the precise point that wisdom indicated; that it was the duty of the Government to go to that point, and not to go beyond it. He was not finding fault with the measure of the right hon. Gentleman; he was only objecting to the attempt to distinguish between that measure and others in the series of which it was only a step; and he would presently show what was the number of detections in the year 1859. In 1862 the detections rose to 2,110; in 1863 they fell to 1,972, and in 1864 they rose to 2,742. That was the case of the hon. and learned Gentleman. Now for the answer:—First, was there any special cause of recognized and uniform operation which would account for this measure? And, secondly, how did this increase stand compared with that of former years? The special cause was perfectly notorious. It was the state of the oat crop. Whenever there was in Ireland a large quantity of grain of a very low quality, and consequently of a very low price, especially when, as was the case last year, a great deal of that grain was hardly marketable at all, an additional portion found its way into illicit distillation. The price of oats in Ireland in March, 1862, was 14*s.* 2½*d.* per barrel; in 1863, 13*s.* 8*d.*; and in 1864, 12*s.* 8*d.* Nor did this decline fully represent the case. These were the prices in the market of Dublin; but in the towns which were the centres which supplied the districts where illicit distillation prevailed, in the markets of Derry, Donegal, Sligo, Galway, and Mayo, the price did not, he was told, exceed 8*d.* per stone, or 9*s.* 4*d.* per barrel. That being so, the relative augmentation of illicit distillation was a matter of course. The question, however, was not whether in a particular year there was an augmentation of illicit distillation, which was thoroughly accounted for by circumstances, but whether there was a normal augmentation extending over a series of years. The right hon. Gentleman said that if this duty was to be maintained they must have a better, and better paid police force. The police was better than it was, the constabulary had been substituted for the revenue police, and the consequence was, owing to the superior numbers of the former employed on the work, that these Returns were more trustworthy than they ever were before. Having stated the number of detections in the worst year since the imposition of the highest rate of duty, he would go back to 1836. In the year 1836, when the duty was 2*s.* 4*d.* a gallon, the detections amounted to 3,323. It would be said that since 1836 there had been a great change in the state of the country. Then he would go to the favourite year of the hon. and learned Gentleman, when supreme wisdom dictated the measures taken with regard to the spirit duty. In the year ending March, 1859, the detections for illicit distillation numbered 3,172; that was 400 more than in the year just expired, although the year 1858 was, if he remembered rightly, a year of good harvest, and consequently of a good condition of grain. While the year just expired had been a bad year, especially in regard to the quality of the grain. How then, in the face of these facts, could the hon. and learned Gentleman assert that the increase in illicit distillation was due to the operation of the new duty? Moreover, the diminution of the number of detections did not sufficiently indicate the measure of the diminution of the crime of illicit distillation. It was necessary, also, to take into account the number of persons arrested. The number of persons arrested in Ireland in the year 1852, the year before the increasing of the duty was commenced, was 492; in 1862, under the full operation of the high duty, it sunk to 103; and, although in 1864 it rose under the influence of the causes to which he had referred to 198, that was considerably less than half the number at which it stood in 1852. And when he spoke of illicit distillation and discussed the operation and success of a measure of this kind, the right hon. Gentleman must remember that illicit distillation was known in England and Scotland as well as in Ireland; and considering that about three-fourths of the spirit duty were raised in England and Scotland, it was necessary, in estimating the operation of an addition to that duty with reference to illicit distillation, to look at the figures for those countries. The numbers indicated were very much smaller than were those in Ireland, but the cases were more considerable. In England and Scotland illicit distillation was carried on not in out of the way places, but in the great towns and near to the markets. In March, 1859, the last year but one of the 8*s.* duty in England, the detections for illicit distillations were 195; in 1860 they were 126. In 1861, the first year of the high duty, the detections, still falling, were 111 in number; in 1862 there were 114, in 1863 they had fallen to 105, and in 1864 to 79. According to all the evidence applicable to the case, he believed there never was a period when illicit distillation in England stood at so low a point. In Scotland, for the year ending the 31st of March, 1859, the detections were 37 in number; in the next year, 29; in 1861 they fell to 18; in 1862 they were 23; in 1863, 26; and in 1864 they had fallen to 13, or little more than a third of what they were before the additional duty was imposed. He could not conceive by what process of reasoning it could be contended that illicit distillation was increasing, when these figures showed a continual decline, and when the energy of the preventive force was at its height. As regarded the fiscal operation of the measure, he would admit that the product was much less than he had already stated. In the current financial year, however, as far as it had gone, there had been an increase in both the home and foreign spirit duties of about £60,000 per month. The fiscal result of the measure had only been partially achieved; but the gain, whatever its amount, was obtained in conjunction with another advantage — a limitation of the consumption of ardent spirits, which were not only evils in themselves, but fruitful parents of crime. He hoped the

House would not accede to the Motion of the right hon. Gentleman, but would resolve itself into Committee of Supply.

Sir STAFFORD NORTHCOTE said, he did not intend to trouble the House at any length ; but there were one or two points in the speech of the right hon Gentleman the Chancellor of the Exchequer which he could not allow to pass without observation. In the first place, the Chancellor of the Exchequer accused his right hon. Friend of pleading the cause of the Irish distillers and of "the trade." Now that argument was a very inadequate description of the case. The case pleaded was not the case of "the trade" or of the Irish distillers, but of a country—of Ireland. A key to the line of argument adopted by the Chancellor of the Exchequer might be found when he said that the reduction of duty proposed by Sir Robert Peel was one made under entirely different circumstances —that it was made at a time when the Irish duties differed from the English duties. He said that a measure which might be proper when a separate rate of duties existed might not be equally advisable when one uniform rate had been established, as was the case now. That was so ; but in applying the principle of uniform duties the right hon. Gentleman forgot that the strength of a chain was to be tested by the strength of its weakest link, and it was to no purpose that he quoted the success of the system in England and Scotland, if it could be shown that a 10*s.* duty was higher than Ireland could bear ; and if it could be proved that an uniform duty did not succeed in Ireland, when it succeeded in England and Scotland, surely that was a matter for grave consideration, with reference to the necessity for modification ? It had been urged by the right hon. and learned Gentleman (Mr. Whiteside) that the calculations of the Chancellor of the Exchequer as to the proposed increase in 1860 had been doomed to disappointment ; but the right hon. Gentleman (the Chancellor of the Exchequer) to his great surprise stated that it was a matter of secondary importance whether his judgment on that point were correct or not.

The CHANCELLOR of the EXCHEQUER explained. He had declared it to be a matter of secondary consequence whether he put the proper construction on certain facts at the time ; he never said that it was a matter of secondary importance whether his official calculations were sound.

Sir STAFFORD NORTHCOTE said, his right hon. Friend the Chancellor of the Exchequer, on being asked how it was that, in introducing his new duty, he did not include in his view the large quantity of spirits taken out of bond at the close of the financial year 1859-60, admitted that it certainly was an oversight on his part, and added that the subsequent experience of the officers of Revenue had thrown further light on the matter. But his right hon. Friend's memory must be exceedingly short, because in his speech introducing the Supplementary Budget on the 16th of July, he plainly showed that this great augmentation in the delivery of spirits from bond had been brought under his notice ; in fact, he made it part of his argument. This increase of the spirit duties, moreover, was not part of a great system of policy laying down the principles upon which those duties should be levied in future ; it was strictly and purely a money question, the proposal being made at a late period of the Session, after the financial arrangements of the year were concluded, and expressly to meet a deficiency which only then became apparent. The right hon. Gentleman told them in his Budget speech in the following year, that he had expected to get £400,000 more from these duties than they had yielded in 1859-60 ; but that, instead of producing £400,000 more, they yielded £550,000 less, so that the total disappointment to the right hon. Gentleman that year was represented by a sum of £950,000. The £400,000, moreover, was only the amount estimated to be got in during the remnant of a financial year, a further increase of £350,000 being looked for in the year ensuing. To complete the statement of the results ensuing from this change of duty it would, therefore, be necessary to add that £350,000 to the deficit in the year following. No doubt the right hon. Gentleman got more than he expected upon colonial and foreign spirits ; but his calculations and expectations when he raised the duty on home-made spirits from 8*s.* to 10*s.* must be regarded as a great failure in a fiscal point of view. He did not know where the right hon. Gentleman had derived his figures in regard to the revenue from spirits, because they were not to be found in the papers before the House. Yet, although the right hon. Gentleman had made a very considerable miscalculation by not taking into account the particular position of Ireland as regarded the other parts of the United Kingdom, he still doubted whether the House ought at once to pronounce against the experiment the right hon. Gentleman had made. It had only been tried for three years, and its failure in a fiscal point of view did not prove that the House ought to reverse its policy, which had never been to stimulate the consumption of ardent spirits as it had done in the case of tea and coffee. Still his right hon. and learned Friend had shown that, while the increase of duty had done great harm to Ireland by encouraging illicit distillation, it had done no good to the revenue. There was, however, a Committee sitting upstairs to inquire into the whole subject of Irish taxation, and the effect of recent legislation upon the fiscal burdens of Ireland. No doubt this question of raising the Spirit Duties to 10*s.* per gallon would come before the Committee in due course, and the evidence they were taking might throw considerable light on the matter. He would, therefore, suggest to his right hon. and learned Friend, in the interest of his country and the cause which he had so fairly and so ably brought before the House, that it would be better to wait until they saw the evidence taken before the Committee, and the judgment they formed upon it. It was impossible, on other grounds, to call upon the Government at present to reduce the duty, because a large amount of revenue might be imperilled by a considerable reduction. His right hon. and learned Friend had every reason to be satisfied with the discussion, and he trusted that he would not press the matter to a division.

THE CHANCELLOR OF THE EXCHEQUER wished to explain the misconstruction referred to. It was true that in July, 1860, he stated that there were extra deliveries; but the mistake was in supposing that the assumed effect of those deliveries had been exhausted in the period between February and the end of the financial year, whereas experience showed that the effect was fully felt after the close of the financial year. With regard to the deficiency of £900,000, he stated all the particulars in regard to it in the financial statement of that year.

LORD CLAUD HAMILTON expressed his extreme disappointment and dissatisfaction at the speech of the right hon. Gentleman the Chancellor of the Exchequer, which had held out no hope to Ireland for the future. The Chancellor of the Exchequer, contrary to his usual course, had admitted that he had been disappointed in both his anticipations—that he had not succeeded in raising the revenue he expected, and that illicit distillation had greatly increased. [The CHANCELLOR of the EXCHEQUER intimated dissent.] But the right hon. Gentleman had not given out one word of hope that the present demoralizing effects of his measure would be diminished. He (Lord Claud Hamilton) had received a great number of letters from magistrates in Ireland, stating how crime had increased in consequence of this recent legislation. From one well-known magistrate, intimately connected with the counties of Donegal, Armagh, and Tyrone, he heard that not at any former period was there such an amount of illicit distillation. A collateral inconvenience from this illicit distillation was, that the police, occupied in what was called "still hunting" night after night, were unable to attend to their ordinary duties. If the right hon. Gentleman denied that the measure had failed as regarded Ireland, it was surprising that such denial was made in the face of published documents. The right hon. Gentleman referred to the increased consumption of beer, tea, and wine; but it appeared that as the licit production was decreasing, the illicit production was on the increase. One of the first effects of a large increase of duty was to throw the distilling trade into much fewer hands—to twenty-three hands, he believed, where ninety had previously been engaged, and the concentration of distillers in a few towns, who formerly were scattered over the country; the result was, the farmers could find no local sale for their damaged grain, and were thus driven to dispose of it for illicit distillation. Under these circumstances he wished to know how the right hon. Gentleman proposed to meet the evil. The right hon. Gentleman had alluded to Sir Robert Peel's policy; but when Sir Robert Peel saw that the measure which he had introduced had not the desired effect of increasing the revenue, but had stimulated the illicit trade, he reversed his policy, and repealed the additional duty. But the right hon. Gentleman did not propose to do so. He merely asked how was he to treat the foreign manufacturer and the Scotch manufacturer if he was to reduce the duty upon Irish spirits? But he (Lord Claud Hamilton) looked upon the question as a great moral and social one, and paramount to every fiscal consideration. The demoralization was not confined to those only who were engaged in the illicit trade. No one put up a still without engaging his neighbours to act as spies for him against the police; and therefore it was not merely one man, but thirty or forty men, that were engaged in resisting the law. A learned Judge (Mr. Justice Hayes) had warned the people of the evil of engaging in such a course as that, how it led from venial offences by little and little to penal servitude and the gallows; and he further observed that it appeared from the face of the police Returns, that the fruits of this practice were a greater prevalence of assaults against the person, threatening letters, and incendiary crimes. It was not right that the police should have been turned into a revenue force to put down illicit distillation, for then it had become impossible for them, without a great increase to their number, to perform efficiently their ordinary duties. He, however, did not appear here as the distiller's advocate. If it was possible to raise the tax without producing crime, he, for one, would readily consent to the increase; he only protested against a fiscal arrangement that produced crime and demoralization. He trusted the Chancellor of the Exchequer would re-consider this matter, and deal with it as one of vital importance to the moral and social well-being of Ireland.

MR. MONSELL said, there could be no difference of opinion as to the great evil of the practice of illicit distillation. It was possible that that practice had of late years increased in a few districts in Ireland; but he believed that there had been no general increase of that kind. Indeed, the Returns presented to Parliament actually showed that there had been in Ireland a smaller number of convictions for that offence during the last few years, than there had been during former years when the duty had stood at its lowest amount. It was alleged that one of the evils of the existing state of the law was, that it had contributed to reduce the number of distilleries in Ireland. But he believed that that reduction was owing mainly to the growth of more temperate habits among the people. The fact was, that there had been a steady decrease in the number of distilleries in Ireland ever since Father Mathew had commenced the temperance movement. The number of those establishments in 1840 was eighty-six, in 1846 it was fifty-four, in 1852 it was forty-six, in 1853 it was forty, in 1859 it was thirty-seven, and in 1862 it was twenty-seven. That gradual decrease was to be accounted for by the diminution of the demand for whisky, owing to the temperance movement, the decrease in the population, the increased consumption of tea and beer, and in some measure the change of system upon which distillation was carried on. It was a remarkable fact that the production of whisky in Scotland had considerably increased since the higher duty had been imposed. In the year 1854, when the duty was *3s. 8d.* or *4s. 8d.* per gallon, Scotland had produced 10,000,000 gallons of spirits; and now, under a duty of *10s.* a gallon, the production of spirits in that country amounted to 14,000,000 or 15,000,000 of gallons annually. That increase seemed to be principally owing to the employment in Scotland of patent machinery in the work of distillation, and the result was, that the Scotch were at present able to undersell the Irish distillers in their own market. If the Irish wished to compete with the Scotch in that manufacture they should use the same improved machinery. The Irish distillers, for the most part, confined their attention to the production of whisky for the consumption of their own countrymen; he confessed that, for his part, he was not sorry to find that the sale of whisky had of late years declined in Ireland, because he believed that that circumstance was principally attributable to the more temperate habits of the people, and to their vastly increased consumption of tea and beer. He had no desire, on the other hand, to see any measure adopted which would diminish the price of whisky in Ireland, and until the hon. and learned Gentleman was able to show—what he had hitherto failed in doing—that the high duties had produced illicit distillation, he should regret to see any steps taken which would tend to the increase of distillation, and not to the increase of the national morality.

LORD NAAS said, he had always been of opinion that the spirit duties ought to be put at the very highest amount which would be compatible with the prevention of illicit distillation. But if it could be proved that the increased duty had had the effect of greatly increasing illicit distillation with all its attendant evils, that would, no doubt, be a subject for the serious consideration of the House. What he principally complained of, however, was that while the duty had been enormously increased of late years, no corresponding increase had taken place in the police measures adopted for the purpose of preventing illicit distillation. Experience proved that, with proper precautions, an increase of duty need not be attended with an increase of illicit distillation; for the fact was, that there was a smaller amount of that latter evil when the duty had been raised to 8*s.* than when it had stood at a much lower sum. The practice of illicit distillation seemed to be at present confined to a few districts in Ireland, although in those districts it was no doubt extremely rife and mischievous; and he should be glad to hear that the Government were prepared to have recourse to some more stringent measures than they had yet adopted for the purpose of checking the evil. He believed that the transference from the old revenue police to the constabulary of the duty of preventing illicit distillation had been attended with the best possible results, and he could not help thinking that if the Government would add to the number of constables in the districts in which that distillation specially prevailed—a measure which would necessitate, it was true, a large increase of expenditure—it would go far to eradicate the practice. One of the unfortunate consequences of the present system was, that the spirit sold to the poorer classes were of a very inferior and even of a very deleterious description. A poor man had lately told him that five or six glasses of whisky formerly had no effect upon him, but that two glasses at present made him not only drunk but mad. He was convinced that unless illicit distillation was checked in Ireland the Government would be compelled to reduce the spirit duties. He sincerely hoped, however, that that would not be done, because he believed that spirits formed the most legitimate object of taxation; and he was, therefore, most anxious to see effectual measures adopted for the prevention of illicit distillation. He quite agreed with his right hon. Friend the Member for Limerick, that the recent decrease in the consumption of spirits in Ireland was a subject not of alarm and regret, but of satisfaction and congratulation.

MR. WHITESIDE intimated that he would not press his Motion.

Amendment, by leave, *withdrawn.*

MR. HOME AND THE ROMAN GOVERNMENT.—QUESTION

MR. ROEBUCK said, he wanted to ask a Question of the Under Secretary of State for Foreign Affairs, and it was one to which he also begged the attention of the noble Lord at the head of the Government also. It referred to the treatment of an English subject abroad. This gentleman, Mr. Home, had a power, as he believed, of bringing spirits to his call. He was what was styled a "Spiritualist;" but that had nothing to do with it, for Mr. Home was, he believed, a man of good behaviour. Well, this gentleman went to the Papal States, and did not controvert any of the regulations of the Roman Government; he went to Rome for the purpose of cultivating one of the fine arts, and in order to carry out that design he took a studio and incurred considerable expense. Some time after his arrival he received a notice desiring him to call upon Signor Matteucci, the Minister of Police. He went to Signor Matteucci's office accordingly. The Minister asked him his age; and on his stating it, Signor Matteucci expressed his opinion that Mr. Home was eight or nine years older than he stated himself to be, to which opinion the gentleman himself demurred. The controversy went on, and Signor Matteucci said, "You have published a book in France and England stating that certain spirits wait upon you?" "Well," said Mr. Home, "I have done that." "Then," said Signor Matteucci, "will you undertake that no spirits shall come to you while you are in Rome?" Mr. Home replied, "No, I can't do that; the spirits come to me of their own accord; they don't come when I call them, and I can't answer for the spirits; but I will answer for this—that I will hold no *séance*; I will do nothing to solicit their coming to me; I will do nothing contrary to the law of the city of Rome." Thereupon Signor Matteucci gave him to understand that he would be allowed to remain in Rome undisturbed. Some time afterwards the person second in command of the police of Rome sent for Mr. Home, who went to his office and found no one there. After his return home he received a peremptory message to wait upon this second Minister of Police; and on presenting himself the following day that functionary said to him, "You were not here yesterday." Mr. Home replied, "I was, and I have a consul to prove it." The other then observed, "I don't care whether you were here or not; you must go out of Rome in forty-eight hours." That was the whole story. He had heard the noble Lord at the head of the Government talk about *Civis Romanus sum* on one occasion. He now wished for a very much stronger application of the term. Mr. Home was an English citizen, and wherever he was the ægis of England should protect him against any infringement upon his liberty which the law did not allow. He wanted to know whether the noble Lord at the head of the Government would allow any English citizen to be treated in the manner Mr. Home had been —whether he would not protect an Englishman wherever he wandered with the name of an English citizen? He wanted to ask the Under Secretary of State for Foreign Affairs, whom he now perceived in close consultation with the noble Lord, whether he would not protect this gentleman against the proceedings of the Papal Government? God knew that he had no feeling about the Papal Government; and as for the old gentleman at the head of that Government, he had a high respect for him, and hoped he might live many years in the enjoyment of his high position. And as for Mr. Home, in the presence of the right hon. Gentleman the President of the Board of Trade (Mr. Milner Gibson), he must say that he regarded this spirit-calling as an hallucination. He had no feeling on the subject of that wonderful power, except one of, he might say, contempt for the whole thing; but Mr. Home being an English citizen, he was anxious that this country should protect him as long as he did not disobey the law. That gentleman at forty-eight hours' notice was put into a railway carriage and ignominiously expelled out of the Roman States; and when Lord Russell was asked what he would do, he said, "I will do nothing." It might be said that Mr. Home went into the Roman States knowing that the Pope was all-powerful and despotic; but—he knew he was going on a violent hypothesis — if an English merchant went into Russia, and the Emperor said, "Cut off that English merchant's head," would England stand it? He appealed to the noble Lord to protect this unfortunate gentleman, and he begged to ask whether anything had been done by Her Majesty's Government to procure him redress?

MR. LAYARD expressed his regret that Mr. Home should have placed himself in such a position that the Roman Government had called upon him to leave Rome. But Mr. Home appeared to have infringed the Roman laws. It was alleged that the cause of this disagreeable circumstance was that he was in the habit of communicating with certain spirits of the other world. The Papal authorities said that this was against their laws, and they, therefore, called upon him to leave Rome. Now, he (Mr. Layard) did not wish to give any opinion as to whether that gentleman had or had not communication with unearthly spirits. Neither was he prepared to cavil with the Roman law or the Roman authorities. Such appeared to be the Roman law, and so it was administered within the Roman territories. When a gentleman visited a foreign country he was naturally compelled to conform to its laws, and if he refused to do so it was for the authorities to exercise the power vested in them, and to remove him. The same principle was recognized in England, before the repeal of the Alien Act, which enabled the British Government to remove a foreigner from this country under certain circumstances. It was impossible for Her Majesty's Government to interfere in the case in question. All he could say was, that when Mr. Home was first called upon by the Roman Government to furnish explanations in regard to a certain work he had published, and in regard to his alleged intercourse with the spirits of another world — by no means good spirits, but quite the contrary —he sought the protection of the British Consul. The British Consul, whose duty it was to deal with such questions, at once communicated with the Roman authorities, and endeavoured to obtain a withdrawal of the order to Mr. Home. Upon this application the Roman authorities at first gave Mr. Home leave to remain at Rome upon his undertaking, it is understood, to abstain from communicating with the other world; but they afterwards changed their mind, whether because they believed that those mysterious spirits were holding converse with Mr. Home, or from some other cause, he (Mr. Layard) could not say. But, at all events, they were determined that neither Mr. Home nor any of those spirits should make Rome their dwelling place, and, accordingly, they requested him to depart. Such was the law of Rome, and the House would see it was impossible for the British Government to interfere in the matter. This was not a question in which there was any protection needed for either the person or property of a British subject. There was no charge of ill-treatment, nor of any attempt to injure the property of a British subject. All that this gentleman was required to do was to leave Rome within a certain time. He had no doubt that Mr. Home had suffered great inconvenience from this circumstance, as he appeared to have wished to follow the profession of a sculptor, and to have expended some money upon his studio and house in Rome. The law, however, was such as had been stated, and he was bound to submit to it. Her Majesty's Government had made such remonstrances as the nature of the case permitted, but those remonstrances had proved unavailing, and he was afraid they could do nothing to compel the Roman Government against their will to receive this gentleman and his supernatural visitants.

MR. HENNESSY said, that Mr. Home was a gentleman who stated that he had intercourse with spirits, who foretold future and related past events, and he believed that he accepted fees for his *séances* [Mr. ROEBUCK: Never.] Suppose he had done so. [Mr. ROEBUCK: Suppose he had not.] What, however, he wished to point out was that in this country we had very stringent laws against conduct similar to that of Mr. Home. Fortune-tellers and persons attempting to foretell events were liable to be taken up and punished by our laws. He would not discuss whether our laws or the laws of Rome were sound or not. What he asserted was that in each case they were founded on the same principle. There were a great number of English residents at Rome every year, and he had heard many of them state that nothing could exceed the courtesy and attention they always received from the Papal Government. This was the only complaint he had ever heard of against that Government, and he was glad to learn that Her Majesty's Government thought it was not well founded.

MR. SCULLY said, the hon. and learned Member for Sheffield had made a mistake in bringing that complaint against the Roman Government. That Government and Mr. Home were quite agreed; the only difference between them was as to these spirits, for whose good behaviour that gentleman could not be answerable. The only persons to blame were the obscene spirits in the habit of calling occasionally on Mr. Home. The hon. and learned Member said he had a great respect for "the old gentleman" at the head of the Roman Government. That was not a decent mode of reference to the head of the Catholic Church, and it was not justifiable on the hon. Member's part, even although he might have a bigoted prejudice against Catholics. [Mr. ROEBUCK dissented.] The House had been occupied all that evening with spirits and nothing but spirits; and he thought they had had enough of them. For himself he did not believe in any spirits except the spirit invoked by the Witch of Endor, for which there was Scripture authority. The President of the Board of Trade had turned the tables on the hon. and learned Member having left the House, not liking, perhaps, to face the spirits on that occasion. The hon. and learned Member had asked what Earl Russell would do if an English merchant, "not a gentleman," had his head cut off at St. Petersburg. Why he would do exactly what he had in regard to Mr. Home—nothing. Russia was too strong to go to war with. But if the merchant who was not a gentleman had his head cut off by the Roman Government, Earl Russell would then go to war, because the Roman Government was weak. The hon. Member for Sheffield must know, as a lawyer, that the Roman Government in this case had acted within its strict right. England used to expatriate Papists, as she called them, at her pleasure, without receiving any remonstrances from Foreign Powers. The men thus sent away were not even foreigners, but their own countrymen. As for foreigners, England had always excluded them whenever she liked, on any excuse or on no excuse. He trusted they would not have a renewal of that night's exhibition; and he could not see what on earth could have been the hon. Member for Sheffield's object, unless it were the propagation of his extraordinary doctrines.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES. PUBLIC WORKS AND BUILDINGS.

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES—PUBLIC WORKS AND BUILDINGS.

(In the Committee.)

(1.) Question again proposed,

"That a sum, not exceeding £55,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for erecting a New Office for the Secretary of State for Foreign Affairs," MR. AUGUSTUS SMITH complained of the enormous cost of the new building, and called attention to the item of £4,899 for preliminary expenses of designs which were not adopted. He found, when he added this item to the sums of a similar nature voted in previous years, that upwards of £10,000 had been paid for designs not used. He moved the omission of the item.

Motion made, and Question proposed,

"That the Item of £4,899 8*s.* 9*d.*, for Preliminary Expenses of Designs for a Foreign Office, which were not adopted, be omitted from the proposed Vote."—(*Mr. Augustus Smith.*)

MR. W. WILLIAMS asked when the new Foreign Office would be finished according to the contract.

MR. COWPER said, the contractor had bound himself to complete the building in two years and four months from the present time. It would probably, therefore, be in use in three years. In reply to the hon. Member for Truro (Mr. Augustus Smith), he explained that the estimate of £200,000 for the new Foreign Office was based upon the original tenders made in 1859. The building now in the process of erection was, in its internal arrangements, almost the same as that for which the contracts were given; but since that time the price of labour and materials had risen about 10 per cent, and the estimate founded on the lowest tender was £223,516. He reminded the Committee that in July, 1861, he stated that the Government could not bind themselves to the estimate of £200,000. The item of £4,899 was made up of various sums paid for drawings and plans. First, there was a sum of £500 due to Mr. Gilbert Scott for work done between November, 1858, and March, 1859; next, there was a further sum of £2,000 payable to Mr. Scott for working drawings and specifications for tenders in 1859; then the model exhibited to Members of the House cost £300, and £1,500 was paid to surveyors for preparing bills of quantities. There were also some smaller charges, bringing up the total to £4,899; but the money had actually been paid, did not require to be voted, and was mentioned only to show the total estimated cost of providing a new Foreign Office. The drawings and plans, though not adopted, were necessary to enable the House to decide what kind of building the Foreign Office should be. Architects had to be employed to prepare them, and he did not think any fault could be found with the amount. He hoped, therefore, the hon. Member would not press his Amendment.

MR. AUGUSTUS SMITH said, it seemed to him that there were several items in this Vote which had already appeared in a previous account.

MR. COWPER explained that the items in question were not to be voted now, and were given merely for the information of the House as to the amount of the whole grant.

MR. AUGUSTUS SMITH asked whether Mr. Pennethorne's claim in regard to the Foreign Office was included?

MR. COWPER said, that the only architect whose account was included was Mr. Scott.

Motion, by leave, *withdrawn.*

Vote *agreed to.*

Original Question put, and *agreed to.*

The following Votes were then *agreed to*:—

(2.) £6,750, Industrial Museum, Edinburgh.

(3.) £3,355, Aberdeen University.

(4.) £6,574, To complete the sum for the Probate Court Registries.

MR. AUGUSTUS SMITH asked what the buildings were for which these sums were required.

MR. HADFIELD said, he thought it would be very convenient if the fees and other sums received by the Probate Courts were put in the same account with the expenditure. They were receiving a large sum every year from the public in the shape of fees, out of which the Proctors' compensation was paid. It was understood that the fees in the Probate Court were to be reduced as the compensation charges for the Proctors gradually diminished, and he therefore thought that a statement of the sums paid to the Proctors should be included in the accounts.

MR. ALDERMAN ROSE said, he believed that under this Vote was the proper occasion to express the alarm he felt as to the custody of wills in the building in which they were now placed. It was understood that the building was very vulnerable by fire, and that no protection at all was afforded to its contents. He should be glad to know whether this subject was under consideration, and if any proper site for the custody of wills had been decided upon.

MR. COWPER said, he shared to a certain extent the anxiety and apprehension of the hon. Member. A railway was going to be carried under the Registry in Doctors' Commons, and a street was going to be taken through it. The Government had endeavoured to take care that the removal of the wills should be conducted in a manner that would not cause any confusion. A clause was to be introduced into the railway Bill, that the wills should not be removed until a proper place of deposit had been secured, and a similar precaution had been taken in the Act for the street. A portion of the present Registry was not, perhaps, in a satisfactory fire-proof condition, and the Government had been anxious to get another building. It was thought that they might be ultimately deposited in the basement of the new Courts of Justice. The circumstances to which he had referred rendered it necessary that a change should be made without delay, and probably the basement of the new Courts of Justice would answer the purpose. The larger portion of the expenses connected with the Probate Court would be found under the head of "Law and Justice," where they could more properly be discussed than on the present Vote, which had reference to a Registry at Manchester.

Mr. HADFIELD wanted to know whether all the wills of the district would be stored there?

Mr. COWPER said, that all the wills of the district would be deposited in the new building at Manchester.

Mr. Alderman ROSE inquired how soon would the new Registry Office in London be completed?

Mr. COWPER replied that the existing Registry Office could not be taken possession of without the consent of the Lords of the Treasury, who, of course, would not give their consent until a perfectly proper depository for the wills was provided. He believed that such a place would be ready in ample time.

Vote *agreed to.*

(5.) £574, to complete the sum for the General Register House, Edinburgh.

(6.) £19,000, to complete the sum for the Public Record Repository.

(7.) £15,000, to complete the sum for New Westminster Bridge Approaches.

Sir COLMAN O'LOGHLEN asked when the remaining houses in New Palace Yard were to be taken down?

Mr. Cowper

Mr. COWPER stated that the owner of Fendall's Hotel and of the adjoining houses was bound by an award to surrender them, and their demolition would commence when surrendered.

Mr. KINNAIRD wished to know what was intended to be done when the houses were pulled down?

Mr. COWPER said, that the Government had asked for a plan for laying out the whole of New Palace Yard as an open space. The details were not yet decided on; but, probably, the best scheme would be to carry a balustrade wall along the southern side of Bridge Street, on account of the level of New Palace Yard being below that of Bridge Street. This difference of level might be made conducive to beauty in laying out the square.

Vote *agreed to.*

(8.) £7,930, to complete the sum for new Westminster Bridge.

(9.) £3,260, Architectural Designs &c., for Public Buildings.

Mr. W. WILLIAMS asked for an explanation of the Vote.

Mr. AUGUSTUS SMITH said, that the Committee were now asked to Vote this sum for plans and estimates prepared by Mr. Pennethorne at different times between 1853 and 1856, and unless some explanation was given with regard to the Vote he would move its rejection.

Mr. COWPER said, the hon. Member must be aware from the various Committees that had sat on this subject, and debates that had taken place in the House, that a great number of plans had been prepared at different times. This Vote was confined entirely to the claims of Mr. Pennethorn e Mr. Pennethorne did not send in his claim until after the question respecting the site of Downing Street was decided, because he did not know that he would not be employed upon it. This question had been the subject of great deliberation. In 1853 it was proposed to have a building facing St. James's Park; but that plan was set aside in November, 1854, and another plan was prepared which was to carry the offices all round the quadrangle. Committees and debates followed: it was afterwards thought desirable to enlarge the area to be employed for the public offices. With this change of opinion it became necessary to throw aside the designs that had been made, and to prepare others. The largest item in this Vote was for a sum of £2,100, charged by Mr. Pennethorne for his designs and his estimate, amounting to £435,000 for an office round the quadrangle, and for which he had prepared the working drawings for a contract in gross, and was entitled to ½ per cent upon the estimate. In consequence of the preparation of these designs, the House voted a sum of money in July, he believed, 1855, for the site, and it was intended that the plan should be adopted. Then it was found that the area would not be sufficient, and a Committee on the public offices was appointed in 1856. They determined upon rejecting the existing plans, and recommended a public competition. Consequently Mr. Pennethorne's designs became useless; but he was entitled to remuneration, and the Committee would see that it would not be honest on the part of Parliament not to compensate an architect for work fairly done, and which had been of great use in forming a decision on the subject. For himself he (Mr. Cowper) rejoiced that the former scheme had been abandoned, and the larger area decided upon.

SIR WILLIAM MILES thought the Government erred in the plan they adopted in paying the persons they employed. It appeared that in 1864 a large sum was due to Mr. Pennethorne for work commenced so long back as 1853. Would such a state of things be borne for one instant in a private establishment? Why could not the expense incurred for plans in one year be paid for and brought into the Estimates of the next year? This debt had been accumulating for eleven years, and he protested against such a mode of managing the public accounts.

MR. AUGUSTUS SMITH pointed out that no explanation had been given of the £5,600, which, according to the audited accounts, had been paid to Mr. Pennethorne in 1859-1860. It appeared as if Mr. Pennethorne were being paid twice over. In his evidence before the Select Committee Lord Llanover distinctly denied having given Mr. Pennethorne any authority for the preparation of these plans.

MR. COWPER believed that Mr. Pennethorne had misunderstood the directions which he had received from Lord Llanover; but it was not likely that a man of his station and high character would have made these plans except he had believed that he was acting under instructions from the head of his Department. The work had been done, and after due consideration the Government were of opinion that, on the whole, Mr. Pennethorne was entitled to be remunerated for them. As to the sum paid two years ago, it had nothing whatever to do with the plans referred to in this Estimate.

LORD JOHN MANNERS was sure that Mr. Pennethorne believed himself to be perfectly justified in preparing these plans, and was glad that the Government had concluded to propose this Vote. The difficulty in closing the architect's accounts lay quite as much with the House of Commons as with the Board of Works. An architect was directed to prepare plans for some public buildings which were thought to be urgently required. By the time he sent them in, perhaps, public opinion had changed, the buildings were not thought to be so urgent, or there might be doubts expressed as to the mode of carrying them out. Time went on, and the architect did not like to send in his bill, because he did not know but that at the end of two or three years' discussion his plans might be, after all, adopted, when he would get the usual percentage. For instance, how many years had the Foreign Office and the National Gallery been under discussion, and how many architects had been employed in preparing plans for them? As to the Foreign Office, he wished the noble Lord at the head of the Government joy of the building which was being erected in Downing Street, and he hoped that his name would be engraved in large letters over it, so that posterity might know to whom they were indebted for that ornament to the metropolis. Mr. Pennethorne was a most careful and painstaking public servant, and he hoped the House of Commons would not refuse him payment for work actually rendered.

SIR WILLIAM MILES reminded his noble Friend that this Vote was for plans which had been rejected and disposed of at once. Supposing any one not in Mr. Pennethorne's position had prepared these plans, would it have been fair to make him lie out of his money for eleven years?

MR. KINNAIRD asked whether Mr. Pennethorne was not a permanent servant of some Department, and whether his whole time was at its service. He was under an impression that he received a salary either from the Board of Works or from the Woods and Forests.

MR. COWPER said that, under the present arrangement, Mr. Pennethorne had a salary of £1,500 a year as surveyor and architectural adviser to the Board of Works. In these capacities he had rendered great services to the Department, for which he would have received a larger remuneration had he been paid in the ordinary way. With respect to plans for new buildings, Mr. Pennethorne was in the position of any other architect, and entitled to his commission. In 1853 and 1855, Mr. Pennethorne considered himself likely to be appointed architect for erecting those buildings for which he had made the designs. Even after the Committee of 1856 recommended public competition, he did not know, until the contract was made, that he should not be intrusted with the execution of the work. Consequently, he did not press for payment until the contract was entered into for the present buildings. His claims, however, had undergone considerable scrutiny.

MR. W. WILLIAMS thought there would be a great economy in employing a Government architect in all public works. Mr. Pennethorne appeared to be paid a salary, and to make all his charges besides.

LORD JOHN MANNERS observed that it would be absolutely necessary that where a competent architect was taken from his ordinary work he should be paid a competent salary. But it did not follow that because an architect did the ordinary work of his office very well, that he was one to whom they should intrust the design and execution of great public buildings.

MR. DARBY GRIFFITH wished to know whether the plans now to be paid for included those of the Lombardo-Gothic building from which they had been saved by the noble Lord the First Minister, and which, however beautiful in itself, would have been totally unsuited to the locality.

MR. COWPER: No. The design to which the hon. Gentleman alludes was not prepared by Mr. Pennethorne, but by Mr. Scott.

Motion made, and Question put,

"That a sum, not exceeding £3,260, be granted to Her Majesty, to defray, in the year ending on the 31st day of March, 1865, the Charge for Architectural Designs, Plans, and Estimates for Public Buildings, prepared at different times between the years 1853 and 1863."

The Committee *divided*:—Ayes 84; Noes 21: Majority 63.

Vote *agreed to*.

(10.) £4,000, Nelson's Column.

ADMIRAL WALCOTT: I rise, Sir, for the purpose of expressing the dissatisfaction I so strongly feel in the unworthy delay which, as it appears to me, has been permitted from year to year to occur in the completion of this monument to England's heroic and illustrious admiral; and to complain that, although a sum—in amount, £3,816—has been expended upon the lions destined to adorn its base, so little progress has been made in the work. Regarding this I may mention a circumstance, painful though it be in interest, which is, that a few months since one of the last of Nelson's captains—the late admiral of the fleet, Sir Graham Howard—almost in his dying hours expressed to his son, Captain Howard, of the navy, his strong and anxious regret that this last testimony to the great and illustrious man, whom he survived, was still incomplete. There were but a few left who had served under that great seaman, and he (Admiral Walcott) was afraid that they likewise would pass away with the same sentiment on their lips.

"Well might the passing foreigner exclaim—
 If Britain thus neglect her gallant son,
She ill deserved that honour and that fame
 Which with his precious life for her he won."

He therefore hoped that some effort would be made to complete this column.

MR. W. WILLIAMS thought that it was disgraceful that the monument should be left uncompleted.

MR. COWPER said, he fully sympathized with the feelings of the hon. and gallant Admiral, who, he believed, originally proposed the erection of the lions, and much regretted the delay which had occurred in the completion of the work. That delay, however, had arisen rather from an excess than a want of care. The first model was all but completed, and he was assured that one of the lions would be cast during the present year. When that had been done the difficulties would have been mainly overcome, and he trusted that no long period would elapse before the other three were finished, and that the hon. and gallant Admiral would have an opportunity of seeing and admiring them. Some money had been paid in advance, but the value of the work executed was fully equal to the sum which had been advanced.

SIR MATTHEW RIDLEY said, there were in the Foreign Office four colossal lions of sufficiently large dimensions, executed by an eminent artist some years ago, and then only set aside by the vote of the late Duke of Wellington. They were to have cost 6,000 guineas, and every lion would have been distinct and different. Not only was the work, after being *un fait accompli*, thus thrown aside, but the work of providing the lions for the angles at the base of the monument transferred to Sir Edwin Landseer. He trusted that the new work would be properly executed; but he could not help thinking, that as a matter of economy, the lions finished years ago might have been advantageously and properly used. He saw no reason why the British public should pay £17,000 for the same thing as they could get in as high or a higher style of art for £7,000.

Sir GEORGE BOWYER observed the House had been told last year that Sir Edwin Landseer was going every day to the Zoological Gardens — he presumed at feeding time — to study the lions. Now the public were told that they were only going to have one cast some time this year. He trusted, however, that the right hon. Gentleman would give them some more precise information on the point. He hoped the four would not be all alike, and he thought that it would have been better to have engaged four artists. He really could not understand why Sir Edwin Landseer should have been commissioned at all. That he was a great painter of animals was not a very satisfactory reason why he should be a good artist in bronze. Indeed, he should have thought that Sir Edwin was one of the worst persons to whom the work could have been intrusted, for the great merit of his painting was the great finish of his work, whereas what was wanted was something bold and striking.

Lord JOHN MANNERS said, one of the lions was ready for casting within the next month. The principal reason which caused Sir Edwin Landseer to go to the lions was that the lions would not go to Sir Edwin Landseer, and the artist deserved much credit for taking the special trouble he did. When the lions were seen they would give a practical answer to the remark just made, and he believed that the hon. Baronet (Sir George Bowyer) on seeing the model would come forward and say that whoever selected Sir Edwin Landseer did well. He (Lord John Manners) had selected him because he considered him the best fitted to place the lions on the pedestal. The hon. Baronet (Sir George Bowyer) had suggested an eminent sculptor; but his next remark that there ought to be four employed was not consistent therewith.

Mr. GREGORY had heard from those who were competent to give an opinion, that Sir Edwin Landseer's model was a high work of art. The turn which the debate took reminded him of the heraldic artist who was brought to Exeter Change to see the lions, and who, when assured that they were lions, maintained that they were most misshapen beasts, and not the animals he had been painting all his lifetime. The British public were in the position of this painter of heraldry—they had only seen the conventional beast in stone or bronze—and Sir Edwin Landseer would teach them what the king of the beasts really was.

Vote *agreed to.*

(11.) £96,000, Harbours of Refuge.

Mr. BAXTER said, he had distinctly understood that no further Vote would be asked for on account of the works at Alderney, and yet a Vote of £50,000 was now asked for, and it appeared that more would be required.

Mr. PEEL said, it had been stated last year that the Government had decided on abandoning the construction of the eastern arm of the breakwater, and that the works would be confined to the completion of the western arm. There would thus be a reduction in the total estimate from £1,300,000 to £1,200,000; and there was reason to believe that this Estimate would not be exceeded. After the present Vote, a further sum of £50,000 would complete the whole work.

Colonel W. STUART was glad to hear that the rocks were to be blasted; otherwise the harbour was more likely to wreck than to save our ships.

Mr. LINDSAY said, he had recently been to Alderney and could not help being struck with the folly of successive Governments in throwing money away upon the works there. Alderney was one of a cluster of rocks. As to its being a harbour of refuge, if the eastern arm was abandoned no vessel would find protection against an easterly gale, or would run there for protection—and as to its being a look-out station from which to watch Cherbourg, even on a clear day it would be impossible to see ships entering or leaving Cherbourg, which was twenty-four miles off. In addition to £1,600,000 for the breakwater, the Government had spent £250,000 on fortifications, which in a time of war would require 7,000 men to man them. No enemy would ever have thought of attacking Alderney if we had not put fortifications for him to attack there. Did the House think that in time of war the country would keep its ships lying in the harbour? No, they would be cruising up and down the Channel, protecting our own commerce and watching the enemy. The pier erected at Alderney, if constructed somewhere on the coast of England, might be instrumental in protecting life and property; but in its present position it was exposed to the most violent gales, from which its concave instead of convex form rendered it very liable to injury. The harbour itself was nothing but a cluster of rocks; it was true that these were being blown up, but was it not a monstrous thing of any Government to select such a site? For his own part he would rather that the whole undertaking should be abandoned; but if the House should be of opinion that the works should be completed, he would suggest that the additional work should be performed by convict labour.

Mr. CORRY said, it was a great mistake to call Alderney a harbour of refuge, as no man in his senses would run down upon that dangerous coast. But at the time it was originally designed for a great naval port, the most distinguished authorities, including the late Duke of Wellington, were favourable to the scheme. To illustrate the matter, if a foreign Power were in possession of a great harbour and extensive fortifications upon an island only sixteen miles from Portsmouth, their importance doubtless would be generally recognized. The breakwater, however, would be perfectly useless unless the south-eastern arm were constructed as well as the western. This would cost an additional £100,000, but whatever Government might be at the time in office he was sure the money would have to be spent.

Mr. COX said, he believed that the works at Alderney would only hold out an invitation to an enemy to attack a place which they would otherwise never visit. He also had recently been at Alderney, and one of the 200 or 300 inhabitants of the island told him that it would have been better if the vast sums which had been expended there in the construction of a harbour which could never answer the intended purpose, had been employed in cutting down the whole surface to low-water mark and removing to London the stone of which it was composed to pave the streets.

Vote *agreed to.*

Mr. Lindsay

(12.) Motion made, and Question proposed,

"That a sum, not exceeding £47,875, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for Works and Expenses at the New Packet Harbour and Harbour of Refuge at Holyhead, Portpatrick Harbour, and of Works at Spurn Point."

Lord NAAS asked, when there was a reasonable prospect of the completion of the works at Holyhead, which the public had been looking forward to for several years past?

Mr. TORRENS asked for some information on the subject of Portpatrick Harbour, and moved that the Vote be postponed until the requisite details were furnished in the same form as in Vote 18.

Motion made, and Question proposed,

"That the Item of £8,727, for Portpatrick Harbour, be omitted from the proposed Vote."—(*Mr. Torrens.*)

Mr. COX said, that when he was in the North of Ireland he was informed that the Government had agreed with a railway company to construct a line to Portpatrick; but on inquiry he could not discover that any such contract existed. There had been voted up to last year the sum of £21,000, and the House was now asked for a further sum of £8,700. The original Estimate was, he believed, from £12,000 to £15,000. He wished to know how long they were to go on voting money for making Portpatrick Harbour? A small outlay at Stranraer, to form a route by Larne, would be money much better laid out.

Mr. MARSH said, he had been two or three times to Portpatrick Harbour, and he believed that the works there were a mere job. Stranraer, on the other hand, might easily be made an excellent harbour.

Major HAMILTON said, he had attempted to land at Stranraer by the steamer, but he was obliged to get into a boat, and could not even land from that, for he was put into a cart and then shot out, like so much rubbish.

Mr. COX said, that the sum of £200 or £300 expended on a landing stage at Stranraer would make it a better harbour than Portpatrick, because a steamer could enter it at any time of the tide.

Mr. MILNER GIBSON said, that the works for the accommodation of the packet service at Holyhead would, he believed, be completed within the present year; but some delay had hitherto been caused in consequence of some difficulty being thrown in the way of the London and North Western Railway traffic. This difficulty had now been removed. The Vote for Portpatrick Harbour was rendered necessary in consequence of an engagement, wisely or unwisely, entered into between the Government and the Portpatrick Railway Company in 1856, that if the Company brought down their line to the harbour the Government would render the harbour available for the steam packets between Portpatrick and Donaghadee. He understood that the works would not be completed during the present year, though the deepening of the water-way at the entrance gates would be completed within a few weeks, and the harbour itself would be dredged. This latter work was frequently interfered with by the weather, and, therefore, he could not say when it would be finished, but the Government must carry out their agreement with the Railway Company.

Mr. COX said, he had been unable to find that there was any engagement by the Government to do this work, and he asked for the production of the document, if there was any. The Act of Parliament was silent on the subject.

Mr. MILNER GIBSON said, that the agreement was founded upon a correspondence which took place between the Government and the Railway Company, and upon a subsequent Treasury Minute, ordering the execution of the works. Beyond that, there was no written contract with the company.

Mr. CORRY said, he could not, under the circumstances, support the Amendment; but he trusted that next year the estimate for this and similar works would be in the same form as those for Dover and Alderney. If there had been any Irishman at the Board of Trade or the Treasury, the works at Holyhead would have been completed long ago.

Mr. W. WILLIAMS said that, years ago, a promise had been made that no more money should be spent upon this harbour.

Colonel DICKSON said, he was not so sanguine as the right hon. Gentleman in his belief in the speedy completion of the arrangements for the passenger traffic between Dublin and Holyhead. He thought that the attention of the Government could with very much greater advantage be directed towards the blowing up of Daunt's Rock. They were asked to vote £50,000 for the works at Alderney. He regarded those works as nothing less than a monstrous job, and while the Government were bestowing their attention in that direction, the applications for the destruction of Daunt's Rock, which would only cost £20,000 or £25,000, were entirely neglected; and yet if that rock were removed it would make fully available one of the finest harbours in the world.

Mr. BENTINCK objected to the principle of expending public money for local purposes. His right hon. Friend the President of the Board of Trade had assigned a reason for the necessity for the expenditure of so much money the principle that, because the Parliament of 1856 made an agreement, the Parliament of 1864 was bound to accept the conditions agreed to, and act upon them, whether those conditions were good or bad. His right hon. Friend was too good a tactician to admit that the bargain was a bad one, but if it had been advantageous he would certainly have said so, and in his remarks he had carefully avoided making any such statement. The position of Portpatrick was not to be compared to that of Stranraer, and yet Government was spending money for no earthly purpose, while they had a magnificent harbour within five miles. With regard to Daunt's Rock, it was perfectly marvellous what an amount of misconception existed upon the subject. Daunt's Rock was no more an impediment to the entry of Cork Harbour than were the cross-benches to any one coming into the House—in fact, a vessel must go out of her way to get on it. There was actually existing at the present moment, at the very mouth of Cork harbour itself, a rock ten times as dangerous and inconvenient, which no one entertained any idea of removing; and the only ground upon which the removal of Daunt's Rock was urged upon the Government was, the fact of a vessel having run on it in cold blood.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(13.) Motion made, and Question proposed,

"That a sum, not exceeding £72,452, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland."

Lord NAAS wished to know the amount

which was to be devoted to the Albert Model Farm for additions and alterations.

Mr. W. WILLIAMS complained of the expenditure of money for the erection of model agricultural schools, which he maintained existed in reality for the benefit of the landlords. Many items had been included in this Vote which did not properly belong to it. He said that the sum of £4,000 was asked for the Phœnix Park. What was that for?

Sir COLMAN O'LOGHLEN said, the Phœnix Park in Dublin was placed under the Board of Works, and therefore the sum asked for came under the amount voted for that Board. It was unreasonable to object to the Vote of a little more than £4,000 for the Phœnix Park when no less than £94,000 had been voted for the English Parks.

Mr. PEEL explained that the sum asked for the Phœnix Park was to carry out improvements in the way of levelling, draining, and planting shrubberies. With reference to the Vote for the Board of Education Buildings, the principal item was for a steam laundry at the Albert Model Farm, by which it was expected that a considerable annual saving would be effected.

Lord JOHN MANNERS reminded the right hon. Baronet that last year he had undertaken to consider the expenditure at Glasnevin, with a view to its reduction and ultimate extinction. A new Vote for alterations and repairs did not seem adapted to the fulfilment of such a promise.

Sir ROBERT PEEL did not admit that he had contemplated the extinction of the institution. He had promised to consider what reductions could be made, and he had carefully gone over the details of the establishment with that object in view, the result of which was that reduction had been made. He did not believe that it would be for the interest of Ireland to abandon the institution.

Lord NAAS said, it was clear that as long as the schools were maintained repairs would be necessary; but what he objected to was that any enlargement or addition to the Model Farm should take place after the pledge which had been given last year, that the institution should be put upon a reduced scale, with a view to its ultimate suppression. The item of £600 for a steam laundry needed some explanation.

Sir ROBERT PEEL said, it was perfectly true that last year he gave the Committee a pledge that the Agricultural Model Schools should be reduced, and he had done all in his power to carry out the wishes of the House in that respect. The expenditure now proposed was, for the most part, for necessary repairs. In Class 4 the Estimate for that particular class of institutions would be found to be diminished; and when Class 4 came on for discussion he should be prepared to give every information in detail with regard to the Model Agricultural Schools in Ireland.

Lord NAAS thought the proposition to increase the amount for alterations of the Model Farm was nothing more than an attempt to perpetuate the institution, and as its real purpose was simply to supply landowners with land stewards, he objected to the outlay for such a purpose. He should therefore move to reduce the Vote by £600.

Motion made, and Question,

"That the Item of £950, for additions and alterations to Model Agricultural Schools be reduced by the sum of £600."—(*Lord Naas.*)

Sir ROBERT PEEL said, the institution was something more than a school for land stewards; it was really a valuable national institution.

Mr. W. WILLIAMS wanted to know why such alterations were made in the Model Agricultural Schools and the Albert Model Farm as to require an outlay of £1,726 upon them.

Colonel DICKSON asked why it was necessary to build a steam laundry at an expense of £600. Whose washing was to be done in that laundry?

Sir ROBERT PEEL said, he supposed it was the dirty linen of the establishment.

Mr. ESMONDE said, that the school was of more use to the peasantry, from whom land stewards were taken, than to the landlords.

Question put and *negatived.*

Original Question put, and *agreed to.*

(14.) £13,000, to complete the sum for the New Record Buildings (Dublin).

(15.) £1,100, to complete the sum for the National Gallery (Dublin).

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £13,703, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for erecting and maintaining certain Lighthouses abroad."

Mr. CORRY wished for some explanation of the item for the harbour master, and for the construction of a breakwater at Howth.

MR. PEEL said, an Act of Parliament was passed last Session authorizing the advance of money to make certain improvements in Howth harbour, in consequence of the number of fishing vessels that went near the harbour. At the same time, power was given for levying tolls on vessels that should frequent the harbour, and it was expected that a considerable sum would be received in that way which would clear off the amount expended.

MR. AUGUSTUS SMITH objected that this country should be called upon to pay for lighthouses which were of value only to the ships frequenting the coasts of our colonies. He thought that the colonies themselves should maintain those lighthouses. Ceylon had a surplus revenue, and yet the taxpayers of this country were called upon to maintain the lighthouses upon the coasts of that island. He should move the reduction of the Vote by the sum of £2,000, the cost of the maintenance of the lighthouses in question.

Motion made, and Question,

"That the Item of £2,000, for the Little Basses Rocks Light Ship at Ceylon, be omitted from the proposed Vote."—(*Mr. Augustus Smith.*)

MR. THOMSON HANKEY could not understand why this country should not pay its proportion for the keeping up of this light ship, for if it were not maintained the shipping of this country would materially suffer.

MR. MILNER GIBSON also observed that the lighthouse at Ceylon was kept up to facilitate the navigation of ships going to and from China and Australia, and that it would be very hard to call upon the inhabitants of the island itself to submit to the heavy charge necessary for that purpose.

MR. HASSARD wished the right hon. Gentleman would apply the same argument to the case of Daunt's Rock, in the vicinity of Cork.

MR. AUGUSTUS SMITH said, the light ship was principally for the use of the local shipping.

Question put, and *negatived.*

Original Question put, and *agreed to.*

£4,000, Lunatic Asylum, Isle of Man.

COLONEL W. STUART moved the rejection of the whole Vote. Here was a large sum proposed to be voted by the country for building a new lunatic asylum in the Isle of Man. What the population of the Isle of Man was he did not know. The Governor had £800 a year, and therefore, so far, it was an agreeable place. The probable cost of the building was £20,000, and £2,000 for the purchase of the site. He did not see why English taxpayers should contribute this money for the purpose of building a lunatic asylum in the Isle of Man.

Motion made, and Question proposed,

"That a sum, not exceeding £4,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the erection in the Isle of Man of an Asylum for the reception of Criminal and other Lunatics."

MR. PEEL said, the Vote was proposed with the view to fulfil engagements which had been entered into in 1850, when Sir G. C. Lewis was Secretary to the Treasury. At that time an application was made by the Isle of Man for a grant towards erecting an asylum for its criminal and pauper lunatics; and the Government undertook to provide half the expense necessary for erecting the proposed asylum provided the inhabitants of the island themselves would raise the other half. Considerable difficulty was however found in the island in raising the necessary sum. Matters remained so until 1858, when the island took upon itself to raise the necessary money by means of a local assessment on real property; and then, upon a second application, the late Government declared that they were willing to pursue the same course as had been suggested in the year 1850. The necessary preliminaries were accordingly completed, and plans and estimates were prepared for the buildings, which were approved by the proper authorities in this country. It was, therefore, deemed desirable to propose the present Vote to defray half the cost of the buildings. He might add that the revenue which the Exchequer received from the Isle of Man amounted to £27,000 a year, while the sum annually paid out of that revenue did not exceed £15,000, thus leaving a sum of £12,000 to be appropriated to the purposes of this country. He thought that, considering this circumstance, and that an asylum was necessary for the island, this Vote might be agreed to.

LORD ROBERT CECIL said, it might be true that Customs duties were raised in the island, and that those duties went into the Imperial Exchequer; but similar duties were raised by every county in England, which besides raised rates for such objects as the building of its own lunatic asylums. Why, then, he should like to know, should the right hon. Gentleman seek to arouse the pity of the Committee for the Isle of Man? Or why should it be made an exception to the rule which applied to other parts of the kingdom? That island was in a peculiar position. It had no representative in the House of Commons. It was governed by a Parliament of its own, and if it governed itself it ought to tax itself. If the Committee agreed to the Vote, they would be introducing the principle of taxation without representation —a course to which he objected; and he should therefore support the Motion of the hon. and gallant Gentleman behind him.

Question put.

The Committee *divided:* — Ayes 73; Noes 95: Majority 22.

(17.) £17,000, Sheriff Court-Houses (Scotland).

Sir COLMAN O'LOGHLEN called attention to the fact, that while one-half the cost of building and repairing these court-houses in Scotland was borne by the Consolidated Fund, the like charge in Ireland had to be entirely defrayed out of the county rates. In England, again, a still richer country than Ireland, the whole expense of building and repairing the county courts came out of the Imperial Exchequer.

Mr. PEEL said, that the arrangement by which one-half of the expense of Sheriff Court-houses in Scotland was provided out of the county rates, and the other half out of monies voted by Parliament, was based upon an Act of the Imperial Legislature. It did not follow from that that in Ireland the Assistant Barristers' courts ought also to be built or repaired from funds voted by Parliament. They should take into account the relative apportionment of the local charges in each part of the United Kingdom. In Ireland the entire expense of the police force was paid out of the Imperial Exchequer, whereas in England and Scotland the county rates were charged with the cost of providing barracks for the police.

Vote *agreed to.*

(18.) £20,000, Rates for Government Property.

Lord NAAS observed that the principle involved in this Vote was one of considerable interest, and he invoked the close attention of the Government to it. The practice in this matter varied very widely in different parts of the country. At Portsmouth, Plymouth, and Chatham, contributions were granted in aid of the local rates, while in Ireland not a shilling was expended in that manner. It was high time that some rule should be laid down whereby the Government property should be liable to certain assessment in all parts of the country. Before they voted this money, they should insist on knowing whether any general rule would be laid down applicable to all parts of the kingdom.

Mr. PEEL said, it was proposed to deal with this money in the same way as the Vote of last year was applied. The rule laid down was, that where the assessable value of the Government property exceeded one-sixth of the assessable value of all the other property in the parish, a contribution should be made in aid of the local assessment. The Government believed that by that arrangement they would indemnify the other properties of the parish for any losses they might sustain by the establishment of Government property in their districts. It was also proposed to make contributions where the Government purchased property, and so withdrew it from the previous rateable area. They would contribute the same amount as they found the property paying when they took possession of it; but it would be a fixed amount, and would not be increased as the value of the property increased by the Government expenditure. Whether in respect to official residences the liability to pay rates should be placed upon those occupying the residences, or the Government, was a question which must depend upon circumstances. That question was, in fact, still under the consideration of the Government.

Mr. SCLATER-BOOTH asked why the property in question should be liable only to the payment of poor rates?

Mr. PEEL replied that where the property acquired by the Government had been assessed for other local rates, contributions would be made to them also.

Mr. Alderman SALOMONS protested against the mode in which this money was distributed by the Treasury. He knew that a large quantity of land had been taken by the Government in the neighbourhoods of Plumstead, Woolwich, and Deptford, on which no rates were ever paid. He trusted that before next Session Her Majesty's Government would declare some distinct principle by which this money should be applied.

Mr. COLLINS thought that the principle adopted by the Government was very illogical. It appeared that when the Government property should amount to one-sixth of that of the whole parish a special contribution in aid would be given. He could not see any reason why every kind of property in possession of the Government should not pay its fair share of taxation as well as every other property. Then, again, the hon. Secretary of the Treasury said that the Government would not pay any more for property which they had improved by an outlay than what they paid before. But that was laying down a different principle from that which applied to the property of private individuals. He hoped that henceforward the logical principle would be laid down that all Government property should pay its fair share of taxation in the same manner as every other property was liable to.

Mr. LOCKE said, it appeared to him an extraordinary principle to lay down that Government property should make a contribution in aid of rates only when it amounted to one-sixth of the rateable value of the parish. This question of rating should not be left in the hands of the Government, but rather placed in the hands of the ordinary local authorities of the country. He thought the explanation given by the right hon. Gentleman very unsatisfactory.

Sir JOHN TROLLOPE said, that when the right hon. Gentleman admitted that a certain proportion of the Government property was rateable, the question assumed a much larger shape, and the question arose whether or not all the Government property should be rated, and dealt with like all other property. He could not agree with the hon. Member for Knaresborough (Mr. Collins), that this Vote should be rejected because all the Government property was not rated. It was but reasonable when the Government took possession of land and improved it by the erection of large buildings it should be rated in common with other property under similar circumstances at its full value. He should vote for the present amount, though he considered it should have been a much larger sum.

Mr. COLLINS explained. He considered all property should be rated. It was a fallacy to have a mere rate in aid, as the present mode of rating Government property was.

Mr. THOMSON HANKEY said, the hon. Member appeared to be taking an unusual course. Instead of agreeing to or rejecting the present Vote, most of the hon. Members who had spoken had urged the necessity of a larger Vote, and to meet the views of all, the Government ought to have proposed a sum of £120,000. He, on the contrary, thought the Vote should have been smaller, being of opinion that it was wrong to rate Government property.

Vote *agreed to.*

(19.) £53,000, Land, &c., at Kensington Gore.

Lord ROBERT CECIL said, he believed the House was in hopes that the late Exhibition had been disposed of now and for ever, and that the last decision on the question had been given in a way that should not encourage the Government to revive it. He was anxious, therefore, to know what was implied by the rather suspicious phrase, "certain buildings used for the purposes of the late International Exhibition."

Mr. COWPER explained, that the buildings in question were the two arcades which were of a permanent character, and had been used as refreshment rooms.

Viscount ENFIELD asked whether any Vote would be proposed this year for the new buildings at South Kensington, for the design of which Captain Fowke had received the prize?

Mr. COWPER said, it was not intended to ask for a Vote this year.

Mr. AYRTON asked whether the buildings the Government had agreed to purchase were to be dedicated to tavern purposes?

Mr. F. S. POWELL wished to know whether they were to be applied to national purposes, or whether the Horticultural Society were to have the benefit of them?

Mr. COWPER stated that the portions of the late refreshment rooms bought by the Government were on each side of the central part which remained in the hands of the Commissioners of the Exhibition. The Horticultural Society had no right over the portion which had been sold to the Government. These buildings were to be devoted to purposes of science and art.

Mr. AUGUSTUS SMITH thought it was much better to get rid of the whole of the land instead of completing the purchase of these arcades. He last year voted against the purchase of the land. They were then told it was a very good bargain, that it had been sold cheap, and he was of opinion it would be better for the nation to sell it for a profit. In order to get rid of any further difficulty or dispute about the matter, he moved the rejection of the Vote.

MR. HENRY SEYMOUR asked to what particular purpose of science or art it was intended to devote these arcades? It was difficult to understand to what other than the culinary art they could be devoted. He thought they had sufficient room on the other side of the ground for the purposes of science and art.

MR. F. S. POWELL asked when the Exhibition building would be cleared away? As it was rumoured that a Patent Museum was to be erected there, it was important to know when they would have possession of the ground.

MR. SCLATER-BOOTH said, he understood the right hon. Gentleman to say he did not intend to propose a Vote for the erection of any building on the ground this season; but he hoped that reply had no reference to the Vote they were led to expect would be asked for this year for a building for the reception of the Natural History collection of the British Museum. He hoped that that Vote would not be delayed. The opinion out of doors was favourable to such a Vote.

MR. COWPER said, he was very sorry, but he did not think it would be possible to propose a Vote this year with reference to the removal of the Natural History collections from the British Museum to South Kensington, as it would be impossible to get the arrangements completed this year. The contractors were removing the old Exhibition building at South Kensington as fast as possible, but he could not say exactly when the ground would be cleared. The Government were not responsible for the contractors' arrangements. They were bound to remove the building, but it did not appear there was any binding covenant entered into by them with the Commissioners of 1862 for the clearing of the ground in a given time. He was unable to say at present to what particular purpose of science and art the arcades would be devoted. That was a question for further consideration. The ground was purchased on the understanding that it should be devoted to such purposes connected with science and art as Parliament should determine. The buildings were well adapted for the collections of Natural History. Unless the House voted the money so as to complete the purchase and to obtain a conveyance there could be no legal title, and the money which had been already paid would be lost.

LORD NAAS hoped that nothing would be done to prejudge the question as to the removal of the Natural History collections from the British Museum. He objected altogether to the removal of these collections, which were so attractive to the working classes. He believed the proper place for the Natural History collections was the British Museum, and protested against any steps being taken for the removal of the collection.

MR. GREGORY said, he did not wonder at the House being aghast at the notion of any addition to the Science and Art Department at Kensington, and he believed that the very phrase "Science and Art" stank in the nostrils of every one. With respect to the removal of the Natural History collections of the British Museum, nothing could be done without the sanction of Parliament; and when a Vote for the purpose should be taken, then would be the time to have plans submitted to the House for the accommodation of the collections.

MR. HASSARD asked, whether there was any plan for the appropriation of that part of the twelve acres purchased for the purpose of the South Kensington Museum, which seemed to be insufficient for the Patent Museum?

MR. AUGUSTUS SMITH inquired what was the period when the Exhibition Commissioners had agreed to clear the ground of all buildings and hand it over to the country.

MR. COWPER said, that at present there was no proposal before the House for the disposal of the Exhibition ground. That might be brought forward next year; but as yet the matter was not ripe. The Exhibition Commissioners of 1851 were in possession of the land, which they sold to the Government; but they did not possess any legal power to require the ground to be cleared within a certain day. The building was, however, in process of demolition. The Patent Museum occupied a small place belonging to the Kensington Museum, and upon the ground referred to by the hon. Member for Waterford (Mr. Hassard) the building was being proceeded with.

MR. FERRAND asked, whether the contractors had not pledged themselves to have the building removed from the ground by a certain day?

MR. COWPER said, that there was

originally an agreement for the removal of the building within a certain date; but the stipulated period having elapsed, the Commissioners had no legal power to name any other time.

MR. LOCKE wanted to know, whether the building on the twelve acres which had been referred to was to be erected in accordance with Captain Fowke's plan, which ultimately assumed a very handsome appearance?

MR. HENRY SEYMOUR observed, that though it was stated that the arcades would be useful for the exhibition of the Natural History collections, yet if the House decided not to remove the collections there, then the arcades would be perfectly useless. By the Vote now proposed the House would be pledged more deeply than ever to the removal of those collections, and therefore he thought that his hon. Friend was quite right in moving the rejection of the Vote.

MR. COWPER said, that upon being asked of what use the arcades would be, he replied that they were for the same use as the land—namely, for purposes connected with science and art, and he had referred to the opinions of competent judges, who stated that they were very well adapted for that object.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

WRITS REGISTRATION (SCOTLAND) BILL—[BILL 84.]

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

THE LORD ADVOCATE, in moving the second reading of the Bill, said, he had been requested to make a statement more in detail of the origin and nature of the Bill than he had done in the few words in which he had moved for leave to introduce the measure. The Bill had its origin in the Report of a Royal Commission, appointed in 1861, which was laid on the table of the House at the commencement of last Session; and its object was to reform the system of registration of land titles in Scotland. At present there were local registers in the counties, and a general register in Edinburgh: it was proposed by the Bill to remove the local registers to Edinburgh, and to keep the register in Edinburgh in the form of a county register. The results would be to remove the necessity of a double search, to ensure economy by the abolition of the separate staffs, and lastly, to keep the index so close up as greatly to facilitate the search and lessen the expense. It would readily be supposed that a subject which had been the object of a Royal Commission was neither new nor unimportant. It certainly was not new, although it had been represented in some of the local newspapers as having come upon the country by surprise. On the contrary, the objects which the Bill proposed to carry out have been canvassed in Scotland for years before the Commission was appointed—so much so that the officers who had been appointed to be Registrars of Sasines in Scotland since 1858 had held their offices under the condition that, in the event of the registers being removed to Edinburgh, they should not be entitled to compensation. It was, therefore, unfair to represent this Bill as a sudden thought, or an ill-digested and ill-considered scheme, proposed for the first time in the present Session of Parliament, whereas it was the result of long consideration and discussion; and was based on the opinion of the soundest and most eminent lawyers in Scotland. He was not disposed to deny that the measure is one of great importance. To show what was its importance, he would briefly describe the existing state of things. The system of land registry was introduced into Scotland in 1617. In that year an Act was passed which established a complete register of all rights affecting land, whether conveyances, or burdens, or legal process. The nature of the system introduced by the Act of 1617 was this—A general register was established at Edinburgh, and in that general register all rights affecting land were registered and divided into different departments, according to the nature of the rights registered. But, as the Act expresses it, "for the greater relief of the lieges," certain districts were appointed throughout Scotland in which offices of registry were kept in order to prevent the necessity of the deeds being sent up to be recorded in Edinburgh. These districts were not counties, but districts embracing sometimes more than one county, and sometimes parts of counties. As they were appointed in 1617, so they remained to the present day. The result of the Act of 1617 had been most beneficial to Scotland. It had built up a system of registration of land titles which was nearly perfect. It had been perfect in giving a great security to land tenures in Scotland, enabling purchasers and lenders of money to ascertain, if not with perfect accuracy, at least with an approximation to accuracy, the burdens which existed on land. There was only one defect—at least only one important defect—and that was the expense. The expense was very great comparatively, and one object of the present measure was to reduce it. Should it prove successful, a great and immediate economy would be effected; and it might prove the foundation of further reforms for cheapening the conveyance of land in Scotland to an extent unequalled in any other part of the kingdom. At present, if a man wished to purchase or to lend money on security of land, he was obliged to search for forty years; because, as forty years was the prescriptive period, he must see that the land he was going to buy or to lend money upon was free so far as that period. In order to do this, the first step he had to take, if he lived in the country, was to examine the local register—the register of sasines in the country. But that register only extended over a limited period; for all the local registrars entered the deeds as they came in in a book sent by the Registrar General, to whom, when it is full, it is re-transmitted. Sometimes, in large counties, these books were filled in a few days; sometimes in counties and districts where the transactions were few, they were not filled for three or four years. The first thing to be done was to ascertain whether there were any burdens on the land; then a further search must be made in Edinburgh, and it must be made in a double register, first in the general register which was kept there; and secondly, in the particular register which had been transmitted from the counties. In that way, double trouble was occasioned, double fees were charged, and double expenses were incurred. Now the proposal made in the present Bill was this. It would no longer be necessary to have these registers kept in the counties for the purpose of recording; and for the purpose of searching they were useless. It was, therefore, proposed to bring up the registers from the counties to Edinburgh, to keep them in the Register Office, to abolish the general register, and to keep for the future the whole of the county registers in Edinburgh. The result would be that there would be only one register to examine instead of three, and a considerable economy would be effected. In the next place, there would be a saving of the whole expense of the local registers. The fees received by the local registrars amounted to £12,000 a year, and if the registers were brought up to Edinburgh and kept there by one staff, there would be a saving of about £7,000 or £8,000 a year on the total cost of the registers, which in the end would accrue to those who used the register—in other words, of those who were interested in the conveyance of land. But the greatest and most important advantage would be, that the registers being all in one place the officials would be able to keep up the "Index" to the current year. He would not enter into the details as they were fully explained by the Commissioners in their Report. In order to secure a simple and easy search, it was necessary that there should be a complete index of the whole of the registers. That was impossible as long as there was a double register—one kept at Edinburgh and the other in the counties; and it was impossible that in Edinburgh the officials could complete it, because the county registers came up at intervals, sometimes at intervals of three or four weeks, and sometimes as long as three or four years; and in that way the process of completing the index could only be done in cycles of five years. These were substantially the leading features of the Bill. There had been a good deal of criticism expended upon it, and some had so far misconceived the measure as to imagine that it would be practically very expensive and inconvenient. In what way expense and inconvenience could arise he could not imagine. It could not arise in the mode of searching, for the mode of searching would be simplified and shortened; it could not arise in the registration, for whereas in former times it was necessary to have these local registrations, because the registration could only take place at particular places, since the introduction of the penny postage a very ordinary mode of registering the deed had been by transmitting it by post to the registrar, whether in Edinburgh or in the counties. There was a passage in the Report of the Commissioners which was clear and distinct upon this point. The Commissioners said—

> "We have to add, on the head of transmission by post, that, notwithstanding the great inconveniences arising from the double set of registers,

we should scarcely have been prepared to recommend the abolition of one of them—whether it resulted in the keeping of a single register for each county in Edinburgh, or for each county within itself—unless improved means had been provided for the conveyance of deeds by the establishment of cheap postage, and unless we had been certiorated by experience of the perfect safety of their transmission by post. On this last point we have been fully satisfied by the returns we have received from the keepers of all the registers. It appears from these returns that while nearly a fifth part of the whole writs recorded in the General Register House is now transmitted by post, the proportion transmitted to some of the district registers is much greater. In Ayrshire and Fifeshire, four-fifths are sent by post to the district registers ; and the proportion in several other districts varies from four-fifths to a half. This proves that the post is already universally accepted as a cheap and convenient auxiliary to registration. The same Returns inform us that though transmission by post has been so extensive for a number of years, not a single instance has occurred, throughout Scotland, of a deed intrusted to the Post Office for the purpose of transmission to the register having been lost, or even delayed for an hour. This is the result, although scarcely any of them have been registered at the Post Office, and although the great majority has been sent in book-post packets."

There was, therefore, good reason to believe that any process of registering deeds could be quite as efficiently performed by persons residing at a distance sending them through the post, as by sending them through the local register. As regarded expense and economy, there could be no doubt as to the difference between the present system and that now proposed. It had been suggested—he need hardly say without a shadow of foundation—that this proposition was really made in the interest of professional bodies in Edinburgh. It was difficult to meet a suggestion of this kind, but fortunately in this case he had the means of proving that it was entirely unfounded. The proposal did not originate in Edinburgh. It originated with the Procurators of Glasgow—a body of legal practitioners than whom none stood higher in Scotland ; and to them the public would really be indebted in a great measure for this important improvement. In the year 1856, the Procurators of Glasgow took up the question of the state of the Register of Land Titles. They resolved upon a Report which he now held in his hand. In that Report they recommended the proposal for reform which was embodied in the present Bill. They considered the question whether the register should continue to be kept in Edinburgh or not, and they gave a very clear deliverance upon the subject. They said that the General and Particular Registers as at present kept should be discontinued, and separate registers kept in Edinburgh for each county. They then went on to say—

> "There appear many strong reasons for keeping all the county registers in Edinburgh. First, the principal part of the present registers are at present kept altogether in Edinburgh ; second, all the register-books are at present sent in blank from Edinburgh, and when filled up are sent to Edinburgh, and these transmissions are attended with considerable official troubles and expense to the public ; third, the keeping of all the registers at one place would tend to form and maintain a methodical and accurate general system of recording ; fourth, there is a General Register House especially built for safety of records ; and fifth, by the above arrangements, and those after proposed, all searches could be made at once, and in the same place, thereby saving much time and expense."

This was the Report of the Committee of the Faculty of Procurators of Glasgow, signed by twenty-three of the most eminent of that body—gentlemen not inferior to any body of professional men in Scotland, either with regard to the extent of their business, or to the extent of their knowledge. The general body of the Procurators, not content with adopting the Report unanimously, resolved that it should be printed, and copies of it transmitted to the Lord Advocate, to the different legal bodies, to the Members of Parliament for Scotland, and to other persons interested in the land registers of that country. He (the Lord Advocate) thought, therefore, that the suggestion that this was a novel and ill-considered project could scarcely be maintained. The result of this Report was that the project was taken up by the Lord Justice Clerk, who was at that time Dean of the Faculty of Advocates. That body appointed a Committee to consider the subject, and they reported clearly and strongly in favour of the proposal ; and not only so, but the present Lord Justice Clerk, when he was Lord Advocate in 1858, introduced for the first time, into the commissions of those officials appointed, during his tenure of office, a clause to the effect that if those registers should be removed to Edinburgh, there would be no claim to compensation on the part of the holders of offices. No stronger testimony can be given to the views which the Lord Justice Clerk entertained on the subject. The Writers to the Signet did the same thing. Mr. Montgomery Bell, the Professor of Conveyancing in the University of Edinburgh, read a paper at the Social Science Congress at Glasgow in 1860, in which he gave the clearest and strongest opinion upon the same matter. The hon. and learned Member for Greenock (Mr. Dunlop) on more than one occasion in 1860 and 1861, asked whether he (the Lord Advocate) intended to legislate upon this matter of records. Although impressed with the desirableness of a change, at the same time he felt that it was a very important matter, which was, to some extent, a matter of practical detail. He did not think it would be safe to act in regard to a matter affecting interests so large and momentous without further inquiry ; and therefore he suggested to the Government the appointment of a Royal Commission to inquire into the whole matter, to examine the whole of the county registers, and to report their opinion upon the subject. Accordingly, two gentlemen of the greatest weight and distinction in the profession—Mr. Charles Morton, Writer to the Signet, and Mr. Andrew Bannatyne, now the head of the Faculty of Procurators in Glasgow—were appointed for that purpose, and they made a full and elaborate Report, in which they entirely and fully confirm in every particular the views expressed by the Procurators of Glasgow in 1856, followed, as they were, both by the Faculty of Advocates and by the Society of Writers to the Signet, and the Society of Solicitors before the Supreme Courts. In short, nothing could have been more fully or better considered than this proposal. It might be good, or it might be bad, but there was no ground for saying that it had been rashly or lightly submitted to the House. The Faculty of Procurators in Glasgow, although they commenced this important work, did not, however, appear to be inclined to finish it in the same spirit. They took up the Report of these Commissioners, who exactly confirmed the views which they held in 1856, and they reported again that they were quite clear that, in their opinion, the local registers should be brought to Edinburgh, but that one exception should be made, and that registers ought to be kept at Glasgow. That was a strong testimony to the general principle. As to the exception, it rested, in his opinion, on very slender ground. He would not detain the House by going into the matter, but he wished to suggest to those who take an interest in the subject, that in the Appendix to the Report of the Committee of Procurators they will find protests signed by a minority of the Committee—composed of names which with all acquainted with the profession in Glasgow would carry great weight, in which the proposal to make an exception of Glasgow was thoroughly and clearly answered. It was quite true that, since the Bill had been introduced, a petition had been presented to this House by the Procurators of Glasgow, in which they stated that they think the measure is objectionable, on the ground that it proposed to bring up the local registers to Edinburgh. The Procurators of Glasgow are a body of whom he wished to speak with the highest respect—indeed, he knew of no body of professional individuals more entitled to respect ; but having proposed in 1856 this important measure, they had, on grounds which he (the Lord Advocate) could not appreciate, come to change their views in regard to the particular proposal which he now submitted to the House. To what extent that opinion prevailed he did not know, but he thought that the clear and dispassionate opinion of 1856, which was again repeated at the end of 1863, was the wisest and soundest opinion. He was not disposed to change his opinion in consequence of the petition which had been presented by the Procurators of Glasgow. He would make but two further observations. In the first place, it was said that it was not proposed to bring up the burgh registers. In the first place the burgh registers are not comprised in the Act of 1617. They were not brought up to Edinburgh. They stood upon an entirely different ground, and they could well and properly be dealt with separately, as was recommended by Professor Montgomery Bell and also by the Report of the Commissioners. There were matters in regard to the burgh records which might require attention ; but it was desirable that they should be dealt with in a separate measure, and not mixed up with the county register. The second matter to which he wished to allude, was compensation to the holders of office. Without now expressing a general opinion on the subject, he might say that those who hold their offices without any clause to the effect that they were not entitled to compensation, might reasonably be compensated. His opinion was, that they ought to be compensated out of the fees that would be drawn under the new system. It would not be necessary to put hands into the pockets of the Treasury, who, indeed, drew £5,000 from the registers in Scotland. The matter may be fairly considered, and there would be plenty of money to defray any charges of the kind. It was not a money question. The object of the Bill was, that dealers in land, whether buyers or lenders, should have a good clear title at the least possible expense. There could be no other object. The object he was most anxious to accomplish he was satisfied never could be accomplished till there was this right registration, and he was certain that when that was done it would produce great economy, and that upon this still larger and more important reforms would be based.

MAJOR HAMILTON: The right hon. Gentleman has told us to-night that this Bill had been discussed at a meeting by most of the Members for Scotland. He ought also to have told them that that meeting was somewhat against the Bill. The fact, however, was, that the principal feeling of enmity to the Bill was that it had not been fairly discussed either in the House or in the public papers in Scotland. It had been desired that a Bill of this kind should have been brought forward before the county meetings of the 10th April, and it was therefore suggested to the right hon. Gentleman that he should postpone his Bill until they had had an opportunity of discussing it at their meetings. The right hon. Gentleman was not inclined to do so, but fairly stated that on moving the second reading of the Bill he would make a statement that might appear in the public papers, and be read all over Scotland. That statement he had now made, and he (Major Hamilton) begged to thank him for the pains he had taken. He was not himself in favour of the Bill, nor did he think that his constituents were; but as his hon. and gallant Friend the Member for Ayrshire (Sir James Fergusson) had put an Amendment on the paper, and it was desirable that the Scotch Members should have a full opportunity of discussing the measure which could not be done at that hour of the night, he would beg to move that the debate be now adjourned.

MR. SMOLLETT: Sir, it is not my intention to make a long statement to the House. The Bill contains a great deal that is valuable, and I do not think that there is any great objection to it because it is unpalatable to certain local legal practitioners in Scotland. But my intention, in rising, is to say a few words upon the manner in which Scotch business is transacted in this House. When I first became a Member of the House I was told that the Scotch business was conducted in a most admirable manner. It was said that Scotch business was dealt with in a manner that contrasted most favourably with the way in which Irish business was conducted, and with the rows that were constantly got up when any Irish business was before the House. Now, I think if Scotch Members allow themselves to be flattered by observations like these they will greatly deceive themselves. I think the way in which Scotch business is transacted is the most slovenly possible. In point of fact, the only person charged with the conduct of Scotch business in the House is the Lord Advocate of Scotland, and that learned Gentleman is, as his name imports, a practising barrister—often in very large practice; and I believe the present Lord Advocate is the leader of the Scottish bar. We never see the right hon. Gentleman in his place in the House till after Easter, or at least very seldom, unless he wishes to be present in some Ministerial party division. The consequence is, that no business of any importance is brought forward in the early part of the Session; and if any important business connected with Scotland is introduced at the latter part of the year, it is slurred over in a very unsatisfactory manner, as is shown by the debate going on this morning at half past one o'clock—the only debate, too, that has taken place on Scotch business in the present Session of Parliament. Now, in my opinion, there is no part of Her Majesty's dominions that requires more reform than the ancient and loyal kingdom of Scotland. We have courts of law in Scotland called Courts of Session, but they are so strangely constituted, their proceedings are carried on in such unintelligible jargon, and the Courts themselves are fenced about with forms so obsolete, expensive, and dilatory, that they are obstructions to, and not courts of, justice. Scotland is full of legal sinecures. We have some local Courts in Scotland. They are called Sheriffs' Courts; and of these we are somewhat proud, but we feel that they are incumbered with a double set of Judges. The Sheriff's Substitute performs all the duties, and he sits throughout the year hearing and deciding cases; the Sheriff Depute, often the less competent Judge of the two, revising and reversing the judgments in appeal. Then we want a sweeping reform of the Scotch law of marriage, of the law of domicile, of the law of inheritance. Last year we had a Bill in this House to correct the procedure of the Courts of Session, but the Bill was not pressed forward with zeal—it was withdrawn, and, I believe, was not introduced again this Session. If it be introduced, I am quite sure it will be emasculated, and will be found utterly worthless, because the Minister for Scotland is the Lord Advocate. He is a legal practitioner, and if he brought in any Bill that would really do away with all the sinecure offices in Scotland, and put the Courts on a good footing, it would be torn into pieces by the practitioners who benefit by the present system. We have these measures discussed at the meetings of the Social Science Association in Edinburgh, and I believe the Lord Advocate takes a great part in these meetings, but they are never discussed in this House. In lieu of such proposals, we have a Fish Teinds Bill, we are threatened with a discussion upon the Law of Hypothec, we have a Rivers Pollution Bill, and such small matters as might, in my belief, be just as well deferred to the Greek Kalends. What ought to be done to remedy this state of things? We ought to have a Minister for Scotland who is not a practising barrister. And unless we have some remedy of this nature, we never shall have any of those great measures of practical reform which Scotland requires, and which her Members ask and imperatively demand. I beg to second the Motion for the adjournment of the debate.

Amendment proposed, "That the Debate be now adjourned."—(*Major Hamilton.*)

THE LORD ADVOCATE: I think I am entitled on the Motion which the hon. Gentleman has made to say a few words in reply to, perhaps, the not very relevant, but not the less important speech of the hon. Member for Dumbarton. I quite admit that our plan of conducting business in this House is very different from that he would have us adopt, and the hon. Gentleman has set the good example of the new mode of procedure which he would recommend. On this, which is a very important Bill, relating to a very important subject—a subject that is as important as any of those law reforms which he wishes to see undertaken—the hon. Gentleman has chosen to introduce every topic which has nothing to do with it—everything which is not concerning the matter before the House; and I suppose that his method of conducting Scotch business in this House is to have important debates conducted in such manner as is suggested by his speech. He seems to be under the delusion that he is speaking on Friday night and not on Monday night, and that the Motion which stands in the name of the hon. and gallant Member for Ayrshire (Sir James Fergusson), for Friday, is the Motion now before the House. He will have an opportunity, when that Motion comes on, of expressing his opinion upon these matters. But let me put the hon. Gentleman right. He says, that since he came into Parliament, I have never been in my place till after Easter. In that he is entirely under a mistake and a delusion. There has not been a single Session of Parliament in which I have not attended in my place before Easter—there has hardly been a single Session in which I have not been here in the second week of the Session and remained until Easter. If there have been occasions when that has not been the case, they have only been when there was little public business to do, and I have thought that I might, without impropriety, remain in Scotland. In regard to the general mode in which Scotch business has been conducted, I venture to say that during the last ten years the measures that have been passed for Scotland have been as important, well considered, and successful as any of those for any other part of the United Kingdom. I am not going now to enter into them. If the hon. Gentleman had wished, he could have informed himself of the facts. What does he want us to do? I am happy to say that the censure he has bestowed upon me he has broadly and impartially scattered. There is not an institution, scarcely an officer, of Scotland that has not fallen under the lash of the hon. Member. The Court of Session, he says, is useless; the Sheriff's Court is bad; the law of marriage ought to be reformed. I would suggest to the hon. Gentleman, since he holds these strong opinions, he, as an independent Member of Parliament, perhaps might lay upon the table Bills upon the miscellaneous subjects which might carry out the views he has expressed.

Amendment *agreed to.*

Debate adjourned to *Thursday,* 9th of June.

COVENTRY FREE GRAMMAR SCHOOL BILL.

On Motion of Mr. BRUCE, Bill for confirming a scheme of the Charity Commissioners for the

Charity called "The Free Grammar School," in the city of Coventry, *ordered* to be brought in by Mr. Bruce and Sir George Grey.

Bill *presented*, and read 1°. [Bill 124.]

BURIALS REGISTRATION BILL.

On Motion of Mr. Bovill, Bill to make further provisions for the Registration of Burials in England, *ordered* to be brought in by Mr. Bovill, Mr. Macaulay, and Mr. Walter.

Bill *presented*, and read 1°. [Bill 126.]

CHURCH OF ENGLAND ESTATES BILL.

On Motion of Mr. Henry Seymour, Bill for facilitating the management and improvement of certain Estates belonging to the Church of England, *ordered* to be brought in by Mr. Henry Seymour, Mr. Alderman Copeland, Mr. Locke King, and Mr. Henry Fenwick.

Bill *presented*, and read 1°. [Bill 127.]

HIGHWAYS ACT AMENDMENT BILL.

Select Committee on the Highways Act Amendment Bill *nominated* as follows:—Sir George Grey, Mr. Henley, Mr. Walter, Mr. Gathorne Hardy, Sir William Jolliffe, Mr. Dodson, Sir Baldwin Leighton, Mr. Scourfield, Mr. Algernon Egerton, Mr. Buller, Sir Matthew White Ridley, Mr. Thompson, Mr. Howes, Mr. William Edward Forster, and Colonel Barttelot:—Five to be the quorum.

House adjourned at half after one o'clock.

HOUSE OF LORDS,

Tuesday, May 31, 1864.

MINUTES.]—Public Bill—*First Reading*—Vacating of Seats (House of Commons)* (No. 105); Army Prize (Shares of Deceased)* (No. 106).

Second Reading—Penal Servitude Acts Amendment* (No. 66); Admiralty Lands and Works* (No. 88).

Report — Local Government Supplemental* (No. 71).

Third Reading—Fish Teinds (Scotland)* (No. 62), and *passed.*

THE LAW OF HYPOTHEC.

Lord BROUGHAM begged their Lordships' attention to a petition signed by 1,200 or 1,300 tenant farmers, corn merchants, and cattle dealers in the county of Kincardine, complaining most justly of the law of Hypothec in Scotland. There the landlord had a right to seize for his unpaid rent not only the crop upon the ground, but after it had been sold and paid for, or to make the *bonâ fide* purchaser of it repay him the price. This law had come before their Lordships in 1830, soon after he (Lord Brougham) entered this House, and a case had been decided on appeal in which Lord Dalhousie was the respondent. His noble Friend had, by the sentence of the Court of Session, been adjudged entitled to obtain his unpaid rent from a corn merchant who had purchased his tenant's crop in the market; he had bought by sample, and not by bulk, and therefore he was held liable to repay the price to the landlord for his unpaid rent, though it was not pretended that he had been aware of the rent being in arrear. This was deemed so intolerable a state of things that his noble Friend, Lord Wynford, and himself, had endeavoured to obtain a change of it, but failed in two Bills they had presented. These petitions now prayed for the amendment of the law, which they represented as the remains of the old state of things in feudal times, when the lord cultivated his land by bondsmen or serfs, and did not let it to tenants.

PENAL SERVITUDE ACTS AMENDMENT BILL—(No. 23.)—SECOND READING.

Order of the Day for the Second Reading read.

Earl GRANVILLE: My Lords, I do not know whether, in considering the second reading of this Bill, your Lordships will be disposed to discuss the general principles which ought to guide us in legislating on the subject of secondary punishments; but it will probably be convenient that in moving the second reading I should, in the first instance, explain shortly what are its provisions. They are not complicated, but are, on the contrary, of a very simple character. Except with regard to two of its clauses, I believe the Bill to be founded exclusively upon the recommendations of the Commission which, as your Lordships are aware, was composed of very eminent men, and who devoted so much time and consideration to this subject last year. Although I am quite sure your Lordships will exercise your independent judgment as to the provisions of this measure, yet at the same time I cannot help feeling that you will view with considerable favour recommendations which emanate from the Commissioners, and which have also received the sanction of the House of Commons. I will refer in the first place to those recommendations of the Commissioners which have not been carried out. The first clause contains only the short title of the Bill. The second clause makes it impossible for the Judges to sentence a prisoner to less than five years of penal servitude. This was not a recommendation of the Commissioners. They were of opinion that the system of transportation to Western Australia which is now in existence should not only be continued, but be augmented; and, although their recommendation was accompanied by many restrictions and limitations, which he believed were not well understood either in this country or in the colonies, its practical effect would have been to about double the number of convicts sent out to Western Australia. Subsequently to the Report of the Commission, the Government received from the Australian colonies an expression of opinion which they thought it impossible to resist. The Commissioners themselves were not aware of the strong feeling which existed in the colonies on this subject.

Earl GREY: On the contrary, we had the fullest information.

Earl GRANVILLE: I do not think it is possible that the Commission could have been fully aware of the feeling which exists in the colonies; and I am confirmed in my view by the change of opinion which took place in one of the noble Earl's Colleagues upon the Question, for I cannot but believe that this change was brought about by the strong feeling afterwards expressed in the colonies with respect to transportation. It was impossible not to deny the existence of this feeling. From each of the Australian Colonies, except Western Australia, there came the strongest remonstrances. One Governor after another wrote home. There were meetings of intercolonial delegates, representing the Legislatures of New South Wales, Victoria, South Australia, and Tasmania, all unanimously praying that the stain of convictism should be removed from them. The Governors all bore testimony that this was the feeling not of one class only, but of all classes of the community; and that there existed the utmost anxiety and alarm on the subject. I do not say that a good deal of that feeling was not unfounded; but I do say that it is an unwise thing for Governments, in dealing with large communities, to disregard a strong and a universal feeling, founded upon what all must acknowledge to be a very honourable and creditable sentiment. As regards transportation itself, no doubt your Lordships would desire to get rid by its means of our criminal classes if we could do so; and there was a time when transportation was very effectual, because it was regarded with greater dread than any other punishment; but when we remember our own extreme anxiety to get rid of our convicts, we must, I think, admit that it is not unnatural that the colonists should feel excited by even the remote danger of being inundated again by these men, either before they had finished their time, or after they had served their full sentence. These are the considerations which induced the Government, with the approbation of some of the most eminent members of the Commission, to give up the proposed extension of transportation to Western Australia. At the same time, they did not yield to that which they thought unreasonable on the part of the colonists, for they believed it to be only fair and just towards Western Australia, which had been saved from ruin as a colony by convict labour, to continue the supply of that labour which the colony now receives. Having determined on this alteration, it became absolutely necessary to reduce the minimum of sentences of penal servitude from seven years, as recommended by the Commission, to five years. Except this clause and the fourth clause, the principal object of which is to insist upon a monthly report of the ticket-of-leave man to the police, I believe all the rest of the Bill strictly accords with the recommendations of the Commission. The fourth clause was not originally in the Government Bill, but was inserted owing to the strong feeling which existed in the other House of Parliament. The third clause relates to offences committed in convict prisons, and for the better maintenance of discipline empowers two justices, acting upon the warrant of the Secretary of State, to deal with those offences on the spot, and to order the infliction of corporal punishment. A very important recommendation of the Commissioners is adopted in the fifth clause, relating to offences committed by the holder of a ticket-of-leave; and it is provided that if he fails to produce his license when required, or breaks any of the other conditions of his license by an act which is not of itself punishable either upon indictment or upon summary conviction, in that case he shall be subject to summary punishment for not more than three months. There is also a clause providing that the police shall be able to apprehend without a warrant the holder of a license reasonably suspected of having committed any offence, or broken the conditions of his license. The next clause describes the procedure by which a summary punishment shall be inflicted; and the eighth clause provides that a certificate of this summary conviction shall be forwarded to the Secretary of State. The ninth clause is one of considerable importance, and relates to the revocation of tickets-of-leave. It provides that where any forfeiture or revocation takes place in consequence of a re-conviction, the holder shall, after undergoing the punishment to which he may have been sentenced for the new offence, be condemned further to undergo the term of penal servitude which remained unexpired when his license was granted. The last clause is an unimportant one. Having gone through the provisions of the Bill, it will probably be convenient that I should reserve further observations until I see what turn the discussion takes, and can afford what further information the House may require.

Moved, "That the Bill be now read 2ª."

LORD HOUGHTON: My Lords, I rise, with your Lordships' permission, to make a few remarks upon this Bill, and I feel I shall require additional indulgence from your Lordships, because, though I am inclined to view with disfavour certain provisions of the Bill, I do not intend to oppose it in its integrity. The Bill has come from the Lower House, and carries with it not only the authority of that House, but also the high authority of the Commission of eminent persons who were appointed to consider this subject. I agree that in the main the measure may be treated as carrying out the recommendations of the Commission. There is one point to which, no doubt, your Lordships will be inclined to give much attention—namely, with regard to the propriety of continuing or discontinuing transportation; but upon this point I shall not think it necessary to trouble your Lordships with any remarks. I believe the abandonment of the system of transportation to be one of the greatest social misfortunes which have ever fallen upon this nation, and I am bound to say that, having given my best attention to this subject, I cannot but feel that the policy of this country with reference to this question has been guided in a very false direction. I am afraid, however, that the question has now become one of sheer necessity, and that it is of no use to irritate our great colonies any further, for the mere chance of keeping on a few convicts for a year or two longer. You have placed yourselves in a difficulty from which you will find it impossible to extricate yourselves, and must take the consequences. But there is another question of very great importance involved in the Bill, and to this I desire to call your Lordships' attention — the manner in which we are to treat those unhappy persons who are furnished with what are called tickets-of-leave. The ticket-of-leave system is a sort of imitation of the licenses which were formerly given to the convicts in the colonies, who were furnished with them as a means of establishing themselves in service in different parts of the colony. This system has to some extent been applied to the convicts in this country; but the circumstances are entirely different, for the convicts had the means of obtaining employment in the colonies which they did not possess in this country. I remember that Chief Justice Earle before a Committee of the House of Commons expressed his concurrence in the ticket-of-leave system, because he regarded it as a means of encouraging hope in the mind of the convict; and he added that if the convict were deprived of hope he would be reft of the very foundation of all moral improvement. If, then, one of the grounds for granting tickets-of-leave be a desire to assist the convict to an honest livelihood, surely it is very unreasonable to place so many difficulties in the way of his procuring employment as are contemplated by this Bill. The provisions of this Act will really place him in a much worse position than he was before. If the ticket-of-leave were contemplated as a means of furnishing a convict with the opportunity of earning an honest livelihood, it is surely unfair to place him in a position fraught with such constant mental anxiety, and such unceasing trouble in procuring employment, that it would have been far better both for him and the country if he had never had a ticket granted him at all. There is one provision of the Bill which appears to me so utterly objectionable that, if my views find the least favour with your Lordships, I shall take the liberty of dividing upon it in Committee. I refer to the police supervision contemplated by the Act. Up to this time, I believe, there has existed no real provision of the law by which any man can be ordered to place himself under the supervision of the police. The police have hitherto represented the vigilance of the law, their duty has been to act as the preventors or detectors of crime. But it will be an entirely novel system to enact that a man shall voluntarily present himself to the police and declare that be is a criminal. I trust that your Lordships will agree with me in thinking that this is a principle which in many respects runs counter to the tenour of the institutions of this country. It must be remembered, too, that the police are empowered to arrest any ticket-of-leave man without a warrant. This is a provision to which I cannot but object. The law in this respect appears to me to be defective. What provision is there against mistaken identity? I think that the position in which the ticket-of-leave men will be placed by this Act is a very grave one. The power which the Act proposes to place in the hands of the police is one which will not in every instance be wielded by men equal in character and discretion to those employed in the metropolis, who have besides vigilant and intelligent officers at their head. The power will also be committed to the police of the manufacturing towns and the rural police who cannot be expected to have the same intelligence, or to be amenable to the same discipline. The result must be very disastrous to the liberated convict. After he has surmounted the difficulty of obtaining some honest employment, and had got a chance of regaining his social position, he will have to ask a periodical holiday for the purpose of presenting himself to the police; and he will thus be compelled to declare himself unfit for the new social sphere in which he is moving. It is true that a somewhat similar system has been successfully adopted in Ireland. But there is a great difference between the circumstances in which it is applied in the two countries. There is not in England, as there is in Ireland, an intermediate prison, where the convict finds temporary employment; and, above all, we must remember that in Ireland the law is not regarded as it is in this country. The law is there looked upon as the enemy of the honest man. There is an entire absence of that superstitious reverence with which the law is regarded in England; and, though the crimes against property in Ireland are fewer in proportion to the population than they are in England, the fact of a man's being a criminal is not received with so much disfavour; he is not placed under the same social ban, and there is much less objection to afford him employment after the term of his imprisonment has expired. I have gone over the Commissioners' Report, and I certainly can see no ground for the assertion that the reformatory system has failed. We are told in that Report that in proportion to the increased population crime has decreased. We are also told there that no evils have followed the adoption of the milder system. A more deterrent system has been tried and has not succeded, and it became necessary to adopt some other plan. Therefore, it was that the reformatory system has been established in this country. I believe the principle of reformation, moderately and judiciously applied, not in a spirit of false and sentimental extravagance, will be found the most suitable for the treatment of prisoners.

LORD CRANWORTH said, he regretted that the Government had found it necessary to abandon that part of the Commissioners' Report which related to transportation. At the same time, he could not agree that the Commissioners had before them all the information which the Government afterwards obtained. One great element of transportation, which made it formerly a valuable mode of punishment, was now wanting—its deterring quality. There could be no doubt transportation had been the best system for this country, for the convict himself and also for the colonies, as it offered the greatest opportunity to the convict to reform his habits; but, on the other hand, he agreed that the feeling of dislike with which it was regarded by the colonists of many colonies rendered its continuance difficult if not impossible. In this country, where there was almost a glut of labour, it must be in a high degree difficult for a man once tainted with the mark of a convict to re-establish himself; but there had been no such difficulty in the colonies, where, owing to the vast extent of territory over which the population was scattered, labour was so much in demand. Transportation, however, being now impossible, the Commissioners had to consider the best substitute. The Lord Chief Justice had taken a view which the other Commissioners had very carefully considered, but had not been able to adopt. Objections had been made to the element of uncertainty involved in a system of remissions of portions of sentences; but by the law as it stood, upon certain conditions being fulfilled, a convict was entitled to certain remissions of his sentence. The question was whether that was a right principle to act upon, and he could not but think that it had been found useful. All the evidence went to show that a criminal suffering a long period of punishment could not be kept to habits of industry if he was deprived of hope, and he could have no hope to influence him but the expectation of a diminution of the term of his punishment. That fact, too, was important, because it showed that those who complained that penal servitude had no terrors were mistaken. If the punishment in itself had no terrors, there would be no strong desire to shorten the period of its duration. It was true that one or two cases were mentioned in which persons had committed offences expressly for the purpose of being sentenced to penal servitude; but those were idiosyncrasies with which it was impossible to deal. The great bulk of the criminal classes had a strong distaste for penal servitude, and therefore to that extent it had a deterrent influence. Then came the question, What should be the position of a man sentenced to a long period of punishment? The Commissioners proposed that, for the first nine or twelve months, the convict should be kept almost entirely in a state of solitary confinement, and that afterwards he should be sent to Chatham, or Portland, or other places where he could be set to hard work. The recommendation of the Commissioners was not at all to diminish the period of punishment on account of good behaviour in prison. Bad conduct in prison could be punished. Their recommendation was that a certain number of marks should be allotted to each convict for every day of his punishment, so that if he continued to work industriously he might, upon obtaining a certain number of marks, also obtain a remission of part of his period of punishment. He believed that the practice of working hard and perseveringly for two or three years, with the hope of remission in view, was the most likely means of engendering industrious habits, and of giving to the convict a chance of setting himself right with the world after his release. Then came the question, whether a man ought to be allowed to leave the prison free or upon what was called a ticket-of-leave? He could not see that with proper management there would be any difficulty in retaining a hold upon a man during the remainder of his term of punishment which had been remitted. He quite agreed that if the ticket-of-leave holder was required to report himself every month to the police, injurious consequences might follow. A man could not long comply with that regulation without his position becoming known. In Ireland, the ticket-of-leave holders in the metropolitan district reported themselves, not to the police, but to an officer connected with the convict establishment. That establishment possessed a remarkably intelligent officer, Mr. Organ, who had applied himself with great energy to improving the habits and position of the discharged prisoners. The Commissioners recommended that to an officer of the convict establishment some kind of control over released prisoners should be given. With the objection taken by his noble Friend (Lord Houghton) to the power given to a policeman to arrest, without warrant, a ticket-of-leave holder who violated any of the restrictions imposed by his licence, he could not concur. His noble Friend said that such a power was un-English; but that really was not so. At present, a policeman could arrest, without a warrant, any person whom he might see committing a breach of the law. Upon the whole, he hoped the Bill would be found useful, and he should give his support to the second reading.

LORD TAUNTON said, he entirely concurred in the adoption by the Government of the recommendation of the Commission, not to extend the present system of transportation to Western Australia. He had always felt great anxiety on the subject of transportation, and its effect upon the relations of the colonies with the mother country. When connected with the colonies some years ago, he became aware how universal was the feeling in the colonies against the system, and he knew that the extent of that feeling was very much underrated by many public men in this country. He always dreaded that the system might become a source of collision, and produce the most unhappy results. It was not at all surprising to him that, when the appointment of the Commission became known, the colonists not only of Australia but of the Cape of Good Hope made the most solemn and urgent representations against any extension of the system of transportation. It was useless to say that this was an unreasonable feeling. In his opinion it was not an unreasonable feeling, but one founded on the most honourable principles of human nature. It was a feeling in which every one of their Lordships would have participated if they had been placed in Australia or at the Cape instead of in England. No one who had looked into the subject could doubt that society in Australia had been deeply tainted by the employment of convict labour, to which it was the fashion to ascribe their prosperity. He had recently received a letter from an eminent man, formerly the Governor of one of our colonies, in which he expressed the deepest anxiety as to the course which Parliament might pursue on the subject. It was looked upon by the colonists as a point of honour as well as a point of interest to prevent any extension of the system of transportation. They said it did not matter whether the number of convicts proposed to be sent out amounted 10 or 10,000—they would have none of them. It was the same principle as that which formerly actuated the American colonists, when they denied the right of this country to tax them without their consent. Unfortunately the Government of that day persisted in their policy, and thus gave rise to the War of Independence, and to the separation of the colonies from this country. The people of Australia were loyal and attached to this country, but only on this condition—that we should not attempt to put upon them the great insult, as well as great injury of making them convict settlements. It would be a great injustice to these colonies to attempt to extend the principle over so vast a continent as that of Australia. It was a question of feeling with the colonies, for if convicts were sent there they would find their way all over Western Australia. In order to prevent that, they had passed Bills which were most unconstitutional in their provisions, and in those Bills we had acquiesced rather than enter into a quarrel with them on a matter of that kind. What occurred at the Cape of Good Hope should be a warning to us. His noble Friend on the cross-benches (Earl Grey) must remember what took place at the Cape when he was Secretary for the Colonies. Nothing could be more violent than the conduct of the people. They would not allow any communication with the ship, or any provisions to be supplied, because she had a few convicts on board; and their refusal was supported by the principal of the colonists. This was a sufficient proof how strong was the feeling of the colonists on this subject. He had received communications from which it appeared that the system of bush-ranging was breaking out again in Australia, and this was ascribed to the old convict blood. The colonies were a valuable possession of the British Crown, and it would be madness to adopt any system which would lessen the affection they entertained towards this country. Therefore, he held that so far from yielding to an unreasonable clamour, the Government would have been inexcusable if they had not respected the universal, deep, honest, well reasoned feeling of the colonies on the only point in which we could have a quarrel with them—the extension of the convict system. He entertained very strong feelings on the subject, and he considered himself bound in duty to the colonists to express it on this occasion.

THE EARL OF CARNARVON: I am not about to enter on the subject of transportation, although the observations of almost every speaker have been chiefly directed to that question. I certainly do not agree with all that has fallen from the noble Lord opposite, and am very much disposed to dispute the analogy which has been drawn between the state of feeling in America in regard to taxation, and that which is stated to exist in Australia in relation to transportation. So far from there being a universal concurrence of opinion in opposition to it, I must remind the noble Lord that at the time he was Colonial Secretary the district of Moreton Bay (now the colony of Queensland) petitioned for an increase of convicts. But putting aside the subject of transportation, the questions raised by this Bill, and the principles embodied in it are so large and important, that they ought to be discussed by themselves. There are, indeed, several modes in which the discharge of a prisoner can be effected, but the chief rival and antagonist theory to the principle embodied in the Bill may be briefly expressed thus — short, sharp, and certain sentences—the system, in fact, advocated by the Lord Chief Justice in his memorandum. If, indeed, this were the only alternative I should not shrink from giving my voice in favour of that principle; justice must be done, and society must be protected, and I have certainly no sympathy with that sentimentalism which shrinks from inflicting a due measure of punishment upon a criminal who may have inflicted great injury on society. But at the same time I feel very loth, without good and clear reason, to strike off from the system of penal administration that most important branch of it which looks, not merely to correction and punishment, but also to the reformation of criminals. I agree in many of the remarks that have fallen from the noble and learned Lord (Lord Cranworth). There have been, no doubt, three causes which led to the failure of our penal system. First, there were certain elements wanting which ought to be there, and these, I believe, are embodied in this Bill. In the second place there were certain conditions essential to its success, and these conditions will be enforced by this Bill. The third and last cause was the unfortunate course of action taken on the one side by many of the Judges, and by the Home Secretary on the other. The Judges availed themselves too frequently of their power of passing short sentences, and showed a leniency towards criminals hardly compatible with the protection of society. Coupled with that there was so much uncertainty, so much vacillation, and so much misplaced tenderness evinced towards great and notorious criminals on the part of the Home Secretary, that crime received a fresh impulse in this country. These three causes led to the breaking down of the present system. Now, this Bill comes before your Lordships in a very different state from that in which it was originally presented to Parliament; and it is not so much to find fault with what has been done by the Government as for the right understanding of the question that I wish to advert briefly to the form of the Bill when first introduced into the other House. In the first place there was then altogether wanting from the measure the clause alluded to by my noble Friend opposite, providing for a regular police supervision of ticket-of-leave holders. The omission of that provision would, in its effects, have been very injurious to society, and most cruel towards the convict himself. There was, indeed, when the Bill was brought into the other House by Sir George Grey, a proposal that the convict on his discharge from prison should report himself within seven days to the police station of his district, but after that time all supervision over him should cease. Therefore the Government had no right to condemn the principle of supervision *in toto.* Their proposal, however, was founded on an impossible compromise between a system of supervision and no supervision, and on the assumption that the police, from this single visit of the convict, would be able to know and identify him in case he relapsed into crime; although, at the same time, there was no sort of machinery provided for carrying that supervision into practical effect. Under those circumstances one of two things was certain. Such a limited amount of supervision as that would either have been nominal or real. If only nominal it would have provided nothing better than the existing system which has broken down, and would have held out more and more hope of impunity to the convict by discharging him without any actual check or restraint hanging over him. But another and a still more serious result would be, that the police, conscious of the indirect responsibility you were placing upon them, by making the convict report himself to them once, would very soon have turned the nominal supervision into a real one; and it would then have become not a direct, legitimate, and authorized supervision exercised by responsible persons, but would have degenerated into the most mischievous and pernicious of all forms of espionage. The policeman having seen the convict once immediately after his discharge, and knowing that he would be held responsible for identifying him if he should relapse into crime, would have dogged his steps, set about making inquiries as to his residence, his habits, and his occupation, and raised every sort of suspicion against him in his neighbourhood in a way that would have debarred him from honest employment. This has been remedied by the Amendment which has been introduced in the House of Commons. But this is not all. In the schedule of this Bill, as originally drawn, the ticket-of-leave holder was strictly prohibited from emigrating. I have nothing now to say against that proposal in itself; but I may observe that in the papers laid on our table relating to penal servitude there is to be found an expression of Sir G. Grey's willingness to give a bonus of £3 for every prisoner dealt with by the Discharged Convicts' Aid Societies. Now, those societies are, I believe, among the most valuable institutions in the country; but they represent themselves and quite truly in all their annual reports as being dependent upon emigration for the success of their operations. Here, then, you have the Government placing themselves in a very anomalous position. By the Bill, as originally drawn, they were seeking to prohibit by legislation the emigration of ticket-of-leave holders, and, at the same time, they were ready to supply money to a society the avowed object of which is to provide such persons with the means of emigrating. There is another point in regard to which the Bill, as first introduced, was not only powerless to do good, but most powerful to do mischief. If there be any part of our penal system which is more free from defects than any other, it is the Irish system. But so inconsiderately and imperfectly was this measure constructed, that one of its first results, if passed into law, would have been to destroy a most valuable portion of the Irish system. The license proposed to be enacted was of such a nature that all those female refuges which have been carried on in Ireland with such success would have absolutely been closed, and it was only by introducing another clause into the Bill that that difficulty was overcome. Such was the position of the Bill as originally proposed. Since then it has undergone material changes, some of which are great improvements. I was sorry to hear the noble Lord (Lord Houghton) express an opinion so hostile to police supervision. There has been so much misapprehension on that subject that I desire to make it as clear to your Lordships as I think it is to myself. The noble Lord said one effect of this police supervision would be that it would oblige the ticket-of-leave holder to get a holyday from his employer in order to go and report himself. Let any one look carefully at the words of the clause, and I defy him to put such a construction on them as has been done this evening. The words are that the prisoner is

> " Subsequently to report himself once in each month, at such time and place, in such manner, and to such person as the chief officer of such station shall require."

This language gives the widest possible latitude for the exercise of this power. I admit that it is a great and delicate power to intrust to the chief constable; but it may be so exercised as in no possible case to entail any hardship. The police authorities would obtain their knowledge of a man's residence, habits, and employment in fifty different ways—through the instrumentality of the Discharged Prisoners Aid Society, through the agency of the clergyman of the parish, by means of communication with his master. I do not, indeed, see why the communication should, in most cases, be a personal one; and I should hope the result would be in many instances, that the chief constable would feel himself justified in requesting the Home Secretary to advise the Crown to issue a free pardon. That practice has been followed with the best results in Ireland, and it is obvious that a free pardon so obtained would be a great reward to the man himself, and a great inducement to others. But I am not defending police supervision on abstract grounds, or with merely theoretical arguments; on the contrary, I can appeal to facts and precedents which are within the cognizance of the whole country. Every one admits that the Irish branch of the system works well. Now, the Irish plan is based upon police supervision, and, so far as it has gone, the employers of labour in Ireland, as a general rule, not only prefer to have police supervision, but would decline to accept the services of ticket-of-leave men if that supervision were not to exist. Let me mention another remarkable fact bearing on this point. A few years ago there was an application made by some large contractors in England to the Irish Department for a supply of ticket-of-leave labour; but the application was accompanied with the stipulation that the holders of the tickets-of-leave while in England should be subjected to the supervision of the police. In consequence of that stipulation the application broke down, for the Home Secretary was not disposed to make any concession in that direction. But what I have stated shows, first of all, the ready disposition of large employers of labour in England to accept the services of ticket-of-leave men; and, next, the common sense view which men of business entertain that such men would work better and more safely if they were subjected to the supervision of the police. It has been said, in the course of the debate, that the police are not the proper persons to execute this duty, and a suggestion has been thrown out with respect to the formation of a department something analogous to that which exists in Ireland. I have little objection to the formation of such a department in England except on the score of expense; but, on a further opportunity, I should be prepared to maintain and to show again by facts and precedents, that the police are not only the best persons to discharge the duty, but are absolutely the only persons competent to perform it, always, of course, under proper control and subject to proper regulations. Substantially, therefore, I approve the Bill as it now stands, and I trust it will pass through the remaining stages unimpaired on any material point. There are, no doubt, certain amendments which I think might be inserted with advantage in Committee; but as to the main principle of the Bill, I believe it is correct. As it stands, the Bill constitutes a great, important, and beneficial alteration of our system of penal administration, especially when joined with those extensive changes which the Home Secretary has sanctioned within the walls of prisons. But I deeply regret that while the Home Secretary was initiating important changes in the penal administration of the country, he should have done so with almost expressions of hostility on his part—that the Bill, in fact, appeared to have been wrung out and extorted from the right hon. Gentleman. No doubt objections may be stated to any measure of the kind; but I venture respectfully to tell the Government that, in carrying through this Bill, and in giving practical effect to it afterwards, the country will hold them responsible for seeing that it has had fair play and justice done to it.

EARL GREY: My Lords, it is my intention to support the second reading of this Bill, inasmuch as, with all its defects, it will, undoubtedly, be an improvement on the existing laws. But I am bound to say that I cannot regard it as so satisfactory as it ought to have been. Among the minor objections to it one of the chief is, that it contains no provision for subjecting those, who may be called professional thieves, to a more lengthened punishment than persons of a different character convicted of like offences. No fact has been more clearly established by evidence and experience than that persons who betake themselves early in life to thieving as a profession are never withdrawn from it except by some prolonged and very severe punishment. It was upon that account the Commissioners recommended that some arrangement should be made to insure a longer punishment for these persons; and I think it a great defect of the present Bill that it proposes nothing of the kind. Again, I concur with the noble Lord (Lord Houghton) who objected to the terms of the clause with respect to the supervision of released criminals. I am strongly of opinion that a criminal discharged on a ticket-of-leave ought to be kept under strict control; but still I entertain serious objections to the clause in its present shape, and I trust it will be amended in Committee. My only other minor objection is that it seems to me the Bill ought to have cleared up the question, on which there is now a great deal of doubt, as the legality of the emigration of ticket-of-leave men. Some persons of great knowledge and authority are of opinion that under the law, as it stands, ticket-of-leave holders cannot legally leave this country. Whether they are entitled to do so or not is a question of great importance, and one which ought to be decided one way or another. But the main objection I take to the Bill is, that it substitutes a period of five for seven years as the minimum term of penal servitude. If there was one point more clearly established by the evidence taken before the Commission than another, it was that the early return of convicts to the places where they have committed their crimes is one of the greatest sources of evil, and has contributed, probably more than any other single cause, to the increase of crimes. As far as I remember there was not a single witness examined before the Commission who expressed the slightest doubt upon that subject. In the first place, the early return of criminals who have been sentenced to penal servitude to their usual haunts, has the effect of throwing upon the public a class of men who have practically no other resource to obtain a living but stealing; who are, no doubt, taught caution by the punishment they have undergone, but who are compelled to resume their old habit of preying upon society. But worse than that, the early return to their former haunts of men known to have been sentenced to penal servitude has done more than anything else to break down the fear of punishment among the unconvicted criminal class. The latter do not know the severe hardships which the convicted criminal has undergone in the penal establishment, but they see a man who had been convicted of a serious offence return in three or four years to his old place of abode, and they are apt to say to themselves, "Well, if the worst comes to the worst, it is not so very bad after all; we shall soon return home, as many have done before us." More than that, it has been clearly shown by evidence, that returned convicts are often the corruptors of the young and their instructors in crime. Shut out in a great degree from honest employment, the chief resource of the old criminals is to seduce the young into crime, in order that they may live on the produce of their misdeeds. For these reasons it appeared to the Commission that one of the main evils of the present system was that it enabled convicts so speedily to return to their former haunts.

The Bill in its present form will effect a comparatively slight change in that respect. As the law stands, the great majority of convicts are sentenced to three or four years' penal servitude, which it is in their power, by industry and good conduct, to reduce, in the one case by six, in the other by nine months remission. On the average they are actually in confinement for about three years. It is now proposed that the minimum sentence should be five years, of which nine months are to be passed in separate confinement, and the remainder in penal labour on public works, the convict having the opportunity of gaining a remission of a quarter of the time he is liable to serve on public works by industry and good conduct. A convict, therefore, who is sentenced to five years' penal servitude, after passing nine months in separate confinement, will be sent to labour on public works for four years and three months, with the power of earning by industry a remission of one-fourth (or rather more than a year) of this time. Hence the evil to which I have referred will remain much as it is now, since the only difference will be that the convict will be able to return to his former place of abode in rather less than four years after his conviction, instead of three years after it, as at present. The Commissioners proposed instead of this that seven years should be the minimum term, with a further recommendation, the effect of which would practically have been to withdraw the majority of convicts permanently from this country. They proposed that all convicts, if not disqualified, should be ultimately removed to Western Australia, and there receive their discharge on ticket-of-leave. Experience proves that of those sent in this manner to the colonies a very small percentage ever return to this country. It is difficult to overrate the advantage of thus permanently removing criminals from this country; and there is, in my opinion, little doubt that the present increase of crimes is in a great degree to be attributed to the fact, that so many more convicts are now discharged at home than formerly. In the last two or three years there has been a marked increase in the prevalence of crime. I do not mean to say that there has been an increase of crimes in the present time as compared to a somewhat distant period. On the contrary, if we look back twenty or thirty years, there had doubtless been a perceptible and gratifying diminution of crime. It would, indeed, have been very extraordinary if this had not been the case, considering how many causes of improvement are now in operation. In the first place, there has been the establishment of a well organized police throughout the country. Then there has been the general establishment of reformatories. Besides this there has been a much wider diffusion of education than formerly, and that, too, of a superior quality. And, above all, there has been a marked improvement in the general welfare and condition of the people, arising mainly from the increased demand for labour. These were changes tending greatly to the diminution of crime. But it does not appear to me that the improvement has been nearly so great as it ought to have been, and the Returns before us clearly prove that in the last two or three years there has been a marked increase of crimes of a serious character. And it is not a little significant that this late increase of crime is coincident, in point of time, with the discharge from penal servitude of the earliest prisoners subjected to the short sentences authorized by the Act of 1857. That is a confirmation of the opinion that the early release of convicts and their speedy return to their former places of abode constitute a great evil. The Commissioners, in recommending that the minimum sentence of penal servitude should be seven years, contemplated, as I have said, the transportation of the great majority of convicts to West Australia, where they would receive tickets-of-leave. The Government have, as it appears, been induced to adopt the five years' limit, instead of that of seven which was recommended, because they have resolved not to follow the other recommendation as to the general removal of convicts from this country. And if the latter proposal is to be abandoned, there is, I own, much to be said in favour of rejecting the other also, and making the minimum sentence five instead of seven years, because there would, no doubt, be a serious objection to retaining convicts for that longer period under punishment, or with tickets-of-leave, at home. The question as to what ought to be the length of the sentence depends on whether convicts are or are not to be sent to Western Australia. As far as this country is concerned, it is not, I believe, denied that the advantage to be gained by their removal is obvious and substantial. We relieve ourselves by it from a class of persons who are dangerous in themselves and demoralizing to others. The advantages to the criminals themselves appears to me to be equally clear. The condition of a discharged convict in England is cruel and painful in the extreme. While debarred from nearly every means of earning an honest livelihood, he is surrounded by temptations almost irresistible. He is most probably a person of strong passions, and has been deprived of all indulgence for several years. He finds himself on his release among his old associates in vice, ready to seduce him into his old practices, with public-houses inviting him with open doors, and with opportunities for plunder on every side. It is almost too much to expect that in such a position they can resist the temptations to which they are exposed, and it is too well known what is the usual result. On the other hand, in West Australia, the convicts are in a great degree removed from temptation, and have every encouragement to good conduct since they find an ample demand for their labour, and if they behave well they cannot fail to rise to a comfortable station in life—often to own houses and lands, and to become in their turn the employers of labour. Already a considerable number of the convicts who were sent out there thirteen or fourteen years ago have reached this satisfactory position. Many have become prosperous men, living in their own houses, cultivating their own land, and employing the labour of convicts subsequently sent out. They are also removed from most of the temptations to which discharged convicts are exposed at home. In the colony they are dispersed over wide districts of country, with few opportunities of getting into bad company, and often not having a public-house within many miles. They are subject to close supervision by the police ; and there is a moral certainty that, if they commit even the smallest offence, they cannot escape detection, and will at once incur a sharp and severe punishment. The result of this twofold advantage is that, whereas in England experience proves that a very small minority of discharged convicts fail to fall back sooner or later into the penal ranks, in Western Australia experience is equally decisive that it is only a small minority who so relapse, and that, whether they are at heart reformed or not, the great majority live outwardly lives of honest industry. Such are the advantages of transportation to this country and to the convicts themselves. To Western Australia the advantages are hardly less striking. That colony possesses great resources, but they can only be turned to account by labour, and labour is wanting. Owing to the great attractions of the other colonies, and especially of the goldfields, few free emigrants of the labouring class ever go to Western Australia. And it is well that this should be so, for I think it highly desirable that the free emigrant should go to colonies where he will have greater advantages than are enjoyed by men sent out as convicts. Your Lordships will observe that I do not dwell upon the effect of removal to the colony as a punishment; because, though formerly, in a different state of society, when Australia was less known, removal to that part of the world was in itself a severe punishment, this has ceased to be the case, and you must look for the efficiency of the punishment to the penal labour which precedes the discharge of the convict. The advantage of sending a convict to Western Australia is, that with a ticket-of-leave he can be discharged under circumstances which enable him to do well, and which prevent the country from suffering, as it would suffer, if he were discharged at home. The fact that transportation is productive of great advantages to Western Australia, to the mother country, and to the convicts themselves, was not denied by my noble friend the Lord President, nor, as far as one may judge by the papers on the table, has it been denied by the Government. But I believe they hold that these advantages should be sacrificed in deference to the objections entertained by the other Australian colonies. Now, in my opinion, in deciding that those objections should be deferred to, Her Majesty's Government have not fulfilled the duty belonging to the high station which they occupy. What is the duty of the servants of the Crown in a matter of this kind ? Is it not their duty to take a general view of what they think for the welfare of the empire at large and to recommend to Parliament, or adopt, as far as the executive authority of the Crown extends, such measures as, upon a careful consideration, they think best adapted to promote the welfare of the empire as a whole ? Their first duty is to prevent any one portion of the Queen's subjects from suffering from undue pretensions on the part of any other. How is this duty fulfilled by deferring to the objections to transportation raised by the other Australian colonies ? In order to form a judgment upon this point it is necessary to consider what these objections are; and here I may remark that, though my noble Friend (Lord Granville) contradicted the assertion, the sentiments of the colonists were well known to the Commission. For, though it is true we could not be in possession of the despatches more recently received, memorials containing in substance the whole of what the colonists have since urged against transportation to Western Australia were transmitted to the Government, and, after being laid before Parliament, were referred to the Commission. I can only say for myself that the fact was as well known to me when I began that inquiry as it is at this moment. Many additional memorials have been transmitted since, but in all the sum and substance of the objections is, that sooner or later the convicts will pass from Western Australia to the other colonies, and inflict great injury upon their inhabitants. The whole case rests upon this assumption. Now, I venture to say that any one of your Lordships who looks carefully and impartially into this matter will come to the conclusion that, sending convicts to Western Australia, as proposed by the Commission, would have no tendency whatever to increase the number of those persons who will go to the other Australian colonies. In the first place, Fremantle, which is the convict depôt (and the greater number of convicts are farther from the other colonies than they are at Fremantle) is distant by sea from the capital of the nearest colony—namely, Adelaide—rather more than 1,800 miles. By land it is somewhere about 1,600 miles. But to get away from Western Australia by land is quite impossible. It has been tried over and over again. Some time ago a well equipped expedition endeavoured to penetrate from Western Australia, into the interior of the continent from that colony, but utterly failed in accomplishing its object, and was obliged to return after enduring great hardships. By sea it is hardly more easy to get away from the colony, for the ports are few and they are strictly watched. The Commissioners were informed by the Governor of Western Australia that in twelve years only forty-two convicts were unaccounted for, and one-half of these got off together in an American whaler which was short of hands, while of the others there was no moral doubt that the majority perished in the wilderness in endeavouring to escape. Thus the number of convicts who escape is so insignificant as to be hardly worth considering. I am aware that this only applies to convicts who are still under legal restraint, and that holders of conditional pardons and expirees could not be prevented from going to the other colonies. But Her Majesty, on the advice of the Commission, has put an end to the granting of conditional pardons, and in my opinion it was a mistake ever to grant them; and as to expirees, the Legislature cannot prevent them from going to any part of the world they please. But it is far more probable that men of this class will reach Melbourne or Sydney from England than by Western Australia. There is comparatively little communication between Western Australia and the other colonies, and the expirees who have strong motives for leaving this country have, on the contrary, much to induce them to remain in Western Australia. Convicts in that colony while holding tickets-of-leave generally have got into some occupation, and very often would have acquired land or money, and have embarked the latter in some business requiring their presence in the colony, so that when they become free to leave it by their sentences having expired they would seldom be inclined to do so. Experience shows that those only return from the colony, as a rule, who have some attachment at home, or have relations living to whom they desire to return. But those who have lived respectably as holders of tickets-of-leave, and have no such reason for coming home, almost invariably settled in Western Australia. I ask your Lordships to consider from this statement (to which I defy contradiction) what real grievance would be inflicted on the other Australian colonies by our sending convicts to Western Australia. I believe that the more the subject is inquired into the more clearly it will appear that the grievance is a purely imaginary one. My noble Friend who formerly held the position of Secretary of State for the Colonies (Lord Taunton) has argued that we are bound to yield to the feelings of the colonists, even (as I understood him) though no real injury would be done to them. My Lords, that appears to me to be an extraordinary proposition. I can understand why the feelings of the inhabitants of New South Wales and Victoria should be consulted in all measures affecting themselves; and, as regards transportation, even if it were just or expedient to send convicts to those colonies against the wish of the inhabitants, it would be impossible to do so. When transportation to Van Diemen's Land was abandoned, as I thought very unwisely, I never denied that if the feeling against it had been really as strong as was supposed, if the objection to receive the convicts had been as real as it was loud, it would have been impracticable for this country to go on with this system which would not work without the cooperation of the colonists. But I doubted the existence of such a strong feeling. I believed that these objections arose from the clamour of a few interested men, and did not represent the feelings of the colonists at large. So far from there being any reluctance to receive and employ convicts when sent out to that colony, the very last ship that was despatched was so besieged by colonists eager to secure the services of convicts, that it was found necessary to have a military guard to preserve order among the competitors who sought to hire them. I would also remind your Lordships that many of those who have signed the strong memorial from Victoria are the very persons who in 1849 joined in a subscription in what was then the district of Port Philip for importing expirees from Van Dieman's Land, because they wanted their labour. I do not, therefore, believe that the feeling against transportation is in any part of Australia so earnest or so sincere as it is supposed; but granting that it were so, I cannot see that these other Australian colonies have any right to interfere with our proceedings in Western Australia. They may fairly ask to determine what shall be done within their own boundaries, but they have no title to control another and independent colony. They claim that the British Government should not interfere in the management of their own internal affairs; and though I think they push this point somewhat beyond the mark, I am willing to admit the principle to some extent; but I think that while this country takes upon herself the burden of protecting these colonies she has, within certain limits, the right to exercise authority in those colonies for the common benefit of the empire at large. If, however, the principle be granted, that each colony is to manage its own affairs—that there is to be non-interference so far as regards Great Britain in Australia — what right have New South Wales and Victoria to seek to dictate to Western Australia? The example of America has been cited in support of the statement that it would be madness to resist the feeling of the colonists. The cases, however, are entirely different. The Americans objected, and most justly, to the levying of taxes from themselves; but the people of Boston or Massachusetts would never have dreamt of rising against the English Government on account of our mode of governing Jamaica. It is perfectly childish to imagine that Victoria or New South Wales would feel itself so far aggrieved by measures adopted in Western Australia as to take up arms to resist them. What possible means would they have of doing so; could they fit out expeditions to invade a colony two or three thousand miles distant, or to intercept the convict ships on their passage. But we are told that if we persist in our plan we shall lose their affection, and that the colonists will cast off their allegiance. I would remind your Lordships, if this is held out to you as a threat, that yielding to clamour is the surest way to incur contempt, and contempt was never yet the parent of affection. The greatest service that the Imperial Government can render to our colonies is to prevent any one of them from adopting measures injurious to the others. I am persuaded that if the moderating influence and the authority of Her Majesty's Government are not firmly used to restrain these rising communities from wronging each other, many years will not elapse before those strong feelings of intercolonial jealousy, which already exist in that part of the world, will occasion serious disputes and even worse perhaps than disputes between the Australian colonies. By giving way to clamour we encourage the colonists to rely upon similar behaviour for success on all occasions. Our true policy is to consider calmly and temperately what is urged by our colonists, and then to act as reason and justice may prescribe. We should do them no wrong; but, on the other hand, when their complaints have no foundation in justice, and when the inhabitants of one colony make demands which cannot be granted without injury to another, we are bound to assert an Imperial authority, and refuse what is so improperly asked. And as to what is said of the colonists throwing off their allegiance, it is mere idle talk. The whole gain of the connection between England and her colonies is on the side of the latter. We do not even retain sufficient authority to prevent them from levying injudicious taxes upon our trade, and there is at this moment a discussion whether protective duties shall not be established against our manufactured goods. I for one think, that if they desire to cast off their allegiance to the British Crown for a quarrel of this kind, they should be allowed to do so. It would be madness to attempt to retain the connection by force, and it would be better to allow them to sever the connection rather than to permit them to insist upon conditions which are unjust to another colony. It is a remarkable fact that these claims are set up only against us. France has established a penal colony in New Caledonia, which is not half the distance from New South Wales that Western Australia is, and the communication is very easy; but, of course, the colonists can make no complaint against France—yet they do object to our doing what is for the benefit of Western Australia. There is only one other point which I must notice. Those who have read the papers which are on the table will observe that the Australian colonies require the entire discontinuance of transportation to Western Australia. But the proposition now is quite another thing: transportation is only to be continued on the present scale. The effect of that will be that you will destroy all the efficiency of the scheme of punishment recommended by the Commissioners; you will lose the advantages arising from a lengthened removal of the convict from the scene of his crimes, which was the object of the whole arrangement; you will also introduce the element of uncertainty, while at the same time you will fail to meet the views of the other colonies. I believe that if there had been a calm and a courteous explanation given to show how little ground there was for the apprehensions of the colonists, the opposition would have been of a very mild character. I am confirmed in the opinion by having seen some extracts of newspapers published in Victoria, in which is pointed out how untenable are the objections taken by the colonists to the policy of the mother country. In short, this is just one of those measures, halting between two opinions, which marks infirmity of purpose and makes failure almost certain. That is a feature which seems to distinguish the acts of the present Government in every department—colonial, domestic, and foreign—infirmity of purpose. Hesitation in their views is the besetting sin of the Government, and is very strongly marked in the course they are pursuing upon this subject. I shall not in Committee move any Amendment; but should any other noble Lord move to substitute seven years for five years as the minimum term of sentences of penal servitude, with a distinct understanding that seven years is meant with a view of removing those convicts to become free in Western Australia, I will support it.

THE EARL OF LICHFIELD said, he entirely concurred with the noble Earl (Earl Grey) in thinking that great advantages would be obtained by a system of transportation, but he also felt that the Government had, at this time, acted wisely in yielding to the strongly-expressed wishes of the South Australian colonies. There were two points to which he wished to address a few remarks. One was the question of police supervision, and the other was the question of re-convictions of habitual offenders. With respect to supervision, it appeared to him that the only argument in favour of the system was its alleged success in Ireland. It was right, therefore, that they should inquire closely into the grounds upon which that success was founded. He was by no means satisfied with the statistics which had been put forward to show the success of supervision and of the intermediate system in Ireland, and he thought that great difficulties would arise from the clause on that subject introduced into the Bill. One objection was, that it would interfere with the operations of that most useful society—the Discharged Prisoners' Aid Society. The fact of a man reporting himself monthly to the police would have a very different effect to the wholesome supervision exercised by the society he had mentioned. At the proper time he would be prepared to support the Amendment of which his noble Friend had given notice. He also objected to the clause in this Bill, because it had been introduced with the avowed object of adopting the Irish system as part of our penal legislation. He held that the circumstances of the two countries were very different, and the class of men to whom the system would apply were also very different. But, even allowing that the statistics which had been put forth to show the success of the Irish system were correct, and that they bore out the results claimed for them, he maintained that the success was not owing to the system, but to the efforts of one of the most extraordinary men who ever had to deal with the criminal classes—the lecturer employed at the convict establishment in Ireland. The supervision proposed was not the same supervision that was adopted in Dublin. The success of the system in Ireland was largely owing to the personal efforts and extraordinary influence of Mr. Organ, who was regarded by the convicts more as a guardian than an inspector. He would certainly rejoice to see an Amendment carried, by which the clause requiring monthly reporting to the police should be excluded from the Bill. He regretted the absence of any provision for more effectually dealing with habitual offenders. The number of re-convictions was continually on the increase in our prisons. Of the 2,628 convicts received into convict prisons in 1863, 1,683 had been previously convicted, 1,124 had been before sentenced to imprisonment, and 559 had been in convict prisons. That state of things was far more owing to the uncertainty which had attended the sentences passed heretofore than to any inefficiency in their prison discipline. On the 7th of April of this year there were 536 prisoners in the county gaol of Staffordshire, 196 of whom had been previously convicted. Of thirty-six prisoners received during the year who had been previously sentenced to penal servitude, eleven were sent to prison for terms varying from fourteen days to nine months. Their previous sentences to penal servitude varied from three to ten years. If they took those eleven cases, they found the total amount of imprisonment awarded to them came to three years and six months, whereas the total amount of the former punishment awarded to them came to sixty-three years. That was very much due to the operation of the Criminal Justice Act of 1855; and although he should be sorry to see that Act repealed, it was impossible to examine too closely the evils that had arisen from so many prisoners being dealt with summarily under that measure who had been previously sentenced to penal servitude. No magistrate ought to dispose summarily of any case of felony under that Act unless he knew the circumstances and antecedents of the man he was punishing. He should be glad to see some clause introduced into this Bill which would, to a certain extent at least, deal with the class of cases to which he had referred. Although the minimum of five years' penal servitude might be adapted for ordinary cases, he thought that seven years should be the minimum in all cases of previous convictions. It might advantageously be even made compulsory to pass a sentence of seven years where the previous punishment had been one of penal servitude. Thus they would gain two objects—first, they would keep old offenders longer in prison, and longer, therefore, out of the way of doing mischief; and next, they would enable those who had charge of the convict department to make a better selection of prisoners who should be transported. The Report of the Royal Commissioners showed that there would under any circumstances be considerable difficulty in the present state of thing in obtaining even the limited number of convicts which it had been agreed to send to Western Australia. His suggestion, if adopted, would lessen that difficulty. It had been discussed at quarter sessions by his brother magistrates and generally supported by them, the only ground of objection he had heard offered to it being that it might entail some additional expense. In Committee he would move an Amendment making seven years the minimum sentence of penal servitude in all cases where there had been a previous conviction.

The Earl of HARROWBY said, he trusted the noble Lord would persevere with his intention. He would support his Amendment, for he thought such a provision would be a valuable improvement.

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at a quarter before
Ten o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 31, 1864.

MINUTES.]—Select Committee — On Education (Inspectors' Reports), *nominated,* Debate *adjourned.*
Report—Poor Relief Committee (No. 349).
Public Bills — *Ordered*—Metropolitan Traffic; Charitable Trusts Fees*.
First Reading—Metropolitan Traffic [Bill 129]; Charitable Trusts Fees* [Bill 128].
Second Reading — Valuation of Rateable Property (Ireland)* [Bill 102].
Committee—Beer Houses (Ireland)* [Bill 109].
Report—Beer Houses (Ireland)* [Bill 109].

SEIZURE OF THE CHINCHA ISLANDS.

QUESTION.

Mr. WEGUELIN said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received Despatches relative to the seizure of the Chincha Islands, belonging to Peru, by a Spanish naval squadron; whether it is the opinion of Her Majesty's Government that the occupation in time of peace of the territory of a friendly nation, without cause or declaration of war, and the forcible detention of individuals of that nation to serve as hostages, are proceedings consistent with the usages of civilized nations, or the dicta of International Law; whether Her Majesty's Government are prepared to admit the claim put forth by the Spanish Admiral and the Spanish Commissary, of the right on the part of the Spanish Crown to "re-vindicate" the property of said islands —a right, they assert, similar to that which Great Britain sanctioned when she restored the Islands of Fernando Po, Azmolon, and Coserco, after a formal and uninterrupted possession during a considerable number of years; and whether Her Majesty's Government will interpose their good offices to bring about a settlement of the trifling matter of dispute which has led to these high-handed proceedings on the part of the Spanish officials?

Mr. LAYARD: Sir, in reply to my hon. Friend, I have to state that I am afraid I cannot give him any satisfactory information on the subject of his Questions. I am unable, without being better acquainted with the exact circumstances of the case, to say whether or not the proceedings of the Spanish Government have been consistent with the usages of civilized nations and the dicta of International Law. All I can state is, that on Saturday last Her Majesty's Government received despatches from the British Minister in Peru giving an account of what had taken place in these Islands. It appears that the Spanish Minister made a demand with which the Peruvian Government did not comply, and in consequence the Spanish Minister, in conjunction with the Spanish Admiral, without further notice, took possession of the Chincha Islands, which are very valuable, as they yield large quantities of guano. At the same time, it was stated that no contracts would be interfered with so far as concerned British subjects. As the Government have not yet received from the Spanish Government any information as to their reasons for this occupation, I cannot, until further information be received, inform my hon. Friend what course Her Majesty's Government may pursue.

THE CONFEDERATE RAMS.

QUESTION.

Mr. HODGKINSON said, he would beg to ask the Secretary to the Admiralty, Whether it is intended that the price to be paid for the Confederate Rams shall be the subject of a Supplemental Vote, or whether it will be paid out of money already voted for some other purpose?

Lord CLARENCE PAGET: Sir, I have to state it will be my duty to bring on a Supplementary Estimate for the purchase of these Rams.

MR. HERBERT'S PICTURE.—QUESTION.

Mr. COX said, he wished to ask the First Commissioner of Works, Whether he can make any arrangements by which the public may have the opportunity of viewing Mr. Herbert's picture in the Peers' Robing Room?

Mr. COWPER said, in reply, that the public would be admitted to see the picture as soon as Mr. Herbert had satisfied himself that the solution with which he intended to cover it was so fixed that the picture would not be injured by the dust which would necessarily arise from large crowds of people passing through the room, who, no doubt, would be anxious to see this admirable work. He was not able to say when the picture would be open to view, but when Mr. Herbert had satisfied himself that the public might be admitted, they would see it on Saturdays at the time they were admitted to the rest of the building.

THE CONFEDERATE STATES.

QUESTION.

Mr. BAXTER said, he would beg to ask the hon. Member for Sunderland, If he intends to bring on his Motion with reference to the Confederate States of America on Friday?

Mr. LINDSAY: Considering the terrible struggle, Sir, now going on in America, and considering what is likely to be the result of that struggle, I consider that

I shall best consult the interests of peace if I postpone the Motion from Friday, the 3rd, to Friday, the 17th of June.

MILITIA REGIMENTS.—QUESTION.

Colonel DICKSON said, he rose to ask the Under Secretary of State for War, Why a Return relative to Militia Regiments (Companies, &c.), moved for on the 8th April, has not been furnished?

The Marquess of HARTINGTON said, in reply, that the Return ordered on the 8th of April relative to certain Militia Regiments would be laid on the table that night. The delay had been occasioned by the non-arrival of some of the Returns until the 25th of the present month.

THE BRAZILIAN GOVERNMENT AND MR. REEVES.—QUESTION.

Mr. NEWDEGATE said, he wished to ask the Under Secretary of State for Foreign Affairs, Is it not the duty of the English Consuls who have remained in Brazil since the suspension of diplomatic relations to report to Earl Russell everything which concerns the English Government or English interests; and have Her Majesty's Government not received from the Consul at Rio or otherwise information of a speech made in the Brazilian Senate, on the 24th of February, by M. Sinimbré, lately Minister of Justice, defending the conduct of the Under Secretary who wrote to ask the Judges to vote against Mr. Reeves, producing all the Correspondence with the British Legation, and describing Mr. Christie's Notes complaining of the Under Secretary's conduct, by order and with approval of Earl Russell, as "most impertinent?"

Mr. LAYARD replied, that the English Consuls had sent home Reports, but he must ask his hon. Friend not to press for an answer to his Question, as he was aware that mediation had been offered between this country and the Government of Brazil, that it had been assented to, and that negotiations were now going on; and he hoped nothing would be done which would tend to create any angry feeling on the part of the Brazilian Government; and that was the reason why he asked his hon. Friend not to press his Question.

Mr. NEWDEGATE said, he felt anxious to accede to the request; but he must ask whether the case of Mr. Reeves would form part of the mediation

Mr. LAYARD said, he could not state that it would form part of the mediation, but no doubt it would form the subject of consideration on the part of the British Government.

NAVY — THE TRIAL OF THE "RESEARCH."—QUESTION.

Sir JAMES ELPHINSTONE said, he rose to ask the Secretary to the Admiralty, Whether Sir Charles Fremantle's Report upon the state of the *Research* after the trial of her guns will be laid on the table?

Lord CLARENCE PAGET, in reply, said, there would be no objection to lay the Report on the table, but it made no mention of any damage done to the vessel.

Mr. FERRAND said, he wished to know, Whether the Admiralty intend to call for a Report from the Commander-in-Chief as to the damage done to the *Research?*

Lord CLARENCE PAGET said, the Admiralty had already received a Report from the official persons of all the damage done on the occasion of the trial. The Commander-in-Chief had made a Report which he should lay on the table, and it would give a detailed statement of whatever damage had been done.

ARMY — MR. LYNALL THOMAS'S GUN. QUESTION.

Mr. GREGORY said, he wished to ask the Under Secretary of State for War, Whether the trials of Mr. Lynall Thomas's gun have been concluded; and whether, on the conclusion, a Report of the trials would be laid before the House?

The Marquess of HARTINGTON said, in reply, that some weeks ago, in answer to a similar question, he had stated that the gun which had been manufactured for Mr. Lynall Thomas at the gun factory, on the distinct understanding that it should be at his own expense, had not been paid for. A letter was written to Mr. Thomas or rather to his assignees, for he had had the misfortune to become bankrupt, stating that if it were not paid for within a certain time — three months — the Secretary of State would then consider what steps ought to be taken to save the public the largest possible portion of the expenditure which had been incurred on this gun. The trials were suspended until the expiration of that period. The three months had now expired, and the gun was not paid for, and the Secretary of State now considered that Mr. Thomas had no right to any property in the gun. The question would be referred to the Ordnance Committee, to consider what would be the best use which could be made of the gun for the interests of the public without any reference to the supposed right of Mr. Thomas. All experiments had been suspended since the letter was written to Mr. Thomas.

AFFAIRS OF POLAND.—QUESTION.

MR. HENNESSY said, he rose to ask the noble Lord at the head of the Government, Whether certain Despatches of which he held copies, relating to the policy of the Government in reference to Poland, were authentic? With the permission of the House, he would read an extract from one of them, which was a despatch from Count Walewski to Count Persigny, dated October 15, 1855. It said—

> "Lord Cowley has read to me a despatch from his Government in reply to that which I commissioned you to deliver to Lord Clarendon, on the subject of the situation of the Kingdom of Poland, in its relation to the Treaties which determined its legal condition in 1815, and to the eventual basis of the future peace."

Now, the Question which he wished to put to the Government was, Whether the Despatches to which the extract which he had just read made reference, and of which it formed part, were authentic; and, if so, whether the noble Lord would be prepared to lay those Despatches on the table?

VISCOUNT PALMERSTON said, as he understood the Question of the hon. Gentleman, it was whether certain despatches to which he alluded, and which were addressed by the Minister of Foreign Affairs at Paris to the French Ambassador here, and *vice versâ*, were or were not authentic. In reply to that Question, he must observe that he was really quite unable to answer for the authenticity of the French despatches.

MR. HENNESSY said, it was stated in 1861 by two Ministers of the Crown, one of them being the noble Lord himself, that in their opinion no despatches had passed between our own and the French Government in 1855 relative to Poland. Now it appeared that Lord Cowley had in that year read a despatch purporting to be from Lord Clarendon to the French Government on that subject, and he wished to know whether that despatch and others on the same subject will be laid on the table?

VISCOUNT PALMERSTON said, he could not give an answer off hand with respect to the despatches alluded to. He would, however, examine into the matter, and see whether they could be produced.

AFFAIRS OF CHINA.—RESOLUTION.

MR. COBDEN rose to move the Resolution on the subject of China, of which he had given notice, and said: The subject to which I venture to call the attention of the House has been introduced to our notice first by the noble Lord the Member for Cockermouth, and in the next place by the hon. Gentleman the Member for Northumberland, both with great ability; and it has also been referred to in another place by Earl Grey in a speech which displayed, I think, much wisdom and forethought. That being so, I should not now trouble the House on the subject had the circumstances in connection with our relations with China remained unchanged, or did they appear to be in a more satisfactory state than they were at the time when these Motions were brought forward. I cannot, however, read our more recent despatches from that country without feeling that there is little prospect of any amelioration taking place in those relations. I have read attentively the last blue-books, and I confess their perusal impressed me with a sense of great anxiety and uncertainty for the future. It seems to me that no one in China representing this country is satisfied with the present state of things. Our merchants are very much dissatisfied, and Sir Frederick Bruce, our Minister, appears to be in a state of despair, because the policy recommended by him, or carried out there with his acquiescence, seems to have failed and broken down, so that he has no longer any policy—so far as I can understand his despatches—in hand. Then with regard to our military commander, in his last despatch of December he has advocated the complete abandonment of that policy which we were led to suppose was the sole means of restoring peace and the authority of the Imperial Government. We must also recollect that the mail now on its way to China carries out with it an Order in Council, rescinding a former Order which allowed English officers to take service in the Imperial army—a step which in my opinion ought never to have been permitted. But we have it from Sir Frederick Bruce, that it is the foreign element in China which has gained all the late successes, and I cannot but apprehend that when the news arrives in China, that those officers who led the disciplined contingent of the Chinese army are to be withdrawn from the service, renewed hope will be given to the Insurgents, and, probably, the result of the interference of our Government two years ago in China may be to make things there in a more distracted state than they were. Such being the uncertain position of affairs, I think we should be wanting in our duty to the country if we shrank from expressing our opinions on this important question. Taking a review of our position in China, I ask myself what is our object in going to that remote region at all? It is simply trade, and the profits of trade. The next question I put to myself is, have we pursued a course in China consistent with our interests and our honour? And I am bound to say that I think we have not consulted either in the line of policy we have adopted. It might have happened that we, with a sacrifice of national character, might have achieved great success in our commercial undertakings in China. That might be urged by some persons with the view to reconcile us to the course we have pursued; but I confess for my own part, that I should not be disposed to consider a satisfactory balance in the national ledger as sufficient to condone a course of conduct which I thought inimical to the national character. I am, however, sorry to say, that a most unsatisfactory feature in our relations with China is the commercial view of the question. We have been carrying on large military operations, and making great efforts to extend our trade in that country, and I am prepared to show they have ended in the most unsatisfactory manner. This appears to me a subject in respect to which the greatest misapprehension exists, and nowhere does it prevail more apparently than in the mind of the noble Lord at the head of the Government, for the noble Lord a little while ago made a reference to our trade with China, to which I shall presently allude. I want, in the first place, to show the House what the nature of our trade with China is, and what it has been during the time we have been attempting to extend it by these warlike operations. It is a somewhat remarkable fact, that it is the only foreign country in which we have been systematically attempting to force a trade by violence and war, and the only one which really forms an exception to the progress we have made in all other directions in the extension of our commerce. I moved for a Return of the exports from this country to China and Hong Kong from the year 1835 up to the present time, thus including the whole of the period during which our trade with China has been carried on by private enterprise—I mean since 1834, when the monopoly of the East India Company was abolished. There is a peculiar characteristic in this trade. We have had three wars in twenty years, and whatever has been the apparent cause, the ultimate and undisguised object of those wars has been, to use a technical phrase, to open up China and to extend our trade with that country. The effect has been this—that whenever there has been a war our merchants, stimulated by the prospect of an extended market, have sent out speculative stocks, and that their enterprise has invariably been followed by disappointment and re-action. I am speaking in the presence of an hon. Friend of mine, through whose house I believe one-third of the export trade to China goes, who, on one occasion said to me, "The trade with China has been always a disappointing trade." If the House will allow me I will give it an analysis in a very few words of the Returns for which I moved and to which I have already alluded, which will serve to show how great is the misapprehension which prevails on this subject of our export trade to China. In 1835, the first year of the open trade after the abolition of the East India Company's monopoly, our exports to that country were £1,074,000. In 1836 they were £1,326,000, which was the highest amount they reached while the trade was confined to Canton. The opium war occurred in 1840, and by the peace of 1842 Shanghai and the other treaty ports were opened. For the following three years there was an increase in our exports—in 1843, they were £1,456,000; in 1844, they were £2,305,000; in 1845, they were £2,394,000. From this point they declined, and for the next ten years they remained, with the exception of one or two spasmodic efforts at recovery, at little more than half the amount of 1845. In 1854, they fell to £1,000,716, being less than in 1835, twenty years previously, when the trade was confined to Canton. In 1856-7, and again in 1859, the war arising out of the lorcha affair was carried on, and by the peace that followed several new ports were opened, and the great river the Yang-tze was made accessible to foreigners. A treaty opening Japan was also entered into, and the first exports to that country were sent through China. Our exports rose in 1859 to £4,457,000, and in 1860 to £5,318,000; but, following the invariable law, they fell in 1862 to £3,137,000. Last year, 1863, they amounted to £3,889,000. Speaking the other evening the noble Lord at the head of the Government informed us, that owing to the great expansion of our trade with China the difficulties of our commerce in Lancashire had been largely met, and that we were indebted to that increase of trade for our ability to bear as well as we had done the pressure of the American civil war. Now it amazed everybody connected with the trade of Lancashire to find that the noble Lord made such a statement. The trade with China is almost the only one that has weighed on the business of Lancashire in consequence of the immense amount of stock which was lying at Shanghai and Hong Kong, and China is the very last market that responded to the rising prices consequent on the Cotton famine. A gentleman in business informed me that during the years 1862 and 1863, the very time when, according to the noble Lord, this market was relieving Lancashire from depression, there was such a glut in China that it would have been profitable to have brought cotton goods from Shanghai and sold them in Manchester. I am astonished at the reckless assertions that I hear made at that table. I can account for it in no way but this—that noble Lords and right hon. Gentlemen who become Cabinet Ministers consider that they speak from a brief. They do not speak with the ordinary responsibility of private individuals. It is supposed that somebody else puts the figures into their hands and that they may say anything. I venture to say that there are more groundless statements made at that table to this august body—by both sides—when they are in office than in any other assembly of Gentlemen—and they are made with such solemnity and with such emphatic blows on that box, that all but the oldest and most obdurate Members of this House are imposed upon; and as for the public out of doors they unfortunately believe everything that is said by a Cabinet Minister. The noble Lord, from his long experience, must be considered the most accomplished master of this, which I will call official, language; and if I was asked to point out the most promising of his pupils, I should say that it was my hon. Friend the Under Secretary for Foreign Affairs. It was, I believe, my hon. Friend who misled his chief. They ought to understand each other better. Speaking on the lapsed debate upon the Motion of the hon. Member for Northumberland, the hon. Gentleman read a tissue of the most fallacious statements to show the vast extension of our trade with China. He compared the trade of 1857 with that of the present time; he gave us the exports and imports of the treaty ports; the exports that went from an interior port to a coast port, and then the exports from that port to another; but he altogether left out of sight the fact that by Lord Elgin's Treaty in 1859 the trade in opium was legalized—that is, brought into the regular trade and into the statistics, in which it did not appear before, because it was a smuggling trade; and that generally amounts to three times as much as our legitimate exports. I have stated in general terms the facts with regard to our exports to China, but here is a statement which has been sent to me with regard to cotton goods, which will fix upon the mind the extraordinary nature of that market, and the great depression which has existed in it, more than the statement of any money amount. My friend, who was surprised at the noble Lord's statement, sent me these figures showing the quantity of cotton goods exported to China and Hong Kong for the four following years:—In 1860 there were 222,963,000 yards, and in 1861, 243,654,000 yards; that was during the time of excitement and speculation, when the hope that now at last there was going to be a large consumption in China was operating upon our merchants' minds. Now comes the recoil; in 1862 the exports fell from 243,000,000 yards to 80,000,000, and in 1863 it fell from 80,000,000 to 46,000,000 yards. So that the exports to China of cotton goods, which are really the chief article that we export to that country, fell in two years from 243,000,000 yards to 46,000,000 yards, or less than one-fifth, and that was during the time when the noble Lord tells us that Lancashire was sustained by the great extension of our trade with China. That is the character of the business that you are transacting with China. You have now tried it in every possible way. You have tried it by war; you have tried it by the extension of the treaty ports; you have tried it by going into the interior; and that is the character of your market in China. I do not pretend to say what is the reason why we cannot find a large consumption of our goods in China. Whether it is that one-third of the human race—as the noble Lord told us the other night when he said, "Think of having free and unrestricted trade with one-third of the human race!" —whether it is because the Chinese are the most industrious, the most frugal, the most energetic and persevering people in the world, because their labour is cheaper than anywhere else, and you get for the cheapness of the Hindoo the quality of the Scotchman or the Swiss,—whether it is in consequence of that that they can produce their own articles cheaper than even a steam-engine can do it on this side of the earth—whether it is that the opium traffic absorbs their means, and prevents their being in a condition to purchase other goods which we expect to sell, or whether it is that the revolution and civil war going on in China tend to destroy the cities and populations where the great consuming demand existed, I do not pretend to say; but this I do say, that from some cause or another you have arrived at this positive proof, that it is not by war or violence, or the increase of your treaty ports, that you are likely speedily to extend the consumption of your goods in China. If you look back for the last thirty-five years you will find that China is the only country that has disappointed you; that is, that the exports to China have not kept pace with the natural increase of your trade in other directions. Last year your exports to China were £3,800,000, your exports to the whole of the world £146,000,000: so that you only send 2½ per cent of your exports to China. If you run your eye over the table of exports you will find that China stands only twelfth in the list of your foreign customers, that it stands even below Brazil and Egypt. This is the moral—that it is not by blood and violence that you are to extend your commerce. That is the way to destroy trade and not the way to create it. I hope that after all this experience we shall none of us again advocate any violent measure with the view of extending our trade either in China or elsewhere. The noble Lord told us truly that there is one-third of the human race—that is 350,000,000 or 400,000,000 of human beings—in China. They are but very small customers, but look at it in another way. If you are to follow that policy which is peculiarly the noble Lord's; if you are to break into the country, hold it, and be its police; if you are to make another Turkey of China, and if, in addition to meeting Russia and France, you are to meet the United States at Pekin; if you are to trouble yourselves and future generations with governing and controlling and intriguing in China, recollect that you have a country of vast extent and prodigious population to govern, and that you ought well to consider whether it is worth your while to incur all these risks, and enter upon this policy with the proofs that you have that you are not likely to do more trade with that country than with Brazil or Egypt. We are too apt to forget what China is. China has ten times the population of France. It has eight times the surface of France. Having broken into Pekin by the most flagitious means, you have now a Minister there who is undertaking to remodel that vast empire. Read his despatches; what is he doing? Constantly advising the Government that they must change their mode of administration. They are to become a centralized Government. I can hardly speak of the tone of those despatches without expressing my feelings in un-Parliamentary language. Why! the idea of a man going to an empire that is now moving in the ruts created by 2,500 years of existence and of one civilization—a country which has probably transmitted to you very much of the habits and mode of living of the ancient Babylonians—to think of going to Pekin and coolly recommending that the Government of Pekin should absorb to itself the government of all the provinces—each province being as large as a European empire. What good can possibly come of that? It only shows the utter impossibility of our understanding the nature of the country with which we have to deal. Sir Frederick Bruce forced his way to Pekin expecting to find there a centralized Government and a great Power. When he got there he found a decaying capital and an Executive with very little power. It is very possible that it is owing to that circumstance that the empire has endured so long as it has. [MR. WHITE: Hear, hear!] What is Sir Frederick Bruce doing? He is recommending the Emperor to withdraw the power and authority enjoyed by the local governors of the different provinces, and to assume their power himself at Pekin. He is recommending a complete revolution in the mode of governing China. It seems, that the power of the governors of departments is really almost independent of that of the central Government. Now, I think that what we have to do in China, if it be a great empire in ruins, is to avoid the fall of the ruins, just as you would keep out of the shadow of an old castle wall for fear it should fall upon you. The wise policy would be to have as little as possible political or social relationship with that country. That is the policy which I should recommend this House to consider. What are we doing now? We are actually doing our very best to break up the little authority that was left to that central Government, because we are carrying into that country habits of insubordination, and letting into that country wild and lawless men. And the very circumstance of our opening the door to what is called the extra-territorial population is that we let in, not respectable merchants alone, but every kind of filibusters and brigands who can reach that country. There is nothing comes out so clearly in the late despatches as that you yourselves cause much of the disorder that is going on in China. You opened up the great Yang-tze river—that is, you stipulated that foreigners should have the right to navigate that river. Well, that was an unusual step, and we ought not to have done it unless with much better securities for the maintenance than we could possibly obtain. I believe it was done against the better judgment of Lord Elgin himself. What has been the effect? Read the despatch of Vice Consul Adkins, who is placed in a consulate on that river, and who describes the population. He says, writing to Sir Frederick Bruce from Chinkiang, on the Yang-tze, on the 2nd of September, 1862:—

> "I am well aware that the river is likely to be overrun by foreign blackguards, knowing no law, and under no control; the more so that the Chinese authorities themselves shirk the responsibility, and take no steps to protect their countrymen."

Writing again on the 23rd of September, and referring to outrages that had taken place, he says—

> "The Europeans who caused the disturbance were in Chinese employ. It is a common practice to hire a foreigner 'to take care of the boat.' By this is meant hoisting a foreign flag when passing a native Custom House, and bullying any official who may get in the way."

Again, on the 27th of April, 1863, he says—

> "I very much fear that the foreigners trading on this river in sailing boats are almost without exception men without principle or character—outlaws, in fact, who have no regard for treaties or regulations, and who look upon the Chinese as made for them to prey upon. Their drunken and debauched habits have made an impression even on the Chinese."

And Sir Frederick Bruce, writing so late as July last to Earl Russell, speaks of the "constant scenes of blood and violence which have inaugurated the opening of the Yang-tze river." Can any one realize what this extra-territoriality means? You have stipulated that Englishmen who go into China shall not be subject to Chinese laws. You make a sort of effort to follow your fellow subjects with your own law—that is, you set up Consuls 200 or 300 miles apart on this great river. I believe there is a space of 500 miles on that vast river where we have no Consuls at all. Your countrymen go there, and foreigners also. This system of hoisting flags is carried on in all sorts of surreptitious ways. Let us suppose that Chinamen came here, and could penetrate into Oxfordshire without being subject to our law—that they could commit every species of robbery and outrage upon the constituents of the right hon. Gentleman the Member for Oxfordshire, and that the local magistracy had no power to interfere with them beyond this, that they could seize them and carry them to the nearest Consulate, there to be judged according to Chinese laws. They must be taken to the Chinese Consulate at London, the witnesses must be brought with them, they go before a foreign tribunal, and then, after all this expense, what chance would you have of obtaining law or justice? Why, such a condition of affairs amounts to a state of actual lawlessness for every European and American in the interior of that country. The law allows every foreigner, be he English, French, or American, to pass into the interior, and foreigners having treaty rights are exempt from the jurisdiction of the mandarins. You must bear in mind that the mandarins shirk the responsibility of meddling with these people; and why? Because they know very well that one war, or rather two wars—the wars of 1856-7—were caused by the lorcha *Arrow*. The same may be said of the war that followed the exchange of the ratifications; and there is not a Chinese authority that does not tremble in the presence of the English flag. The consequence is that for vessels under the English flag, since that lorcha war, there is a complete irresponsibility and lawlessness. Chinese capitalists buy European-rigged vessels; they get a foreigner to come on board, as they did in the case of the *Arrow*, to take care of the boat. When he is on board he claims to be the owner of the boat. He bullies the Chinese authorities, he passes the Custom House, and defies them to fire upon him. Why, this amounts to an actual state of anarchy. These lorcha vessels are at the bottom of a great deal of this mischief. What says Sir Frederick Bruce in his despatch to Consul Sinclair at Ningpo, dated January 24, 1863. He says—

> "I have to instruct you to execute strictly the treaty in the matter of clandestine and prohibited trade, particularly as against lorchas and small sailing craft engaged in the coasting trade. The class of men who sail these vessels, and their lawless and violent proceedings, make peaceful progress difficult, and do much to keep up a feeling of alarm and aversion to foreigners among the authorities and population of China. You must be aware, from your experience at Ningpo, that it is the employment to be found in these vessels which keeps up the class of lawless foreign adventurers which infests the ports, and is the hot bed of crime on the coasts of China."

Now, you undertake the police of the vast region. . You have got your gunboats on the Yang-tze river and on the coast, but I am very much afraid that you are led into almost as much lawlessness and involuntary crime as the natives themselves, because a wholesale massacre and destruction of the native junks by our ships of war has been going on, attributable, no doubt, to our ignorance of their language. Such acts, however, reflect a very great discredit on the national character. We read of 200 junks at a time being destroyed by our vessels. They destroyed first the pirates, as they are called, and then the Government vessels. There is a curious correspondence, from which I will trouble the House with only a short extract. It illustrates in a very short space the anomalous and discreditable relations to which I refer. Prince Kung sends a despatch to Sir Frederick Bruce, complaining that our force in the Yang-tze river had burnt three Government war junks for pirates, one of them having on board a mandarin, for the loss of whose personal effects a pecuniary compensation is demanded. In reply, Sir Frederick Bruce says—

> "A short time since Captain Dew destroyed a fleet of 200 pirate vessels at Chusan at the request of the Chinese authorities; and in the case now complained of, the officers of Her Majesty's ships, at the request of the people, destroyed these junks, which the popular voice, as well as the appearance of the vessels themselves, pointed out as Cantonese and piratical."

And he adds, in reply to a second remonstrance, that

> "As several respectable looking villagers on shore averred that these junks had been plundering them for some time past (a statement corroborated by a small mandarin), the commander of the larger steamer caused them to be set on fire."

[*A laugh.*] That is not a thing to laugh at in a Christian assembly. You cannot realize such a state of things, because the scene of these outrages is so remote. There is an old saying that a man would sleep more soundly if he knew that the whole Chinese Empire would be destroyed in the night, than if he knew he was to have a tooth drawn in the morning. But our interests are becoming deeply compromised in the Chinese Empire. Here is the answer of Prince Kung, and I would rather have faced a broadside than have received such a communication—

> "A well-dressed and well-to-do people are not necessarily well-affected subjects, nor is a small mandarin necessarily a genuine mandarin. Who can say that in this case the parties complaining were not pirates in disguise, who, in their dread lest the Government vessels should arrest them, trumped up this story of the evil done by these junks with a view to inciting the commanders of British steamers to destroy them."

And the Prince proceeds to say that for this act of violence, in the summary destruction of these Government vessels, he hopes that a penalty commensurate with the offence will be inflicted on the British officers. This is a most demoralizing state of things when your forces are made the instruments of this brutal violence—when they destroy 200 vessels because they are denounced by a large mandarin, and then three Government ships because they are denounced by a small mandarin. I say that such a state of things, if allowed to go on, would re-act prejudicially on our home politics and the very character of our social life, and it is our duty to put it down. Why are our vessels there at all to do the behest of the Chinese Government in destroying what are called pirates? At Chusan it was said that 200 war junks that were destroyed were ready to join the Taepings. In the present state of things in China, you cannot draw a line between pirates and rebels, and yet these junks that are found ready to co-operate in the defence of the rebels — and these people had as much right to rebel as ever we had —are to be treated by our forces as a common enemy. Under what authority are such things done? I see in the despatches, Standing Order No. 10, from Admiral Kuper, he says—

> "Chinese vessels are on no account to be destroyed by Her Majesty's ships, unless the officers in command are requested by a competent Chinese authority to aid in doing so; nor unless, on the sea coast of China, a pirate is caught in the act of piracy."

It was an old standing order of the Admiralty that our vessels of war were not to destroy even pirates unless they were proved to have attacked a square-rigged vessel. I think I heard that standing order quoted by the late Mr. Hume some twenty years ago. It is not to be tolerated that our brave sailors are to be made the executioners of such a community as that. Now the question arises, What is the remedy for this state of things? If we were beginning afresh to-morrow to establish our relations with China, we should not hesitate a moment as to what we should do. We should avoid all political and social contact with that country. We should, in fact, follow the example given us by a man who was not only a statesman, but essentially a philanthropist—Sir Stamford Raffles. He founded Singapore in 1819. He purchased an island in the Malacca Straits about the size of the Isle of Wight, a barren island, covered for the most part with dense jungle, and gave no earthly advantage to the desert spot except the establishment of a complete freedom of commerce and complete security for life and property. What has been the consequence? That place has grown up from some 200 inhabitants to 100,000, and its exports and imports — which are genuine, and not fictitious, like those of my hon. Friend — I have lately seen stated at something like £12,000,000 sterling. Well, why not do in your China trade what has been done in Singapore? You have only to establish free ports on the coast of China, and to withdraw yourselves altogether from political contact with that people, and you will have a trade greater than ever you can hope for by assisting to destroy their civilization in the vain attempt to promote your commercial relations. You have an example of what might be done in the case of Hong Kong. Hong Kong is a mere rock at the entrance of the Canton waters. You have made a free port of it; it has no productive nor consumptive power whatever; but by making it a free port, one-third of all the commerce which now goes on with China is carried on through that port. While Canton is deserted, and left quite out of the list of your export and import accounts, everything goes to Hong Kong; and there is no doubt if you could get two other small islands—the smaller the better—one towards the centre of the coast and the other towards Shanghai, and merely establish them as free ports—I do not ask you to do more—they would draw all the trade of China, and solve the question of your relations with that country without any more ado on your part. Well, then, having this example of what should have been done, we go on preferring a policy which is carried out at great loss to the national character, and at great cost to the people of this country, because such a policy imposes a great charge upon the people, and the time may come when this country will be very impatient of this sort of mismanagement. I would exhort this assembly and its constituencies—since we are now beginning to view ourselves as a kind of privileged class from which we exclude five-sixths of our people, because we are supposed to have more forethought, more political wisdom, more philosophy than they—that something is expected from us. I will show you by the conduct of a great, a brave, and essentially a just man—the Duke of Wellington—what the course you have pursued during the last thirty years is as compared with what he would have done. A very curious incident brings in the Duke of Wellington as an authority on this question. I may call to the recollection of this House that in 1834, after the opening of the trade with Canton to private enterprise, Lord Napier was sent out to that place. He addressed the officials there in the usual way, but they refused to have any communication with him except in the way of trade. Lord Napier, after some angry correspondence, wrote home some despatches inciting our Government to coerce the Chinese by sending out a few regiments, and showing how easily they might be brought to submission. At that time the noble Lord now at the head of the Government was Foreign Secretary; but before Lord Napier's letters arrived, that curious interregnum, which those at the wrong side of fifty cannot but remember, took place, when the Whig Government went out and the Duke of Wellington held all the seals until Sir Robert Peel should return from Italy. Those letters of Lord Napier's fell into the hands of the Duke, who then held the seals of the Foreign Office as well as the seals of the other Secretaries of State, and he wrote in reply a very brief despatch, which is the only one from his pen of the papers of 1840, and here is one of the sentences, which contains the pith of the whole. It is dated February 2, 1835—

> "It is not by force and violence that His Majesty intends to establish a commercial intercourse between his subjects and China, but by the other conciliatory measures so strongly inculcated in all the instructions which you have received."

Now, I am bound to say, in justice to the noble Lord at the head of the Government, that the instructions which were sent out by him, being the King's ordinance by an Order in Council for the management of our trade in China, were all dictated in a spirit of justice, moderation, and peace; and I can say I have never seen any despatches of the noble Lord which have been addressed to China which have not always breathed that spirit of forbearance and justice. But what I find fault with in the noble Lord is this—if one of his subordinates in any part of the world commits any violation of those rules of moderation and justice, the noble Lord backs him. Now, I defy the noble Lord in all his correspondence to show me half-a-dozen lines conveying a courageous and just rebuke to an over-zealous or violent agent abroad like those few lines of the Duke of Wellington. What we want is a Government here which can check its officials at the antipodes as well as the Government of President Lincoln can restrain its officials from wars with China. [This remark of the hon. Gentleman excited some murmurs and subdued commentaries on the Opposition benches.] I understand what is passing among hon. Gentlemen. Well, I come now to the point to which I was going to refer, and that is, the Duke of Wellington's view of what should be our expenditure in China. After sending the despatch from which I have quoted to Lord Napier he sits down, and in a memorandum prepared for the Cabinet, which you will find in the same volume of the Correspondence up to 1840, he goes into the question of Lord Napier's difficulties with the Chinese. He says—

> "They refused to receive him at Canton; they had a perfect right to do so. For us to attempt to force the Chinese officials to receive an English official would be disgraceful."

"Disgraceful," that is the word; and he goes on to say—

> "If they do not want to receive an English Minister with high-sounding titles, let us be content."

And at a time when Lord Napier was supposed to be a refugee at Macao, in a memorandum dated March 24, 1835, he fixes our establishment in China. He recommends, until trade has taken its regular peaceable course, a frigate and a smaller vessel of war for the protection of our trade with China; and he fixes the cost of the civil establishment there at £13,600 a year. So that, according to the Duke of Wellington's principle, our trade was to be protected by a frigate and a small vessel, and our civil establishment was to cost only £13,600. Now, last year I saw a list of Government vessels in the waters of China and Japan, and they were fifty in number, and we have a little army at Hong Kong, and another at Shanghai, and the expense of our civil establishments has enormously increased. While our trade with China has increased only threefold during all that time, our expenses have increased twenty-fold, and all that has been done under the purest delusion that ever any people were under. We went to work with the Chinese to force our political connection on them—a course which the Duke of Wellington thought ought not to be followed at all. We have done so on the assumption that the Chinese could be traded with fully only if we established our political connection with them. But the Chinese, with an instinctive knowledge of their own interests, immediately came to the conclusion that their peace and security were at stake in excluding foreigners from all political and social contact with them. They felt that they could not coexist on an equality in the same country with the English, and, while they have consequently resisted all social and political contact with us, we have been always acting under the delusion that a political and social connection was essential for the interests of our trade. That was the greatest delusion in the world, for the Chinese people were free-traders, while we were in the very mire of protection in this country. The Chinese and Asiatics never understood or felt the question of protection to native industry. I remember quite well, when I advocated the repeal of the Corn Laws in this country twenty-five years ago, repeatedly making use of the argument of the case of the Chinese, and showing what free-traders they were, how they not only allowed rice to come into their country duty free, but they exempted from port charges a ship bringing a cargo of that first necessary of life in China. Some persons may attempt to answer me by saying that I am only speaking of exports to China, and that I say nothing of our imports from that country; but no one doubts that if we stayed at home the imports from China would still reach us. We have never gone to China to force the Chinese people to give us their produce, but to increase our exports to that country. It may be said that it is not a practical question to talk of withdrawing our present connection with China. I thank God I am not responsible for anything that has been done with respect to China, but we are in the midst of difficulties with that country, increasing every year in danger; therefore we cannot leave the matter alone, and if we cannot suddenly take that course which we might do if we had to begin again, we can, at any rate, move in that direction, and can apply the principle I advocate to Japan, where we have endeavoured to force ourselves on a reluctant people. The representatives of Japan are now in Paris, and they will come over to this country, and will be ready almost to prostrate themselves before us and ask us not to force ourselves on them; for if we should, they could not be answerable for the safety of our countrymen, and civil war and strife might be the consequences. Now I want to know whether we are going to receive the Japanese Envoys in the same way as we received the Ambassadors who pleaded in the same manner with Lord Elgin. The communications which passed between the Chinese Plenipotentiaries and Lord Elgin, when they were pleading in every possible way against the English forcing themselves on their country, were the most pathetic State papers I ever read. Are we to pursue the same course with respect to Japan? I trust not. I trust that we shall, in respect to that country, pursue the same principle as in Singapore and Hong Kong. Establish ourselves if we will on the mainland, but let us isolate ourselves, and not come in contact with the interior. Let us take this precaution. We have had the death of one Englishman in Japan—Mr. Richardson—and to avenge that we have thrown away the lives of many brave men. We must observe, in our trading relations with these Oriental nations, precisely the same policy as was pursued by our Plantagenet kings when we received in former times those merchants from the Hanse Towns who came here and were allowed to trade, but were obliged to keep themselves distinct from our people. The consequence was that those merchants settled in a distinct part, a place being set apart for them, and were obliged to avoid all contact with Englishmen, simply because they were exempt from our laws. In the end we must come to the same condition of things in dealing with these people, and in order to carry on business with them in quietness we shall have to establish free ports; if on an island so much the better, and if on the mainland we must keep our people to themselves. If Englishmen go out to these parts of the world, must they involve their countrymen at home in these wars because they will not confine themselves to five square miles for horse exercise? Why, our naval officers are content to be imprisoned on the quarter-deck, with the chance of an occasional walk of half a mile. Let our merchants submit to a similar ordeal, and as a matter of duty to ourselves we are bound to enforce such a course of conduct on them. I have brought forward this Motion because I think it right not to let this question be huddled up by a "count out," and a "count out" never takes place in this House unless the Government are in it, and because I wish to give the opportunity to hon. Gentlemen on both sides of the House to express their opinions on the subject. I think—and the thought occurred to me since I gave notice of submitting a Motion on this question—that it would be the wisest course if this House should understand that, at the next meeting of Parliament, a Select Committee would be appointed to inquire into our commercial relations with China and Japan. It may seem presumptuous, considering the uncertainty of human and Parliamentary life, to say what should be done six months hence; but some steps might be taken in the interval of the recess to procure the necessary documents from China, and in the meantime hon. Gentlemen on both sides of the House might express their opinions on the subject. After the debate is over, I attach very little importance to the fate of the Motion; but it is important people should know in China that this country is dissatisfied with the present state of things, and is not prepared to endorse the conduct of any Englishman which may involve a repetition of our Chinese wars. I hope that during the recess nothing will be done to give us greater cause to blush than now, or to increase the humiliation which we must feel at what has passed; and that every man in that distant country, whether official or merchant, will bear in mind that, in dealing with an ancient but helpless people, it is our duty and interest to act in accordance with the mild character of Christianity. The hon. Member concluded by moving the Resolution of which he had given notice.

Mr. BAILLIE COCHRANE seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, the policy of non-intervention, by force of arms, in the internal political affairs of Foreign Countries, which we profess to observe in our relations with the States of Europe and America, should be observed in our intercourse with the Empire of China."—(*Mr. Cobden.*)

Mr. LAYARD said, it was curious that this Question, which had been brought under the notice of the House more frequently than any other foreign question this Session, should hitherto have received so little attention from hon. Members; and therefore he conjectured that the large audience which he saw assembled that evening, had been attracted thither not so much by the piece as by the actor. He thought that hon. Members might congratulate themselves on the speech they had heard. The hon. Member for Rochdale, who was always original in his views, had been more so than usual that evening. It was a speech characterized by the hon. Gentleman's usual ability and by unusual moderation and calmness. It fully deserved the attention of the House, and he would do his best to answer it. When, on a former occasion, there had been a difficulty in keeping "a House" to listen to a debate on China, that was not to be attributed to any desire on the part of the Government for a "count out," but rather to the fact that the House felt that the proposition to call on the Government to reverse its policy with regard to China involved a responsibility too great for the House to undertake; and he thought he could show that if Her Majesty's Government had simply followed the advice that was then given by Members of the House with regard to China, disastrous results would have followed both to our commerce and the lives of a number of British subjects in China. But after their speeches either no Resolution was put to the House, or the House was counted out in consequence of there not being forty Members present. He never very clearly understood what those hon. Gentlemen meant. The hon. Member for Montrose (Mr. Baxter) the other evening, after blaming the Government for their policy, concluded by wishing that they should continue to defend the Treaty Ports and to protect British interests in China. Why, that had always been the policy of the Government; and therefore, as between them and that hon. Gentleman and those who thought with him, the question became one of degree and not one of principle. But now the House had a totally different state of things before it. His hon. Friend the Member for Rochdale had advocated a totally new policy. He said the time was come when we ought to abandon the policy on which we had hitherto acted in China, and adopt another and a diametrically opposite one; in other words, that all direct relations with China, diplomatic and commercial, should cease. That was an original view, and such an one as might be expected from his hon. Friend—one displaying great ingenuity on the part of the hon. Gentleman; but it was a view from which he (Mr. Layard) totally dissented, and he thought he would be able to show that it was one which in these days it was utterly impossible to adopt, or that would be tolerated by the House and the country. He heard with surprise the statement of his hon. Friend, that the only exception to the increase in our trade with various countries, was China. He did not think that the hon. Member's own statistics bore out that assertion; because, towards the end of his speech, he stated that the trade with China had increased threefold during the last few years. He also said that the statistics he (Mr. Layard) quoted to the House on a previous occasion, on behalf of the Government, were not trustworthy — that the most reckless disregard of facts, accompanied by emphatic blows on the box, was exhibited at the table of that House. The hon. Member characterized the noble Lord at the head of the Government as the master of that kind of proceeding, and paid him (Mr. Layard) the compliment of saying that he was the most promising of the noble Lord's pupils. He should be proud of the past and hopeful of the future if the latter statement were correct; but he knew his hon. Friend only paid him an empty compliment. He would now call the attention of the House to a few statistics which he had gathered from official Returns laid upon the table from year to year; and if his hon. Friend doubted them because they were official reports, he would refer to reports given in China by persons not connected with the Government, but connected with trade, and who had no interest in misrepresenting the facts. He found from the Return headed "Declared value of British and Irish produce exported from the United Kingdom to various countries and British possessions," these results relating to the exports to China, exclusive of Hong Kong — that in 1854 the amount was £532,639; in 1855, £888,679; in 1856, £1,415,478. There was a gradual increase till 1861, when the amount was £3,114,157; but in the following year there was a sudden drop to £2,024,118, which was easily accounted for. It was owing to the Cotton Famine and the consequent decrease in the cotton trade. The value of the imports into China was in 1854 £9,125,000; in 1862 it was £11,699,964, and the exports increased from £1,000,000 in 1854 to £5,451,557 in 1860. There could be no doubt whatever that those Returns were accurate; but if his hon. Friend should be inclined to question them, he would refer him to returns published in a supplement of *The London and China Telegraph* for the 7th of last March. In that broadsheet it was observed —

> "The advance of the import trade from China is very remarkable, the value having doubled within the past two years. The imports of tea here have been very large—a considerable quantity now coming here for re-shipment to the States of America, Russia, and other parts of the Continent. Chinese wool keeps steady, although showing no very large increase, and a new item appears in the imports of cotton. Hitherto China has been an importing country, receiving large supplies from India, instead of an exporting country. The value of British exports to China has been rather on the decline of late years, but this arises in a great degree from the decrease in the shipped cotton manufactures, which is scarcely one-fourth of the amount of former years. Beer, coals, iron, lead, hardware, and other principal articles keep pretty steady."

Our imports of tea from China and Japan had risen from 75,000,000 lb. in 1859 to 134,000,000 lb in 1863. In a former debate it was alleged that the proceedings of the Taepings had caused no diminution in the export of silk, and his assertion that it had decreased while the export of other articles had increased was questioned by some hon. Members, but in the same paper he found this statement—

> "The total export of silk from Shanghai during the year (January to December) 1862 was 84,983 bales, against 70,459 during the preceding year; but of this increase 8,330 bales were Japanese silk re-exported, so that the increase on Chinese produce was only 6,194. A portion of this, too, may fairly be assumed to have been diverted from Ningpo, where the falling off during the last six months of 1862 was 6,620 bales; so that unless an increase be assumed at the latter port during the six months of Taeping occupation, the export of silk from the two ports has actually decreased. According to the annual circular of Messrs. Durant and Co., there was a diminished import here in 1863 of 21,400 bales of Shanghai silk, 800 of Canton silk, and 900 of Chinese thrown silk, but an increased import of 14,000 bales of Japan silk."

His hon. Friend the Member for Rochdale had said that on a former occasion he had quoted statistics of the accumulated trade of China, instead of those of the trade of China with this country; but it would be in the recollection of the House that he had quoted those figures, as returns of the accumulated trade, in order to show the good results that had followed from the protection of the treaty ports by the British Government with our French and American Allies. His hon. Friend had advocated a new and original policy; but he must submit that his remarks were not altogether logical. He pointed out the great success which had attended Sir Stamford Raffles' occupation of Singapore. He (Mr. Layard) quite agreed that Sir Stamford Raffles was an eminent philanthropist as well as a far-seeing politician. He was able to purchase this island from its native ruler, and to establish a town and free port. The experiment had proved perfectly successful, and his hon. Friend suggested that we should pursue exactly the same course in China—that instead of having commercial communications with the Chinese in their own cities and upon their own rivers, we should establish free ports on the coast of China. His hon. Friend had, however, failed to point out how this policy was to be carried out. We must have the consent of the Chinese Government. The fact was that Shanghai had virtually within the last few years become a free port. Hong Kong had been made by us a free port, and the experiment had succeeded; but the fact of our doing so was a cause of considerable annoyance to the Chinese Government, and it was only after a long war, in which the Chinese were defeated, that we obtained the cession of Hong Kong. But did the hon. Gentleman suppose that the Chinese would cede to us the islands he referred to of Chusan and Formosa without compensation, for the purpose of establishing free ports, and absorbing the commerce of the Chinese, and placing it in our own hands? Well, if we could not obtain these free ports by negotiation, would the hon. Gentleman suggest that we should seize the islands in question and go to war for them. We must either obtain them by negotiation or as the result of a prolonged war. It was utterly impossible to ask the Chinese for such a cession. Then his hon. Friend seemed to forget that there were other Powers in China besides England—there were France, Russia, and the United States, each of whom might come forward and demand a similar cession; and thus the result would be that we should get into difficulties and complications with China and other Powers. What had been our policy in China? We had obtained from the Chinese the right of trading at certain ports which had heretofore been closed against us. As soon as British and foreign trade was admitted into those ports an immense increase of commerce took place. Shortly afterwards the Taeping rebellion broke out. The Government had often been charged with having interfered in this domestic quarrel between the Taepings and the Chinese Government; but that was not the case. Our only interference had been to prevent the Taepings taking possession of the treaty ports. We had nothing whatever to do with them until they approached the treaty ports, and they might have gone on fighting for centuries if they had not threatened those ports. There was not a diplomatic agent, a consul, a missionary, or a merchant in China who had not urged Her Majesty's Government to defend the treaty ports against the Taepings. Everybody concurred in asserting that the Taepings were utterly incapable of founding any settled form of government; that they would not respect our treaties with the Chinese Government; and that if they were allowed to take the treaty ports, British and foreign trade would be utterly annihilated, and that probably an immense sacrifice of human life would ensue. In the face of these representations what a responsibility would have rested on the Government if they had permitted the Taepings to enter the treaty ports! His hon. and gallant Friend behind him (Colonel Sykes) was fond of quoting anonymous writers and newspaper extracts in favour of the policy he recommended: the other night he produced a string of newspaper columns stitched together as long as a tailor's measure; but he had never heard of any evidence given by any person of authority and knowledge in favour of establishing relations with the Taepings. When Admiral Hope went out he was exceedingly desirous to treat with the Taepings, and to enter into friendly relations with them; and he paid a visit to Nankin for the purpose. But he failed altogether, and he was the last man in China to give up the idea that relations could be established with the Taepings. His hon. Friend maintained that the Taepings were not destructive, and he was unwilling to accept the evidence of Ministers and Consuls to that effect. In fact, he, and some other hon. Gentlemen as well, seemed to think that there was a perpetual plot going on in China to deceive her Majesty's Government. There was no doubt about it, however. Everybody who had seen anything of the proceedings of the Taepings concurred in so describing them. Nankin, Hankow, and other flourishing commercial towns were ruined the moment they fell into the hands of the Taepings. A great deal had been said about the thirty miles' radius; but no general principle had ever been laid down that there should be a thirty miles' radius around all the ports. At Shanghai that radius was the military line of defence pointed out by the military authorities. At other ports a ten or twenty miles' radius might be sufficient. It was altogether a military question. It was true that this thirty miles' radius had been passed on several occasions, and the officers were not always justified in passing it. In several instances the Government had condemned officers for passing it; in others they had acknowledged the force of the reasons on which they had acted. It was thought necessary on one or two occasions, in order to prevent the Taepings closing the roads which lead to Shanghai, to dislodge them from posts outside the thirty miles' radius. The hon. Gentleman had condemned Sir Frederick Bruce as one of the authors of the policy which had led us into so many difficulties. On other occasions, however, he (Mr. Layard) had heard it said that Sir Frederick Bruce had a far different view of the policy that ought to be pursued from Her Majesty's Government, and that he was opposed to the employment of British officers in

China. The hon. Member for Montrose (Mr. Baxter) went so far the other evening as to say that the Government had suppressed a despatch, or rather a memorandum, signed by Sir Frederick Bruce and others, disavowing the policy of the Government, and another hon. Gentleman said that an admission had been with difficulty extracted from him (Mr. Layard) that such a memorandum had been received. That showed the reckless manner in which statements were made in that House, for there was not a single word of foundation for that statement. Sir Frederick Bruce communicated a despatch and inclosures to Mr. Burlinghame, the American Minister, who wrote to his Government to say that he had seen that despatch, and had sent a copy of it, but requested that it should not be published until the English Government had published it. He himself was the first to bring that despatch under the notice of the House. He quoted from it to show the entire concurrence of Mr. Burlinghame in the policy proposed to be pursued by Sir Frederick Bruce, and he also stated that that was the policy which had been followed by the Government. There had never, he might add, been any difference between the Government and Sir Frederick Bruce as to the policy which should be pursued, and he had over and over again borne testimony to the great ability and tact with which that Gentleman had conducted his communications with the Chinese authorities. He could not lay the despatch in question on the table because it contained observations on the policy of foreign States which it would not be conducive to the public interests to publish; but he would to-morrow or the next day produce extracts from it which would give all the parts to which allusion was made by Mr. Burlinghame. One extract which bore on the point at issue he might be allowed to read. It was as follows:—

> "On the appointment of His Imperial Highness to the post of Prime Minister, Sir Frederick Bruce had strongly urged Her Majesty's Government to support the Chinese Government—firstly, by protecting the ports against the rebels; secondly, by aiding it in the organization of a regular executive. The feeling of the British nation is always opposed to interference in the internal dissensions of other States. Sir Frederick Bruce had, notwithstanding, on his own responsibility, authorized Her Majesty's army and navy stationed in China to defend the ports against the rebels: and it is entirely due to the exertions of the allied forces that Shanghai and Ningpo are not now in rebel possession."

By Sir Frederick Bruce's own admission it appeared that he himself was the first to suggest the employment of British troops in defence of Shanghai; so that a distinct contradiction was given to the allegation that there was any disagreement between him and the Government on that part of their policy. But be that as it might, was it, he would ask, or was it not, the fact, that our relations with the Chinese Government and the Chinese people had improved? His hon. Friend had quoted the correspondence relative to the destruction of certain junks by British officers; but it was perfectly clear that if a similar circumstance had occurred some years ago, instead of Prince Kung writing a diplomatic note to Sir Frederick Bruce, and negotiations taking place, war might have ensued between the two countries. Lord Elgin was, he also thought, perfectly right—and the result justified his conduct—in pressing on the Chinese the conditions to which he endeavoured to obtain their assent. One of the greatest results of his mission was the concession under the treaty enabling foreign Ministers to reside in Pekin—it had proved of the utmost advantage. Constant intercourse now took place between Sir Frederick Bruce and the Imperial authorities, and matters leading to irritating differences were settled with comparatively little difficulty. With respect to our having entered into treaty engagements with Japan, his hon. Friend seemed to forget that we were not the first to adopt that course; that a similar treaty had previously been concluded by the United States and Russia with that country; and that he himself would, in all probability, be the very first to condemn the apathy of the Government if they had declined to follow in the same direction. His hon. Friend, he would further observe, condemned the existence in China of a state of things which no longer prevailed in that country. There was no doubt still in China much which was to be deplored. The collection there of large numbers of idle persons, known as "filibusters," was a great evil, and imposed on the British Government a great responsibility. But it was most difficult to know how persons of that description could be excluded from the free ports, unless we were prepared to withdraw from China altogether. What, under the circumstances, had we done? We had established that extra-territorial system, which he admitted was open to objection; but which, considering the cruel character of the Chinese, was necessary for the protection of our own people and to prevent them from being exposed to unduly severe punishments. The exertions of our Consuls under the system had, he believed, already tended very much to check crime in China and to exclude from it idle and worthless persons. Nevertheless, acts were frequently committed by British subjects which deserved severe punishment; but in all these cases the offenders had been fairly tried, and entire satisfaction had been given to the Chinese authorities. He believed that no Government with any sense of responsibility would think of entering into relations with the Taepings—such a connection would be sure to turn out disastrously. It was all very well to say that we were supporting in China an usurping dynasty; but having spoken much on this subject with Mr. Wade, the British Secretary of Legation, who was perhaps better acquainted with that country than any other living man, he had been assured by him that the present was a popular dynasty, that the people looked upon it as having conferred upon them great benefits, and were willing to remain under it, while they looked with horror on the rebellion; and Mr. Wade also assured him that not a single Chinese of respectability had joined in the rebellion. Those were facts which he had never heard contradicted on reliable authority, and he asked the House, with confidence, whether after the explanations which had been given it would be possible for the Government to change the policy which they had hitherto pursued in China. It was true that, in order to mark our sense of the misconduct of the Futai in putting to death the Wangs who had surrendered at Soochow, an Order in Council had been issued to the effect that British officers must no longer take service under the Chinese Government. Therefore our exertions were now limited to the defence of Shanghai and the other treaty ports. Those ports we must defend against the Taepings, for if we allowed the rebels to enter them, Europeans by thousands, and Chinese by tens of thousands, would be slaughtered. If Shanghai, that great emporium of trade, which, according to Sir Frederick Bruce, contained 1,500,000 inhabitants, was allowed to fall into the hands of the Taepings, and to become a desert like other great cities of China, a vast responsibility would fall upon the Government, from which they would never be able to escape.

Lord NAAS said, that the hon. Gentleman the Under Secretary for Foreign Affairs had commenced his speech by stating that he had listened with attention to many speeches made on this subject by himself (Lord Naas) and other Members on that side of the House, who condemned the policy of the Government with respect to China, but that he had failed to find out what those opponents wanted. Now what was "wanted" had been explained over and over again. What was wanted was a policy of absolute neutrality between the two contending parties, and the issuing of strict orders to all our diplomatic, naval and military *employés* that they should abstain altogether from mixing themselves up with the internal affairs of China. That had not been the policy of Her Majesty's Government since about six months after the signature of the Treaty of Tien-tsin; and if they were now returning to the policy which Earl Russell laid down in his despatch about that time, it was because they had tried a different policy and it had failed. It was true that he and those who agreed with him in condemning the policy of the Government had always admitted the necessity of defending the treaty ports, and protecting the enormous amount of British property which was to be found in the towns and cities of China; but they had always maintained that our interference with the internal affairs of the empire endangered the safety of that property and was calculated to defeat the objects which the Government professed to have at heart. Last year he showed that with regard to three essential particulars the policy of the Government had been one essentially of interference, and he ventured to predict that on all these points it would be a failure. He was surprised to see how quickly his prediction had been fulfilled. The three institutions in China established by our Government were the Inspectorship of Customs, the flotilla under Captain Sherard Osborn, and what was called the Anglo-Chinese force under a very gallant gentleman Major Gordon, and what had been the results? The foreign Inspector of Customs had been ignominiously dismissed; the flotilla, which went out under the command of Captain Sherard Osborn, had been as ignominiously withdrawn and disbanded; the Anglo-Chinese force was at present in a most critical state, and its maintenance would be so fruitful a source of danger to our relations with the Chinese Government, that he did not believe that the Ministry would long be able to uphold it. The Under Secretary of State having taken credit for the success of the Government policy in China, it was necessary that he should show the House what the Government had really done with reference to these matters. He would not go minutely into the history of Captain Osborn's expedition, but would refer to only one or two points to show with what carelessness and almost recklessness the Government went into that most wild and extraordinary scheme. Before the expedition sailed last year he (Lord Naas) denounced it as impolitic and dangerous, and ventured to say that the Government had taken upon themselves, without authority from a Foreign Government, to despatch to it a large armed squadron. The hon. Gentleman the Under Secretary for Foreign Affairs contradicted him flatly upon that point, and stated that the persons who had come to England to organize the expedition were armed with full and complete powers, and had satisfied the Government upon that subject. What were those powers? He found that Earl Russell very naturally suggested that Mr. Lay should produce some written authority from the Chinese Government before the consent of the Foreign Office was given to his request, or the Orders in Council were repealed. Mr. Lay's answer was that he had received such an authority—from whom?—from Mr. Hart, who was his own *locum tenens* in the Inspectorship of Customs during his absence from China. Mr. Lay said he had received a despatch from Mr. Hart urging the sending out of the vessels. The Chinese Foreign Board had no doubt told Mr. Hart that if he could send them any vessels they should be glad to receive them; but there was no written authority from the Chinese Government stating on what conditions this force was to be raised, or what treatment it was to receive when it arrived in China. Sir Frederick Bruce himself said that, although the fleet left England in the winter, it was not until the arrival of Mr. Lay in China in the following spring that the Chinese Government had any intimation of the position of affairs, of the cost of the vessels, or of the nature of the undertaking entered into by Mr. Lay. Therefore if our Government was not in ignorance as to the intentions of that of China, the Chinese Government was in total ignorance as to the cost, the intentions, and the objects of this expedition; and yet the Under Secretary of State assured the House that the Government knew all about it and were in perfect accord with the Chinese Government and with Mr. Lay, who had come to this country armed with full powers to negotiate. If that was not keeping the House in the dark he did not know what it was. Parliament adjourned, the fleet sailed, and came to an ignominious end. There was a still more serious matter connected with these negotiations, to which he must call attention, because it showed how very suspicious was the nature of the whole affair. Mr. Lay and Captain Osborn made an agreement between themselves in this country which came to this, that Captain Osborn was to have the entire control of the vessels, and that he undertook to act upon all orders of the Emperor conveyed to him through Mr. Lay; but that Mr. Lay was not to give any orders unless he approved them himself. So that Captain Osborn was to be entirely under the control of Mr. Lay, and was to receive his orders from no one else, although nominally in the service of the Emperor of China. There was, however, a sort of agreement between the Chinese Government and Mr. Hart, and it had been stated that Mr. Lay must have been conversant with an agreement that Captain Osborn should be associated with a Chinese officer of high rank, who should control all matters relative to the fleet. He did not know whether or no the Government was cognizant of this fact. When this arrangement was found out, it was not surprising that indignant opinions should have been expressed on the subject. It was clear that Her Majesty's Government were entirely imposed upon by the representations made to them. So little indeed did they think of the importance of this expedition, that they sent out no instructions to the Ambassador at China when the expedition sailed, from which Sir Frederick Bruce inferred that Earl Russell could have no intention of being a party to the engagement. It was entirely owing to this neglect on the part of the Government and the carelessness with which the expedition was sent forth, that British officers and the British name had been subject to such an indignity as the contemptuous dismissal of Captain Osborn. It was impossible, in his opinion, to continue these Anglo-Chinese expeditions, to which he took exception last year. The great difficulty in China was, that the central authority was weak and the local authority strong; and he agreed with the hon. Gentleman the Member for Rochdale (Mr. Cobden), that the evils that afflicted the Chinese Empire were not likely to be remedied by these proceedings, and that no act of ours ought to increase them. These contingents had done more to weaken the central authority and strengthen the corrupt local Government of the mandarins than anything else could have done in China. The House would be surprised to hear that Major Gordon and his officers were not in the service of the Emperor of China at all. They were under the orders of the Futai of Shanghai, an almost independent Prince, who habitually set at naught the orders he received from Pekin. Let him implore the House to consider the disgrace that was brought upon British names and British arms by any man wearing Her Majesty's uniform being in command of such a force. He would remind the House that an act of the grossest treachery had been committed, contrary to the wish, but under the very nose of the officer commanding the force. An agreement for the capitulation of a town was made between the chiefs and Major Gordon, but as soon as the Imperial General got them in his power he cut off their heads. In another disgraceful case seven Chinamen were tortured in the very camp and station occupied by Her Majesty's forces. He alluded to these occurrences to show that it was impossible to continue this species of assistance to the Chinese without being mixed up in these abominable acts. Take the case of Colonel Burgevine, who succeeded to the command of the Foreign contingent after the death of Colonel Ward. He was dismissed by the Chinese Government, in opposition to the opinion of Sir Frederick Bruce, who thought it safer that the force should be under the command of a foreigner than under the command of an Englishman. He deserted to the Taepings, where he shot his second in command. He then left the Taepings and returned to the Imperial territory. Major Gordon thought it of great importance to get this man back into the Imperial service. What proposal did he make to Major Gordon?—that as they were both tired of serving the Taepings and the Imperialists, it would be better for them to set up for themselves, and create an army and an altogether independent Power in China. He then made a piratical attempt on a steamer at Shanghai, and was at last sent out of the country by the American Consul. The truth was, that these Eastern waters were so infested by men of Burgevine's stamp, that it was impossible to officer the Chinese forces without having recourse to their assistance. It was perfectly impossible that any course of action at all creditable to this country, or in accordance with the general feeling, could be carried on with such tools as were to be found at our disposal in China. No wonder, therefore, that the Chinese Futai should have said that actions such as those of Burgevine and his comrades were altogether without the pale of civilization. It was deeply to be regretted that any countryman of ours should be mixed up in the unfortunate events that had occurred. He wished to say nothing disrespectful of the English gentlemen who were engaged in those affairs. He believed many of them were gallant men, and wished to serve their country; but he feared that daily contact with the people they had to do with, and with the scenes which they had to witness, would, in the end, blunt the finest sensibility. He greatly feared in the case of Major Gordon that, as a Chinese commander, he had witnessed and participated in acts which the young engineer officer in the Crimea ten years ago would have recoiled from with horror. No doubt the temptation was very great, and very large sums were offered for the services of such men. By the blue-book upon the table it would be seen that Mr. Lay himself made upwards of £10,000 in the last year. Those temptations ought not to be held out to British officers, and he implored the Government to prevent British subjects from yielding to them whenever they could.

But to turn to another subject. He was somewhat surprised at the repeated statements made by the Under Secretary (Mr. Layard), that the opinion of the men of most influence and authority on China was in favour of the policy of the Government. The hon. Gentleman had endeavoured on various occasions to show "that the policy of Her Majesty's Government had been approved by the merchants in the East, by missionaries, by naval and military authorities, by Sir Frederick Bruce, and Mr. Burlinghame, and he hoped it would be approved by the House." Now, he (Lord Naas) thought he could show that every one of the authorities quoted by the hon. Gentleman had, individually and collectively, expressed his disapproval of that policy. With regard to the missionaries, taking as an instance

Dr. Legg, who had spent the greater portion of his life in China, who was a ripe Chinese scholar, and whose personal predilections would incline him to a favourable view, he had condemned the policy of the Government two or three different times. Sir Frederick Bruce had pronounced an emphatic condemnation of that policy; he showed how impossible it was that the flotilla could succeed, and was delighted at having got rid of it, and his opinion of the contingent was equally unfavourable. He said—

> "I am of opinion that unless the force be properly constituted and relieved from the necessity of obeying the orders of the local Governors, it will do no real and permanent good, and that the officer who commands it will speedily find himself in a position neither compatible with his professional reputation nor with what is due to the character of a British officer."

He could not but express his astonishment that the hon. Gentleman should to-night have repeated the statement which he had made on a previous occasion as to the views of the merchants in China with regard to our policy. The memorandum of the Chamber of Commerce of Hong Kong had been already read to the House. But the hon. Gentleman said that was not the opinion of Shanghai merchants. But anybody that knew anything about China was aware that the Hong Kong merchants were intimately connected with Shanghai, and he had himself received a personal assurance on the subject from a gentleman who had large trading transactions with Shanghai. [Mr. LAYARD: What I said with regard to the unanimous testimony of merchants and missionaries was with reference to the Taepings.] That was not what the hon. Gentleman had stated, because he had his words there, and they were to the effect that the policy of the Government in China had been approved of by the merchants in China. And besides, they must take the rebellion as it stood, and when the hon. Gentleman spoke of the policy of Her Majesty's Government in China they could not pick out this or that particular part of it. However, he (Lord Naas) distinctly affirmed that even the policy of the Government with regard to the Taepings, had been disapproved by all the authorities he had quoted. The hon. Gentleman had read a portion of a despatch from Mr. Burlinghame, the American Minister, as if he and the other representatives of the Foreign Powers approved of the policy of Her Majesty's Government. He (Lord Naas) had taken the trouble to discover that despatch, and he found that instead of being favourable it was perhaps the strongest thing that had ever been written against the policy of Her Majesty's Government in China. Mr. Burlinghame stated that he gathered together the representatives of the Foreign Powers in Pekin in order to come to some joint understanding, the principal object being to alter the policy which had been carried on by Her Majesty's Government, and to return to the policy of total and absolute neutrality. And first he quoted the opinion of Sir Frederick Bruce to the effect that he did not wish that any English officer should lead troops against the Taepings; he would much prefer that the Chinese should take men from the smaller States of Europe, and relieve England from being considered the bully of the East. Mr. Burlinghame said that he was for a change of policy, declaring that the course of policy which had been pursued was wrong. This was in the very despatch of which the hon. Gentleman quoted a portion the other day to prove that Mr. Burlinghame and Sir Frederick Bruce approved the policy of the Government; and Mr. Burlinghame went on to congratulate his Government that he had been able to persuade Sir Frederick Bruce to write a despatch strongly disapproving the policy of Her Majesty's Government, and recommending an instant change. It was clear that Mr. Burlinghame expected that Sir Frederick Bruce's despatch would be published in England, and he hoped that they would soon have an opportunity of seeing it, for it would show beyond question that Sir Frederick Bruce disapproved of the policy of Her Majesty's Government in China. It appeared also that Mr. Burlinghame wrote to his Government to the effect that if he had known the constitution and nature of Captain Osborn's force, he would have objected to its employment, unless commanded by a mixture of officers, and not placed entirely at the disposal of an English captain. No one could read these despatches without being of opinion that they were opposed to the sense in which they were quoted by the hon. Gentleman the other evening. It was notorious that Sir John Hope did not approve Captain Osborn's expedition; and no doubt Captain Osborn would have as strongly condemned, had his opinion been asked, Major Gordon's contingent. He thought that he had now disposed of the various authorities which the hon.

Gentleman had quoted for his policy, and shown that they, one and all, concurred in strong condemnation of it. Any hon. Member reading the blue-books—and particularly the last blue-book—must be struck with the absence of any explanation on the part of the Government as to the various important questions which arose. It might be that European diplomacy had, within the last six months, overtaxed the powers of the Secretary of State for Foreign Affairs, but certainly he had found but little time to devote to the affairs of China. He could not help thinking, however, that American and Asiatic affairs were as worthy of attention as were the struggles which were being carried on in Europe. It was true that we had always supposed ourselves to be a first-rate European Power, though the events of the last six months might perhaps have changed that opinion. But in Europe we divided with other nations the supremacy of the Western world. In Asia the case was different. In Asia, England was all powerful, and its influence was paramount. England was in possession of an empire in India, by the side of which every other Asiatic Power was entirely dwarfed, and out of this state of things arose the relations of this country with China. When it was remembered that China contained 350,000,000 of inhabitants, those relations did certainly seem to him sufficiently important to justify the devotion to them of a large portion of interest and attention on the part of any one presiding over the Foreign Office. When it was recollected that during the last twenty years much of English blood and treasure had been spent in China with little honour, it behoved those who conducted the foreign affairs of this country to be, at all events, careful that nothing was done in China without their special and direct authority. But he had carefully read the last blue-books, and he did not find in them any indication of any policy whatever on the part of Her Majesty's Government. The affairs of China were left to take their course, and the consequence was, this country was drifted into difficulties and dangers in connection with that part of the world; and it was owing to good fortune, rather than to any other cause, that we had not found ourselves in a most serious scrape. This circumstance assumed importance when it was considered how necessary it was that, in dealing with a people so peculiar as the Chinese, the English should consistently endeavour to set them a good example. The Chinese were most jealous of foreign interference, and, until lately, they excluded all foreigners from China. Such being the case, it behoved us to be especially careful to show them that we had no political object in view but the promotion of our commerce; that we were not moved by any desire of aggrandisement; that our only desire was that they should faithfully observe the treaty they had entered into with us, and to show them how national honour also demanded the fulfilment of national obligation. He feared, however, that what had occurred since the Treaty of Tien-tsin had impressed the Chinese with a totally different opinion, and had tended not to remove, but to increase old jealousies. The belief was deep-rooted in the mind of Orientals that Europeans never undertook an enterprise without having a selfish end in view, and he regretted that our conduct had tended to strengthen them in such an impression. When they saw an Englishman at the head of their Customs; when they saw an army commanded by British officers — an army which had proved so successful that the Chinese had denominated them as the "ever victorious" troops, and when they saw a strong fleet coming into their waters under the command of a foreigner, he did not wonder that they thought they saw the footsteps of a Power which had upset so many Eastern monarchies. They saw the danger, and they took the alarm, and as soon as Captain Sherard Osborn appeared they made up their minds that they preferred their existing state to the prevalence of foreign dominion. There were three great Powers besides England which had a direct and very considerable intercourse with China—France, America, and Russia. The interest the Americans took in the affairs of China might be learned from the despatches of Mr. Burlinghame, the American Minister at Pekin. France had a great object in view in China. Her great object was not connected with trade or commerce, but was strictly ecclesiastical, but not on that account the less important. The French people, and especially the French clergy, took a deep interest in this matter. There was now a French force organized at Ningpo, with the direct view of watching over French interests. The Jesuit missionaries were labouring diligently in China, and had been forward to render their services in elevating the education of the officials of that country. But Russia had far greater interests. She had lately acquired a large seaboard in China, extending over nearly a thousand miles, and by means of telegraphic establishments, St. Petersburg was already within fourteen days' communication of Pekin, and probably before long this would be reduced to three or four days. Besides this, it was the intention of Russia to form a large maritime and military station, and we might probably see before long a new Sebastopol springing up, furnished with all the defences which science could supply, and which would form a standing menace to our interests in the Pacific. If we persisted in lending our officers to the Chinese, why might not other nations do the same; and thus they might have a French contingent, a Russian contingent, and perhaps an American contingent. He hoped the Under Secretary would have announced the discontinuance of the employment of British subjects under the Chinese Government. With respect to the remarks of the hon. Member for Rochdale, he (Lord Naas) thought the policy he had indicated was hardly possible at present. Extra-territorial jurisdiction was no doubt an evil, but in China it was a necessary one. He believed it would be impossible to hand over British subjects to be treated according to Chinese law, though such an end might be kept in view. A large population had been drawn to the concessions, and at Shanghai there were about half a million of people living upon the British concession, and in some cases they had taken the opportunity of drawing off numbers of the inhabitants; but these foreign concessions required the utmost attention, or they might find that they would become fruitful sources of doubt and disputation hereafter. He was glad that the hon. Member for Rochdale had intimated that probably he should not take the sense of the House upon this question. The time for Resolutions had gone by. Some of the matters to which objection had been taken were now at an end. He found that the fleet which had been fitted out under the direct control of the Admiralty, and with the consent of the Chancellor of the Exchequer, was wholly at an end, and he was glad to hear that the Order in Council had been revoked, and was not to be issued again. He should like to know how the revocation of that Order would affect the officers engaged in the Anglo-Chinese expedition. The policy of Her Majesty's Government had entirely failed in China. He had said last year,

that their success or their failure would prove the subject of equal apprehension. They had witnessed the ignominious withdrawal of Captain Osborn's fleet, and they were apprehensive of the misfortunes that had probably overtaken Major Gordon, and he thought it would be inexcusable obstinacy to persevere in the same course, by which they would be further involving themselves in results which must lead to disappointment and disaster.

MR. BAILLIE COCHRANE said, he thought the House were indebted to the hon. Member for Rochdale (Mr. Cobden) for having given them an opportunity for the full discussion of this Question. After the able speech of the hon. Member and the eloquent remarks of his noble Friend the Member for Cockermouth (Lord Naas), he should not take up the time of the House, only it was due to the hon. Member that those who agreed with him should state their sentiments on this occasion. The Under Secretary for Foreign Affairs, in replying to the speech of the hon. Member for Rochdale, quoted figures, the accuracy of which he for one disputed; but, assuming them to be correct, the hon. Member treated this Question too much as one of trade, and did not seem to regard it as one affecting the dignity, the honour, and the character of this country. He felt that the honour, interests, and character of England had suffered by the policy which our Government had pursued in the East. If he wanted a proof of the evil results of that policy he should find it in the fact that there was now crossing the sea the vessel that carried the revocation of the Order in Council of 1862-3, allowing British subjects to serve in China. That revocation had been sent out before we received the painful intelligence which appeared for the first time in the newspapers of yesterday morning. What, he asked, would be the effect produced in China when they learned the terms of the revocation, and that Major Gordon would not be permitted to serve any longer with the Chinese troops, and when they considered that this step had been taken suddenly following the great defeat which he had experienced? This defeat, it appeared, took place at a distance of only seventy miles from the city of Ningpo, the radius of which was thirty miles. The Under Secretary for Foreign Affairs seemed to dispute that point; but any person who would take the trouble of reading the blue-book would find that thirty miles was the extreme radius. Whether the troops were Chinese or European it was quite evident that they were commanded by Major Gordon and other English officers, who became thereby responsible for the acts of the men under them. And what was the result of this battle? It was most serious as regarded this country, inasmuch as no less than 14 British officers and 115 men fell in the action, which had been severely contested, the rebels having defended themselves apparently with the courage of despair. Well, it was after those defeats, that the despatch had been forwarded requiring Major Gordon and the English officers to withdraw from the military service of China. Let the House consider for a moment what an effect the receipt of such a despatch would have on the prestige of our arms in China. That was one of the evil results of our intermeddling policy in the East. That policy had occasioned us much mischief, and never was it more mischievously carried out than in China. He had heard it said in that House that it was useless to discuss this Question, inasmuch as the events which they might have controlled had already occurred. It appeared, however, to him important that that House should express its opinion upon these matters in relation to which instructions had been sent out to China. The Under Secretary for Foreign Affairs spoke of the benefits enjoyed by our trade with China; but he (Mr. Baillie Cochrane) should like to know what were the expenses we incurred in the various China wars in which we had been involved. It would be an interesting piece of information to learn what the losses were which this country had sustained by the policy of our Government; then to make a debtor and creditor account, and ascertain by the results whether this country had lost or gained by this meddling policy of our Ministers. It was a melancholy fact that not only had that policy resulted in positive evil to this country, but it had actually demoralized the Christian population in China. He believed that the whole of the East was against this policy. He would refer to two or three authorities, and they would find that those persons who were best capable of judging of the state of things in China bitterly lamented the misconduct of many of the British subjects in China, and he would venture to say of many British merchants there. The hon. Member for Montrose (Mr. Baxter), who was deeply interested in the trade of the East, told the Government the other night that they must not be coming periodically to the taxpayers of this country for money to enable them to carry out their objectionable policy. Speaking to the merchants of Shanghai, Lord Elgin said—

> "Neither our own consciences nor the judgment of mankind will acquit us. When we are asked to what use we have turned our opportunities, we can only say we have filled our pockets from among the ruins we have found or made. An eminent French writer has observed that it is one of the glories of Christian civilization that it has caused a sentiment of repentance to find a place in the hearts of nations; let us hope that it will not be by pointing this moral that Great Britain, when she comes to review her connection with the furthest East, will make good her claim to the title of a Christian nation."

A gentleman, long resident in China, wrote in 1860—

> "Our own advantage has been the regulating principle of our policy. We make exactions when it suits us, and do not exact them when inconvenient. Our diplomacy has resulted in confusion worse confounded. We shall probably now have to overthrow a Government we have been endeavouring to support. Had we been more considerate we should now have less to deplore."

The misconduct of our traders was not a matter of yesterday. Two hundred years ago Dryden wrote of them—

> "Industrious of the needle and the chart,
> They rush full tilt to the Japonian mart;
> Bereft of shame, and prodigal of fame,
> Sell all of Christian to the very name."

And these lines were applicable to the conduct of too many of our merchants still. This was the language of Sir Rutherford Alcock on this subject—

> "We are threatened with the same dangers now, by persons wholly regardless of what may happen if they can only secure their own temporary advantage. But it is the business and the duty of all foreign representatives to prevent a few individuals thus endangering the relations and damaging the permanent interests of nations. It is better that there should be no trade than a trade carried on under such conditions as those which it has been attempted to impose. It is better that there should be no intercourse than relations of ill-will and conflict, threatening only war as a final result.

It certainly was very humiliating that periodically these lectures should be read to British merchants to teach them how to conduct themselves in their relations with foreign countries. The hon. Gentleman said, that Sir Frederick Bruce approved all that had been done in China; but such was not the fact. So far from Sir Frederick Bruce approving the policy of the Government, he had throughout conducted himself in a most able and proper manner, placed as he was in a most difficult position.

Writing in one of his despatches with respect to the conduct of our Consuls, he said—

> "I have also to observe that the Chinese Government in employing foreigners in its Custom House is doing what Foreign Powers have advised her to do, and following a system of improvement which in other countries has led to the best results. I expect Her Majesty's Consuls to set an example to foreign communities of treating with respect the gentlemen who hold these important offices, and who are not inferior to them either in character or social position. It is your duty in this way to strengthen their influence with the Chinese provincial authorities, as it is to that influence that we must look for the peaceful execution of treaty privileges, and for the gradual introduction of progressive ideas into Chinese administration which will enable us to accommodate its maxims to the growing development of trade."

The hon. Gentleman was, therefore, greatly mistaken in supposing that our policy had the approval of Sir Frederick Bruce, though it might have the approval of a great many subordinate officials in China, and of those who were prepared to take advantage of the confusion which they created in that quarter. Mr. Burlinghame, he might add, distinctly laid down, with Sir Frederick Bruce, the principles on which we were to interfere at all, which was simply to defend the treaty ports against the Taepings, but in such a way as not to make war on that considerable body of the Chinese people; and Mr. Seward, in reply to the despatch setting forth that policy, characterized it as wise and just towards the Chinese. And what, he would ask, was the cause of the rebellion in China? It appeared to him (Mr. Baillie Cochrane) that the manner in which we had conducted ourselves towards the Chinese Government on the question of the opium trade had given great force to the rebellion in China. Our policy at that time tended greatly to humiliate the Chinese Government, and thereby indirectly to give encouragement to the Taepings in their rebellion. Much had been said about the barbarities of the Taepings, but he thought that that was a mere assertion made use of by the Government and its supporters to excuse the course which they had taken against that people. He had read many works on the subject, and he could not find any foundation for the charges of cruelty and barbarity brought against the Taepings. The atrocities committed by the Chinese authorities were perfectly horrible. If the Taepings were as bad as they were represented to be, he did think that even then there was much to

Mr. Baillie Cochrane

choose between the two parties; but on reading the other day a very interesting work on the subject he found a very different account given of the Taepings from that which appeared to be generally accepted as correct. Mr. Forrest, in a work published in 1862, said of them—

> "It is impossible to live among the people a long time and not take an interest in them, and in a certain way to like them. I have met with not only civility, but actual courtesy from them, and shall never regret the time I have spent among them. Heaven forbid that England or France should ever make confusion worse confounded by interfering in the struggle now raging. After seeing a great deal of both parties, I must confess I have no better opinion of one than of the other."

Now, we might talk of a selfish policy and the necessity of pursuing a particular course in the interests of commerce, which seemed to consist in killing our customers; but let us not in support of such a policy as that which we pursued in China invoke the name of civilization and the interests of humanity. We seemed, in fact, to act on the principle of interfering everywhere, and our policy in the East was most ridiculous and inconsistent. One day we fought against a great Power in the East, and the very next allowed our fellow-countrymen to aid in strengthening it as much as possible. The plea of humanity was put forward in defence of the course which we took; but if that was the true ground of our interference in China, how came it to pass that we did not interfere in the struggle which was going on at the other side of the Atlantic? On the same principle on which our officers were allowed to fight the battles of the Chinese we might have permitted recruiting and interfered in the struggle in America. The reason of the difference which was made between the two countries was that America was a powerful and China was a weak one. If it was said that the Government had done what they had out of regard to the national honour and dignity, he replied that they might have interfered in a country nearer home, the sufferings of which had been caused by their foolish intervention and perpetual meddling. Allowing our men to go and fight in a quarrel in which they had no concern was nothing better than murder, and it was peculiarly disgraceful that we should adopt such a course at the very time when Switzerland, which in former times permitted its subjects to sell their blood to foreigners, had abandoned that practice. The House and the country were much indebted to the hon. Member for Rochdale for having brought this subject on after the two "counts out" that had taken place upon it, and for his clear statement and exposition of our policy in the East. If it should have the effect of putting an end to this kind of intervention, which was as criminal as it was objectionable, not this country only but the whole world and civilization itself would owe him a deep debt of gratitude.

Mr. LIDDELL said, that after the indulgence the House had accorded to him on two former occasions he should not detain them long; but the Under Secretary of State for Foreign Affairs had used what he (Mr. Liddell) considered was an unfortunate expression that night, which required some answer. The hon. Gentleman said that if Her Majesty's Government had reversed their policy in China disastrous circumstances would have followed. He thought he should be able to show that Her Majesty's Government had reversed their policy in China, and that, nevertheless, disastrous circumstances had ensued owing to that erroneous policy. When the last accounts left China a distinguished officer, holding Her Majesty's commission, was lying severely wounded far in the interior of the country. He had lost a large number of his officers and many others were wounded. His assistance was cut off, and he was opposed by an army flushed with victory, and composed of the most warlike, ferocious, and hardy portion of the population of China, and they might hear by the next mail—which God forbid!—that that gallant officer and the whole of his force were cut off. That state of things, he contended, had been occasioned by the policy of Her Majesty's Government. The Government at first allowed British officers to detach themselves from their regiments for the purpose of joining the Chinese, but they had since rescinded that Order in Council. They were right in doing so, but their previous policy in employing English officers to lead the Chinese in the field had not met with the approval of any of the authorities in China. One of the worst features of that policy had been to teach the Chinese to distrust their own native leaders. The Taepings had discovered that native troops led by English officers triumphed over those led by native officers, and the consequence was that they had availed themselves of the services of adventurers, and he had no doubt it would turn out hereafter that the disasters they had recently heard of were to be attributed to the generalship of those foreign leaders. Had General Burgevine remained in the ranks of the Taepings it was difficult to say what might have been the result. They might depend upon it that if this war continued—as there was too much reason to fear it would — there would be different bands of adventurers opposed to each other in that country, led by foreign leaders, which would have the effect of lengthening beyond its natural limits this unhappy internal struggle. The Under Secretary for Foreign Affairs said that the rebels did not keep treaty engagements. He (Mr. Liddell), on the contrary, had always felt a strong conviction that we ourselves had not observed good faith in our dealings with the Chinese. An Englishman's word was his bond, and he held that it was the same with nations as it was with individuals. We pledged ourselves after the Treaty of Tien-tsin to observe a strict neutrality between the contending parties — and how had that pledge been carried out? But it was neither fair nor correct to assert that the Taepings — ruffians as they were according to the noble Viscount—had failed to keep their word. However low they might be in the social scale it should be remembered that we were a great civilized nation, and that it was our bounden duty not to lower our standard of political morality to the level of those degraded beings, but to raise them up to our own. So far as he had been able to ascertain, from study and careful examination, he believed that their conduct contrasted nobly in this affair with ours, and he challenged a contradiction of his statement. The supporters of the Government had placed the opposition to the Chinese policy on a false issue. The Opposition Members had never denied that it was the duty of Her Majesty's Government to protect our gigantic interests in China by a defence of the treaty ports, and if they had contented themselves with doing that it would have been all right; the rebels would have recognized our right to do so, and would never have attempted to interfere with us. But we had done otherwise, and had carried the war into the country, and had followed them into the middle of the silk districts, which was a great mistake. They had made enemies of people who were prepared to have been their friends; and ever since they had carried war into those districts the silk supply had fallen off. On the 14th April this year the silk from those districts was 350 bales for the fortnight against 800 bales for the corresponding fortnight last year, and 2,000 bales for the corresponding period in the year preceding. That was a tremendous falling off. The supplies of silk reached us regularly, as long as we did not interfere with the rebels. There was no doubt that we had supported the Chinese Government ; we had re-established its authority ; and the Taepings knew it ; and having thus made enemies of these people they ravaged the silk districts by way of revenge. We had nobody but ourselves to blame for this result. The present stock of silk in hand was only 3,500 bales, against 8,000 bales at the same time last year. These were very serious things, and were the result of the policy of the Government—that policy from which they now receded, inasmuch as it had proved to be a mistaken one, and had indeed died a natural death. He wished only to say a word more before he sat down. He wanted to know for a certainty what the effect of the repeal of the Order in Council would be. He did hope that they would have a distinct statement that its application was retrospective, and not only prospective. Did it apply to Major Gordon, Captain Cooke, and those other officers who had permission given them by the original Order in Council to enter the Chinese service ? He wanted to get rid of all quibbles, and to know whether it applied to all British officers serving at the head of Chinese troops. He hoped they would have an assurance to this effect. There was another important point which had never yet been cleared up. He wanted to know by what authority and at whose instance Major Gordon was appointed—because everybody in China whose opinions had any weight condemned that appointment. He desired also to know really and truly whether Major Gordon had ever held a commission direct from the Sovereign of the country in which he was engaged in warfare ; because if he had not held a commission there he had been a fillibuster, and was no better than a pirate on the high seas. He trusted that once for all we had done with British interference in the internal affairs of that country. He thanked the hon. Member for Rochdale (Mr. Cobden) for lending the weight of his abilities, his commercial authority, and his high position as a statesman in this country, to this cause, which really was the cause of justice, the cause of humanity, and moreover the cause that was most likely to benefit the very trade which the policy of the Government was calculated to destroy.

MR. GREGSON said, he had supported the hon. Member for Rochdale (Mr. Cobden) in his agitation for free trade, but he could not concur in much that he had said with regard to our policy in China. The hon. Gentleman had said truly that our objects in China were simply commercial, and he (Mr. Gregson) would have been delighted that our relations with that country had never been otherwise. He concurred with the hon. Member that it would be desirable next Session to have a Select Committee to inquire into our commercial relations with China; but he could not agree with him in thinking that those relations were unsatisfactory, because, whatever might be the internal dissensions of that country we had maintained amicable relations with the Government *de facto*. The hon. Gentleman said that we were the cause of the present state of things in China, and that we should drive that empire into anarchy. But it had been often stated in that House that China had been in a state of anarchy for a very long period, and it was not owing to us that anarchy had prevailed, was prevailing, and, he feared, long would continue to prevail there. He did not, however, intend to enter into that question. His hon. and gallant Friend near him (Colonel Sykes) suggested to him that he ought to say a good word for the policy of the Government, as there was no one else to do so, and that was the reason why he stood up there to make a few remarks. He was afraid the suggestion made by the hon. Member for Rochdale with regard to opening small free ports would be impracticable. In the first place, by so doing they would have to derange all the present establishments, and in the second place they would have to get the concurrence of the Chinese authorities. Now, Hong Kong had been established as a free port, but as compared with Shanghai it had not been at all successful. The hon. Gentleman alluded to the recommendations made by the Duke of Wellington. Those recommendations might have been all very well for that time, but we had got far beyond that point now. The noble Lord (Lord Naas) in his very able speech had appealed to the opinions of the merchants in China. But he (Mr. Gregson) had taken great pains to ascertain from a large number of gentlemen connected with the China trade what their views were with regard to the proceedings and policy of the Government, and the answers he had received to a series of questions to several eminent firms were in general effect that the past policy of the Government deserved approval. With the permission of the House he would read to the House a few extracts from these replies. [The hon. Member accordingly read passages from the papers referred to, stating that the Imperial Government was the only established Government in the country, and that the Taepings were only marauders.] Notwithstanding the devastations of the Taepings the exports of tea and silk from China had largely increased, and last year not fewer than 160,000 bales of raw cotton was sent from China, and relief was thus afforded to the manufacturing districts of England. The trade with China was, besides, of considerable importance to the revenue of this country, for the payment of the duty on tea yielded a revenue of about £4,500,000 a year, and during the last thirty years the enormous sum of £160,000,000 had been paid into the Exchequer from that source. But he did not argue the case merely on commercial grounds. Our intervention was demanded on the ground of humanity and for the protection of British subjects.

SIR JAMES ELPHINSTONE said, he had refrained for the last two years from taking part in the China debates, because his predictions with respect to the policy of the Government had been completely verified, and because he did not see any way out of the difficulties into which that policy had led us. But little as he agreed in the course which the Government had adopted with respect to China, still less could he agree with the hon. Member for Rochdale (Mr. Cobden) in his plan for extricating us out of our embarrassing position. He had always held that our policy in China should be to support the Chinese chiefs in the provinces where we traded, to support the Imperial Government, and not to break in upon the much cherished privacy of their capital and so destroy the prestige of the rulers of the country. Those bands of marauders who were now called Taepings, but who went under different names at different times, had long been the bane of China. When he first visited that empire, which was in 1820, he saw villages that those ruffians had set fire to, and the marks of their brutality on the bodies of those whom they had plundered. Brigandage was the normal condition of affairs in China. It was caused by the descent of hordes from the more sterile districts, in which the population became too numerous for the means of support upon the fertile valleys and their industrious populations. Somehow or another those hordes were kept down by the Government of China until our attacks had qroken down its prestige, and he feared it would no longer be able to make head against these ruthless villains without European assistance. He did not believe the hon. Member for Rochdale's plan of free ports on islands practicable in China. The conformation of the Chinese coast, lined by an archipelago of islands, afforded a refuge to the piratical hordes which abounded there, and it would be impossible to trade with safety to our merchants unless these hordes of pirates were smoked out. It appeared to him that the only mode of carrying on commerce with China was through the treaty ports. We were bound to extend our protection to every man trading under the British flag; but, at the same time, he should like to see some general code of laws by which foreign nations could join in such protection. He should like to see itinerant magistrates, who, searching out evil-doers, should let the Imperial Government know that justice had been vindicated. Besides this, in concert with our Allies, we ought to adopt active measures to put down piracy in the Chinese waters; and there was no reason why we should not have a treaty in respect to that great navigable river in China which, under God, would, he believed, afford us the means of introducing European civilization into the heart of the Chinese Empire. It was said in the theology of China, that when making the world the Creator took a pair of bamboo compasses, and putting one leg into the spot where Pekin now stood drew a circle, and so marked out the world, which was China. The hon. Member for Rochdale drew a circle of which he made Manchester the centre. But his speech was a repetition of speeches that were delivered when the removal of the East India Company's charter was under discussion in that House. It had been found that the Chinese would not take our woollens. The reason was, Russia sent into China woollen material more suitable to the tastes and habits of the Chinese. He had never believed that the introduction of the opium trade was a disadvantage to China. The food of the lower classes of China—a great deal of pork, sour vegetables, and vinegar—was of a character to produce intestinal disorders, and the little whiff of opium which they took after their meals was of great benefit to them. It was perfectly impossible for a man to make a beast of himself on opium under £120 a year. He hardly saw his way clearly out of the position into which our policy in China had brought us. It certainly was impracticable to adopt the course recommended by the hon. Member for Rochdale; but by taking up the matter with a strong hand and undertaking to curb the disorderly spirits who had been attracted to China by the love of gain, and who plundered the poor Chinese, by establishing a police force of gunboats along the rivers, we might produce some effect. By no manner of means ought we ever to have anything to do with the Taepings, for a more bloodthirsty, horrible set of scoundrels never existed on God's earth. Nothing had ever shown that they were likely to establish a form of Government. They had no idea of anything but rapine and licentiousness. Certainly he would be no party to recommending the Government to abandon the footing we had in China, but no doubt the Committee suggested by the hon. Gentleman opposite might be useful in devising a remedy for the evils of the present state of things.

Mr. WHITE thought the policy which had been recommended by the hon. and gallant Member (Sir James Elphinstone) must lead to a considerable augmentation in the expenditure we had already incurred in China. The hon. and gallant Gentleman had certainly kept his constituents in mind. He had often told the House of the gunboats which were lying at Portsmouth doing nothing, and if his advice were adopted there soon would be plenty for all of them to do. [Sir James Elphinstone: They are all rotten.] He could quite believe the hon. Member for Lancaster (Mr. Gregson) that many gentlemen having a large stake in China praised highly the noble Lord and his policy; but what the House had to consider was, not the interest of a single class of traders, but of the British taxpayers. He could not but take notice at what a cost had our trade with China been purchased. In his Budget speech of 1863, the Chancellor of the Exchequer told the House of Commons that they had to face a war expenditure of £8,800,000, of which in round numbers £7,000,000 was caused by the war in China; and it was no exaggeration to say that our Chinese policy at the very lowest estimate cost us an extra half million yearly. If on one side were set the trade we had gained, and on the other the sum it had cost us, it would be seen that there never was a policy which gave such barren results for such an enormous expenditure. The hon. Gentleman the Under Secretary for Foreign Affairs would find on inquiry at his own office that his figures were ludicrously fallacious, and his facts were pretty much of the same value. At the same time, he could not altogether concur in the course recommended by the hon. Member for Rochdale. At the time of the Treaty of Nankin it was practicable, and he himself had urged the adoption of a similar policy upon Sir Henry Pottinger at that time. The course which the Government ought to pursue was to dissociate British subjects as much as possible from all connection with the Chinese Government. To accomplish that, within a certain area, Shanghai, Ningpo, Canton, and the other ports should be deemed free, and so leave the native merchants to make their own arrangements as to duties with their own Government on both imports and exports.

Mr. KINGLAKE said, he thought that the noble Lord the Member for Cockermouth (Lord Naas) at the close of his speech had used a phrase which might, perhaps, be understood in a sense very different from that intended. The noble Lord spoke of "the ignominious withdrawal" of the force under Captain Sherard Osborn. He felt assured that the noble Lord in saying so meant only that the policy which had originated the expedition had totally failed, and did not express any condemnation of the skill and ability of Captain Sherard Osborn personally. [Lord Naas: Hear, hear!] If there was any fault which a microscopic mind could discover in the conduct of Captain Osborn, it was that he might, perhaps, be deemed too scrupulous as to the point of honour, and too resolute in determining to escape from a position in which he might have been subjected to orders which he thought no British officer could execute without loss of reputation. Great credit was due to the gallant officer for his behaviour in that respect, and also for the success with which he had brought home his force—a feat which could not have been accomplished except by a man possessed of high personal qualities and ascendancy of character. There lay before Captain Osborn and his men the prospect of much fame, and of wealth to a very large amount indeed; but these things could not tempt him, and such was his influence with his force that, of 500, less than thirty failed to return with him to England. He was sure the noble Lord would be glad of an opportunity to correct any misapprehension as to his meaning on this point.

Lord NAAS said, that nothing was further from his mind in the language he had used than to utter anything in the least disrespectful towards Captain Sherard Osborn. His remark applied not to the commander, but to the expedition generally and the policy on which it was based, intending to convey that he did not think that an expedition sent out under the control of the Government could be withdrawn without ignominy. He thought the whole conduct of Captain Osborn from the beginning to the end of the transaction was beyond all praise. He had shown an utter absence of selfishness, and a sense of what was due not only to himself as a British officer, but to the interest and honour of England.

Colonel SYKES complained of the policy pursued by the Government, and hoped that neither the House nor the country would be misled by the fallacies put forward by the Under Secretary of State. The hon. Gentleman had tried to delude the House into the notion that the other Powers represented in China were pursuing the same policy as ourselves. On the contrary, while our policy was one of direct intervention on behalf of the Imperialists, and slaughtering the Taepings, the other Powers were resolved not to take any active measures, except in defence of the treaty ports when attacked, and not to allow any of their officers to serve under the Chinese. All that he had shown in Mr. Burlinghame's despatch of the 30th June, 1863, to the American Congress, in the counted out debate of the 21st May, and he would not go over the facts again. The hon. Gentleman was in the habit of describing the Taepings as a sort of human locusts, who destroyed the fertility of the countries through which they passed. Since May, 1860, the Taepings had been in possession of the two great silk provinces of Chekiang and Kiang-su, embracing a vast area of country, and a population of upwards of 60,000,000 souls, and a large proportion of the silk used in this country had been drawn thence. This could not have been possible if the assertions of his hon. Friend had any foundation in fact. He had, he might add, in his hand, monthly Returns of the exports of silk from Shanghai, part of which he had quoted in a former debate, and he found that while those exports amounted in 1860 to only 69,137 bales, they went on increasing until in 1864 they amounted to 83,264. And it had been stated in the evidence of European witnesses, the agents of Messrs. Hart and Co., of Ningpo, who were travelling in the districts to purchase silk, that from Ningpo up to Way-ho-kow, which lay on the verge of the thirty miles' radius of Shanghai, the country was flourishing and the inhabitants happy and contented, while within that radius its aspect was described as that of a desert. The crops in the neighbourhood of Soochow were reared by the Taepings, and the country was in a flourishing condition, to which numerous eyewitnesses bore testimony. Surely with such testimony the House must be satisfied that the Taepings could not be the devastating barbarians they were represented to be. In relation to the case of Major Gordon, it was painful to find that an officer in Her Majesty's service should have exposed himself to the odium which was heaped on that gentleman in China. *The North China Herald*, *The Friend of China*, and *The Hong Kong Daily Press* lamented that Major Gordon had condoned the treachery of the Futai of Shanghai, and had taken service with him again. Other newspapers had also condemned the conduct of Major Gordon in speaking of him as an "unprincipled soldier," and as a "mere mercenary;" and he regretted that Major Gordon, who had felt his position to be so irksome, and had tendered his resignation at one time, had not adhered to his resolution and come home. That gallant officer, in a letter addressed to a missionary, said that if half the pains had been expended upon the rebels which had been wasted upon the Imperialists the country would have been at peace long ago; and Admiral Hope, who had been cited as the direct opponent of the Taepings, in a letter dated 15th October, 1862, admitted that they had well observed agreements which they had entered into with him not to approach within thirty miles of Shanghai for a period of twelve months, and not to molest *bona fide* British vessels on the Yang-tze river. A friend of Major Gordon's, in a letter to *The North China Herald*, of the 27th February, 1864, says he only condoned the Futai's treachery when

> "He had made him pay up to the last farthing some £27,000 for the wounded, and publish a proclamation taking the whole blame of the Soochow affair off his shoulders, and admit that he (the Futai) had acted wrongly."

This receipt of £27,000 before again taking service, to say the least of it, has an ugly look. It was said that, if the insurgents came to Shanghai, there would be an immense destruction of European life and property; but the fact was that they were for five months in possession of Ningpo, and during all that time they allowed trade to go on without molestation, and inflicted no injury upon Europeans. The Taepings had repeatedly offered to us the hand of friendship, but their despatches had been returned unopened, and we had never taken the trouble to ascertain whether we could make any arrangements with them or not. Our motive for maintaining the Imperial Government was based upon the selfish desire to secure the payment of the indemnity of eight millions of taels, about £1,300,000 of which still remained unpaid. Our acts in China in short had been dishonourable and disastrous, and were likely to be still more so in the future.

VISCOUNT PALMERSTON: Sir, I am anxious to say a few words before the House comes to a determination on the Question which has been proposed by my hon. Friend the Member for Rochdale. There has been this remarkable character in the discussion—that while my hon. Friend took a very wide view of the subject according to his notions, those who have followed him have taken a narrow and confined view of it, and have limited their observations chiefly to the recent transactions of the Government with regard to their policy in China. I will, in the first place, deal with the remarks made by the noble Lord (Lord Naas) and those who agree with him. What they have blamed has been the course which Her Majesty's Government have taken latterly in regard to the expedition of Captain Sherard Osborn, the employment of Major Gordon, and the engagement of civilians to assist the Chinese Government in the collection of their customs duties and other matters of that kind. Now it was, I think, almost unnecessary that they should express their opinions with regard to the expedition of Captain Osborn, or the employment of Major Gordon and others; because we stated on a former occasion that the Orders in Council under which those officers were employed had been revoked, and that there was no intention on the part of Her Majesty's Government to renew them. Therefore that policy is at an end. I differ entirely from those who condemn it. I think that we were perfectly justified in the steps that we took; because it is evident that the more we can contribute to the internal pacification of China, the more that trade which everybody agrees to be the main and proper object of our intercourse with China would flourish, and it is quite obvious that in proportion as the interior of China is laid waste by civil war and rebellion, in that proportion must our trade suffer impediment and obstruction. I am very glad that the noble Lord had an opportunity of explaining the expression which he used as to the "ignominious" failure of the expedition of Captain Osborn. There was nothing ignominious either in undertaking that expedition, or in the grounds upon which Captain Osborn declined to continue his services. On the contrary, as was stated by my hon. Friend, and admitted by the noble Lord, the whole conduct of Captain Osborn, from beginning to end, did him the highest possible credit, and reflected honour upon the country to which he belongs. If by allowing British subjects to enter the service of the Emperor of China, we had been the means of strengthening the hands of the Chinese Government and enabling them to put down the rebellion or in any degree to diminish its scope, I say we should not only have been rendering a service to China, but should have been promoting those objects for which alone our intercourse with that country ought to be carried on. Those measures have failed. I am sorry for it. They have failed not from any fault of those who planned, not from any fault of those who were engaged in them—they have failed from the effect of those national jealousies which are too apt to prevail in many countries, and which have peculiar force in China, owing to the long established feeling of hostility to anything that is foreign and does not belong to the country. So much for that part of the subject. Then, Sir, I will take the more extensive view which was taken by my hon. Friend the Member for Rochdale. He blames the whole policy of England—not the policy of one Administration but of all—in regard to our intercourse with China. He finds fault with different wars in which we have been engaged. Now, Sir, the history of our intercourse with China is the natural and usual history of the relations of a highly civilized with a half civilized people. It invariably happens that where a highly civilized race comes in contact with a half civilized race you find that they act upon different rules of conduct. The highly civilized race expects good faith, justice, fulfilment of engagements, honour, and an absence from wrong-doing. The half civilized race, on the other hand, are in habit totally different—they apply to the civilized race that principle of conduct which they themselves recognize, but which cannot be submitted to by those who are accustomed to a different mode of proceeding. Hence quarrels arise; wars follow the quarrels; engagements, treaties, and conventions put an end to this war; the conventions and the engagements are broken; further quarrels arise; and in that manner relations are embittered, until the superior strength and ascendancy of the civilized race assert themselves, and then the other nation, feeling that they cannot with safety or success practise their own rule of conduct, acquiesce in the regulations imposed upon them by their more powerful antagonists. And then comes a peaceful and friendly intercourse. That has been exactly the course of the relations between this country and China. Now, was our intercourse with China sought for simply by the Government? If the monopoly of the East India Company had continued up to this time, if our trade with China had been confined to that Company, in all human probability none of these wars would ever have broken out, because the intercourse would have been very restricted, nobody would have gone to China except persons under the control of the Company, and the policy of the Company would have been to submit to any indignity which might from time to time be offered. There would have been no national honour at stake, no interest save that of the Company would have been concerned, and they would have thought it better to submit to any little indignity and wrong than to break off commercial intercourse without after all having the power to redress these injuries. If, therefore, I say, the monopoly of the East India Company had continued, we should have lost that increased trade with China which many hon. Members think of national importance, but we should have avoided the contests which have taken place between the two countries. But it was not in the choice of the Government of the day to continue that system. The whole country cried out against the monopoly of the East India Company. They said it was intolerable that such a trade should be monopolized by a single Company, and that monopoly was therefore abolished. Well, then, there was also a general feeling that in proportion as the industry and wealth of the country increased, in that proportion we ought to seek for new markets and new customers. It was said that the nations of Europe were so wedded to their protective system, that our intercourse with them must necessarily be limited, and that we must, therefore, go to other countries where the same impediments did not exist, and find out new markets and enable the commerce of the country to acquire its full development. When the monopoly of the East India Company was abolished, there came a series of contests. Injuries were inflicted by the Chinese Government. Our merchants were imprisoned and threatened with starvation, in order to extort from them their opium. The representative of the English Government, Lord Napier, was cruelly treated, and may be said, indeed, to have been killed by the Chinese, for when he was attacked by a severe fever, the Chinese surrounded the junk on which he was living with other junks, on board of which, under the pretext of doing him honour, gongs were sounded every hour of the twenty-four, and he died in consequence of not being able to obtain the rest necessary for his recovery. One outrage followed another. Again there was war. Next came an agreement. That agreement was afterwards broken—conflict ensued. And so, step by step, we arrived at the Treaty of Tien-tsin. My hon. Friend the Member for Rochdale was very sentimental as to the objections made by the Chinese Government to allow a British Resident at Pekin, and he said it was very touching to read the arguments of the Chinese Government against it. But I take leave to say that if we had had a Minister at Pekin at the outset of these disputes, it is probable that none of these wars would have taken place. It was because we were debarred from communication with the Government of Pekin—because we were at the mercy of provincial Governors, who committed acts of injustice, knowing that they could do so with impunity, and could render their own accounts of what passed, stopping all communications and remonstrances to the central Government — it was on this account that we did not obtain that redress which would have prevented war; and, therefore, it was that war arose. I venture to say that nothing has been done of more importance, with a view to the maintenance of friendly relations between this country and China, than the admission of our Minister as a Resident at Pekin. Well, then, I say I take the larger view of my hon. Friend the Member for Rochdale. I think that this House and the country ought to consider, not the policy of one particular measure affecting our relations with China, but ought to consider the great features of our policy, commencing with the abolition of the monopoly of the East India Company, and ending with the residence of an English diplomatic agent at Pekin and the establishment of direct diplomatic relations with the Chinese Government. The benefit resulting from this policy had been immense. We are told—and I agree with the statement—that our object in China is simply trade. We do not want conquest—we want trade. But the trade must be protected by treaties. Was the extension of our trade by means of treaties a matter of indifference to the nation? Why, we all remember the pressure put upon the Government for the abolition of the monopoly of the East India Company; and we also remember the enthusiasm excited in this country by the treaty signed by Sir Henry Pottinger, and the vast expansion of commercial intercourse which was anticipated from it. That treaty was made in consequence of instructions which it fell to my lot to draw up, and was concluded almost entirely in accordance with those instructions. One stipulation of importance, however, which I had placed in the draught, was, to my great regret, omitted from the treaty—the provision that if any dispute arose as to the interpretation of any article of the treaty, it should be settled according to the English and not according to the Chinese version. What happened? The Chinese inserted in their version a stipulation which was not in the English version, and upon that stipulation disputes afterwards arose. This bears upon the proposal of my hon. Friend the Member for Rochdale, that certain ports of certain islands should be occupied as places of free commerce, for the stipulation which the Chinese fraudulently inserted into the treaty was that there should be no communication with Hong Kong except from the five treaty ports, that there should be no communication commercially between Hong Kong and any other part of the Chinese coast. This very much diminished the value of Hong Kong, and showed that the Chinese would have been very little disposed to tolerate an English settlement like Singapore, free to communicate with any part of the Chinese empire; and unless it had that freedom its value would not be that which my hon. Friend attached to it. But let me recall to the House the great delight of the country on the conclusion of the treaty signed by Sir Henry Pottinger, and the great anticipation of commercial intercourse which would result from it. I recollect rather endeavouring to moderate the fervor of expectation in this House by reminding the House and the country that, though undoubtedly there was an ample field for the ultimate development of commercial intercourse between the two countries, the development would probably be of gradual growth, and that we ought not to be too sanguine of great results at a very early period. But trade has gone on increasing since then. My hon. Friend has quoted figures which have been disputed, but which are perfectly correct, and one remarkable fact is that the amount of our imports from China greatly exceeds our exports to China. In 1863, I think, the value of our imports from China was about £14,000,000; while the value of our exports was not above £3,000,000 or £4,000,000. The balance was of course to be made up by opium from India or by specie sent out. But how was that opium paid for? The Chinese did not send us £14,000,000 of goods without payment, and those who received those goods must have sent out commodities of some sort to India in order to get the opium by which the difference was to be paid, or to get the specie by which the balance of trade was to be redressed. Well, Sir, I must say that I very much agree with the description of the Taepings given by my hon. and gallant Friend (Sir James Elphinstone), if he will permit me to call him so. There can be no doubt that a civil war waged under such circumstances of cruelty by both parties — though the balance of the crime is very much on the side of the Taepings—must place the country in a much worse state than would be the case if peace were established. Whether peace will be speedily established in China it is impossible for any man in this country to predict. We know that for 3,000 years China has been the seat of turbulent disorders, of revolts, and rebellions, and it is, therefore, rather sanguine to expect an entire termination of the war, though information received a short time ago gives the expectation that the rebellion is reduced within very narrow limits, and may be entirely extinguished at an earlier period than had been supposed. It has been said that our objects in regard to China have been purely selfish —and, no doubt, they are so, taken in a national point of view. But those who view this question only in the aspect which it bears upon the interest of the particular merchants who export to China, and who have establishments in that country, take a very narrow and limited view of the question. Those merchants in reality only form the outfalls by which the thousand rills of upland industry in this country find their way to the great ocean of the markets of the world. These merchants are persons who convey to foreign countries the results of the industry of hundreds of thousands of our working classes; and those who wish to change the policy at present pursued, to narrow our foreign markets, and to stifle the development of our foreign trade, are doing their best to take the bread out of the mouths of our working classes, and to deprive them of their means of sustenance. [Mr. Bright: Oh, oh!] I beg pardon —it is true and demonstrable. What is your export trade but the carrying the industry of this country to foreign countries? And if access to those countries be debarred, the industry of our working class is checked, and they are deprived of the sustenance which they derive from the industrial operations of this country. For that reason I do not admit the expression that our policy has been a selfish one in the sense in which the word is sometimes employed. I say it is the duty of the Government to endeavour by every means in its power to extend the commerce of this country — not for the mere purpose of revenue, or the advantage of those particular merchants who may be engaged in trade with any particular portion of the world, but for the purpose of aiding in the development of the general industry of the country, and thus enabling those industrious classes who produce those different commodities to carry their industry on with success, and so to render our own people happy and prosperous at home. Well, Sir, I claim the credit of this view for the policy of the Government—and I do not claim it for the present Government alone, because the other Governments have been parties to treaties with the Chinese as well as ourselves. The policy which the Government of this country has pursued from the period of the overthrow of the monopoly of the India Company to the present time has been eminently successful, and the object is deserving the exertions of the Government and the approval of the country. I am persuaded that, having attained the great end of entering into friendly and direct relations with the central Government of China, our position will not easily be shaken; and that with the establishment of those peaceful relations we shall find our commerce and intercourse with that country increasing year by year. I am also most firmly persuaded that, if we can get an unrestricted commerce with so large a population as that which occupies China, we shall have succeeded in effecting an object of great importance to the industry and prosperity of this country.

Mr. BRIGHT: Sir, the noble Lord, I think, is more sanguine than the House generally is upon this Question; for, on looking over the debate which has taken place to-night, it appears to me that with but little exception there has been expressed nothing but general condemnation of all that the noble Lord has done and approved of with regard to China during the last thirty years. The hon. Member for Lancaster (Mr. Gregson) has that sort of confidence in the noble Lord which might have been reasonable in him some sixty or sixty-five years ago towards any person older than himself, for he follows the noble Lord with a docility which is perfectly charming; and, I suppose with a view of supporting the policy of the noble Lord, he has been touting in the City for the opinion of China merchants that might support the noble Lord's policy. I understand there are from 120 to 150 English merchants in China, some of whom have very extensive business connections, and some not very considerable. Well, the policy of the noble Lord which the hon. Gentleman supports, requires that there should be at least one ship of war from this country to sustain each three of those mercantile houses. That is not the state of things with regard to English commerce in any other part of the world; and I suspect that there is some radical error in this particular branch of our commerce, or in our politics connected with it, which it is worth the while of the House carefully to consider. Now, the hon. Member told us, that some of these gentlemen who have been writing—I must term them, uninteresting letters, and I am not sure the hon. Member did not provide them when he sent the questions with the answers, because the answers were so very much alike, and I should not be at all surprised if it were a sort of Treasury circular or something of that kind—but he told us that those houses had a great stake in China. No doubt they have so much stake of their own in China that they do not care very much for anybody else's stake; but the people of England also have a great stake in this Question; and looking back over the last thirty years, perhaps there is scarcely any portion of the annals of this country during that time of which we have less cause to be proud than those portions of them which are connected with our relations with China. The hon. and gallant Gentleman opposite the Member for Portsmouth (Sir James Elphinstone) did not agree with my hon. Friend the Member for Rochdale, nor did he agree with the noble Lord (Lord Naas). He has prophesied everything would come to pass exactly opposite to what the noble Lord has prophesied; and now his only defence of the Government appears to be, that the Government have got them into such inextricable confusion that it is hardly worth while doing anything to get them out of it; and the hon. and gallant Gentleman proposes this most incredible plan — that on the banks of that great river, the length of which nobody knows, but which, as he says, is infested with every kind of ruffian who can make his way to China from every other part of the world, or within its banks, he would have I do not know how many gunboats—more than those which now lie rotting at Portsmouth — and he would establish, I suppose, a sort of travelling assize, consisting of magistrates like those we have presiding in our police offices in London, who would have to travel all over the empire of China wherever any European or American ruffian happened to have settled himself, and carry out in China, not Chinese laws, but English laws; and thus we are to have within the empire of China an administration of justice which has nothing to do with it, and owes no allegiance to the Chinese Government, but dependent altogether, I suppose, upon the Secretary of State for the Home Department in Downing Street. I say a more ludicrous—I do not wish to be thought offensive — a more absurd — a more impossible scheme was never submitted to Parliament. Now we may come, I think,

Mr. Bright

to the conclusion that the House—with the exception of the two Members to whom I have referred and the noble Lord—universally condemn the policy which has been pursued. [Mr. KINNAIRD: No, no.] I beg pardon, I did not see the hon. Member in his place. A Member of the House asked me this evening in the dining-room whether anybody had got up to defend the policy of the Government in China, and the answer I made was, that the hon. Member for Perth (Mr. Kinnaird) is not in the House, and therefore there is no one to defend it. Why, the policy is condemned by men of every party in the House. Will anyone say that there was anything in the speech of my hon. Friend the Member for Rochdale that exhibited party feeling against the Government, or personal feelings against the noble Lord. Take the speech of the noble Lord the Member for Cockermouth (Lord Naas) — a speech which, I think, every Member who heard him make it will say that it did him infinite credit — a speech of great research — in which the facts and arguments were placed before the House in the clearest manner, while it expressed sentiments of the very highest order. Well, but that was not a speech of which any Member of the Treasury bench could complain. Take the speech of the hon. Member for Northumberland (Mr. Liddell)—take the speech of the hon. Member for Honiton (Mr. B. Cochrane)—and the same applies to all the speeches that have been made. There has not been the slightest evidence of party feeling of any kind, and yet, from all sides and from every quarter of the House, there has come the same general condemnation of the policy of the Government, and there has been what I may call a universal lamentation expressed at the faults that have been committed during the last thirty years. It is not in this House only, but at Pekin, Sir Frederick Bruce has shown himself to be even disgusted at and weary with the policy he was expected to pursue, and we know perfectly well that this policy is directly in the teeth of the most emphatic expressions on this side of the House, only a few years ago, by the noble Lord who is now the Secretary of State for Foreign Affairs; and it was condemned in language if possible more emphatic by the right hon. Gentleman, whom I do not now see in his place, the Chancellor of the Exchequer. And I think I can answer for it that other Members of the Government, if they were not silent under the influence of their position in this House, would be ready to express in language equally decided their condemnation of the course which the Government have pursued in China. Well, but we have now got into a state of such difficulty and embarrassment that nobody seems to know exactly what is to be done. The noble Lord (Viscount Palmerston) has been, in connection with this question, I think, remarkably reckless and unguarded in the statements that he has made, and I think that every prophecy that he has pronounced in past times has now proved to have been wholly baseless. He admits to-night, and, in fact, it is a part of his defence, that everything that he has done in regard to the more recent policy has been a failure. [Mr. KINNAIRD: No, no.] The hon. Member for Perth was not here, and did not hear the speech of the noble Lord opposite. [Mr. KINNAIRD: I did.] Then I beg pardon. Well, but the noble Lord at the head of the Government rather blamed the noble Lord the Member for Cockermouth for speaking upon points of which it was not necessary now to say anything, for they had failed. The noble Lord expressed his great regret that they had failed, but I do not think the House or the country has any reason to feel any regret that the policy in question has failed. But the noble Lord said the failure is no blame to them. No, the failure is no blame; but the conception of plans so absurd and impossible is a blame to them. And when these plans which the Government told us were to be so advantageous to our interests in China have failed, surely it is proper for a Member of this House to take note of that failure, and to ask the Government what pretence they have for asking the House to trust them further on this question after their failure is patent and clear to all the world. Now, the noble Lord treated us to an observation which is very common, and I have no doubt many of those Chinese marauders—I mean European and American marauders in China—would use exactly the same argument. The noble Lord said that the natural history of all contact between a highly civilized and a semi-barbarous nation is that unpleasantnesses arise, disputes are occasioned, wars follow disputes, and after wars have been carried on till such a length of time as the highly civilized nation has battered pretty nearly to pieces the semi-barbarous nation, then the semi-barbarous nation becomes entirely submissive, and nothing can possibly be more friendly and harmonious than the future relations of the two nations. This is what the noble Lord has told us. But the noble Lord has not told us that one consequence of his policy as representing a highly civilized nation has been to bring into a state of decrepitude and almost absolutely to destroy the Government of that nation which enjoys the most ancient civilization existing on the globe. At this very moment those horrors of which he has spoken, and which so many Members of the House have referred to, have their origin mainly in the policy of the noble Lord. The hon. and gallant Member for Portsmouth, I think, only said what was true when he said that our insisting upon entering their great cities, and especially upon breaking the seclusion of their capital city, had, as it were, peeled off the mysteous and awful character which prevailed with regard to their Government. In point of fact, it has succeeded in shattering the whole political and social system of an empire comprising one-third or one-fourth of the whole population of the globe. Well, if I were in the position of the noble Lord, I durst not get up in this House or anywhere else and speak boastfully of the policy I had pursued, if results so grave and so disastrous had happened to so great a portion of the human race. But the noble Lord had, I will say, an audacity beyond that, for he charged my hon. Friend the Member for Rochdale by implication with having no regard for the condition and interests of the industrious classes in this country. He attempted to persuade the House that the trade with China—the most miserable trade in the world when compared with the magnitude of the population—was of so great importance to the working classes of this country, that it was worth while to indulge in the policy which he has carried on, and to encounter the great expenses which have been incurred. Now, I will venture to say that our trade with China—I speak of our exports from England to China—for many years back—I believe for thirty years—has not left one single farthing of profit, if you will pay out of it the cost of the wars, of the intermeddling, and of the military and naval forces now apparently permanently established there. The thing is very easy to calculate. There are fifty ships of war for the protection of an export of less than £4,000,000 a year. If all our export trade required to be protected at an equal expenditure we should require 2,000 ships of war to give that sort of guardianship to our foreign commerce which the noble Lord thinks is necessary to support our trade in China. The people of this country manufacture cotton and other goods which are sent to China; but the people of this country also pay taxes, and I believe that whatever interests they have in the way of employment and wages in the trade with China is at least counterbalanced by the excess of expenditure and Government taxation which they have to pay in consequence of our policy in that country. I waited to hear what the noble Lord would say of the future. He pointed to the past. He went to the East India Company. He told some very imperfectly narrated stories about our transactions with China. He admitted that his policy for some years past had been a total failure. He does not deny now that the country is in a state of absolute anarchy. He has English officers fighting out there, and he has sent out orders that they shall no longer fight. He maintains, notwithstanding, an army—I do not know exactly the number of the force — he maintains more than forty ships of war, and altogether I believe more than fifty ships belonging to the country—and he has not a single word to say to give us any hope that there will be any change in future. Does he intend to fight until the empire of China is restored and the Taepings are utterly put down? Or if the Taepings should get the ascendancy, will he join them and endeavour to establish another Government at Pekin? What does he propose to do? Is it not clear to every Member of the House that a policy of intermeddling in China is a policy of idiotcy? Here we are a small island on the opposite side of the globe, with a population so small that we are told we have not an army that we could transport to Denmark — yet we some how or other take within our great ambition this vast empire of 300,000,000 or 400,000,000 persons; we are to influence the dynasty that shall sit upon its throne; and, in point of fact, we are to direct the whole affairs of that empire as if it were some small neighbour close to us. I do not know how such an idea could ever get into any man's head; but having once entered into the head of the noble Viscount it has taken absolute possession of him, and I suppose at his time of life that he cannot get rid of it. But I protest against it. Let the noble Lord take the course which has been recommended to him to-night by several hon. Members, of abstaining religiously from the slightest interference between two parties in China; of teaching—I will not say the merchants but that other class, none of which I hope are to be included in the list of English merchants, I mean those rude and unprincipled adventurers who abound in China—that it is not the intention of the English Government that the English army or navy shall take any step in China to defend them from whatever misfortunes may happen to them. It is a monstrous folly that the population of this country, so hard toiling and so suffering in comparison with us who are here, as millions of them are, should be taxed year after year to carry on a policy which for thirty years has covered us with discredit and has wholly failed, and that this policy should be carried on only to please a curious crotchet which the noble Lord at the head of the Government has taken upon it—a crotchet which is not participated in, I believe, by a single member of his Cabinet, which this House is willing wholly to repudiate, and which, I believe, in every society in England where the question is discussed receives the condemnation which it has received in Parliament to-night. I do hope the noble Lord will now, when he sees this entire failure of all his plans and all his prophecies, for once come to the conclusion that he is not infallible, and that good sense and that wisdom which springs from experience, and which have been shown in the discussion to-night, ought rather to govern a great question of foreign policy like this than the violent prejudices which the noble Lord has so passionately cherished for thirty years that they seem at last to have got the better of his reason and his judgment.

MR. COBDEN: With the leave of the House I will withdraw my Motion.

Motion, by leave, *withdrawn.*

METROPOLITAN TRAFFIC BILL.

LEAVE. FIRST READING.

MR. ALDERMAN SALOMONS moved for leave to introduce a Bill to facilitate the traffic of the Metropolis by improving the communications across the Thames. The street traffic of London was now exceedingly great, and the Southwark and Waterloo Bridges, being toll bridges, were comparatively little used by the public in consequence. The object of the Bill was to give to the Metropolitan Board of Works power to purchase those bridges across the river Thames by agreement upon which tolls were now levied, and to throw them open for public use free from toll—it being a direction in the Bill that the Board should endeavour to agree for the purchase of Southwark and Waterloo Bridges before purchasing any of the other bridges. The proprietors of Southwark Bridge were anxious to dispose of their property at a very reduced sum. It cost about £700,000 with the approaches, and they were willing to sell the whole for £200,000. That, he thought, was an opportunity which ought not to be neglected. Waterloo Bridge cost about £1,000,000; and both structures had turned out complete failures to the proprietors. The Bill proposed that, for the purpose of enabling the Board of Works to purchase any bridge, they should be empowered to levy a rate of not exceeding 1*d.* in the pound for twenty years, in the same way as the Main Drainage rate was levied; and that the City of London should contribute a sum of not less than £50,000 out of the Bridge House estates, towards the purchase of Southwark Bridge. Considering the great advantage to be gained, he thought the public would not grudge the small charge which the Bill proposes to levy on the metropolis.

Motion *agreed to.*

Bill to facilitate the Traffic of the Metropolis by improving the communications across the River Thames, *ordered* to be brought in by Mr. Alderman SALOMONS, Mr. LOCKE, Mr. JACKSON, and Mr. TAVERNER MILLER.

Bill *presented*, and read 1°. [Bill 129.]

SLAVE TRADE (WHITE NILE).

PAPERS MOVED FOR.

MR. WYLD said, he rose to move an Address for Copies of all Correspondence between Her Majesty's Government and Mr. Petherick, Her Britannic Majesty's Consul at Khartouna, relating to Slavery and the Slave Trade that exists on the White Nile, from the year 1860 to the present time.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Her Majesty's Government and Mr. Petherick, H.B.M. Consul at Khartouna, relating to Slavery and the Slave Traffic that exists on the White Nile, from the year 1860 to the present time:

"Of all Correspondence between the British Consul General of Egypt and Consul Petherick on the same subject, and during the same period:

"Of all Correspondence between the Foreign Office and any other Departments of Her Majesty's Government and the British Consul General in Egypt, upon the same subject, and during the same period:

"And, of the Charges, and of the Correspondence connected with these Charges, sent by the people of Khartouna to the British Consul General in Egypt, accusing Consul Petherick of having been engaged in Slave Trading on the White Nile, together with the British Consul General's Reply to these people's accusations, and of his representations (if any) made to Consul Petherick on the same subject."—(*Mr. Wyld.*)

MR. LAYARD said, the only objection was that the letters for which the hon. Gentleman moved had been given in the Slave Trade papers laid on the table of the House. With regard to the correspondence which might clear Consul Petherick's character as to his connection with the slave trade in the Upper Nile, none had yet been received. Despatches had arrived that day from Consul Petherick; but he had not had an opportunity of seeing them. Any information upon this subject he would give when it came to hand if the hon. Gentleman would defer his Motion.

Motion, by leave, *withdrawn.*

EDUCATION (INSPECTORS' REPORTS).

NOMINATION OF COMMITTEE.

VISCOUNT PALMERSTON rose to propose the nomination of the Select Committee upon Education (Inspectors' Reports). The composition of the Committee would not be so satisfactory as he had hoped to make it, as his right hon. Friend the Member for Calne (Mr. Lowe) had declined to serve upon it. He proposed that the Committee should be constituted of the following Members:—Mr. Bruce, Sir John Pakington, Mr. W. E. Forster, Mr. G. Hardy, Mr. Dodson, Mr. Adderley, Viscount Enfield, Lord Robert Cecil, Mr. Walter, Mr. E. Egerton, Mr. Clay, Mr. Hennessy, Mr. Baxter, Mr. A. Mills, and Mr. Buxton.

Motion made, and Question proposed, "That Mr. Bruce be nominated one of the Members of the Select Committee on Education (Inspectors' Reports)."—(*Viscount Palmerston.*)

MR. CLAY said, he regretted that the right hon. Member for Calne (Mr. Lowe) would not serve on the Committee. He believed the right hon. Gentleman made it a point of honour not to be a judge in his own case. Every one's honour was in his own keeping, and there was no man whose honour was in safer keeping than that of the right hon. Gentleman. But it appeared to him (Mr. Clay) to be very difficult to divest this Committee of a character more than usually personal, and whenever that had been the case, and when the functions of the Committee had been of a judicial character, it had been very much the practice that the Committee should be named by the General Committee of Elections. That was the proposal which he should venture to make on the present occasion, and he should make it avowedly, but he hoped without offence, which it was far from his intention to give, with the view of excluding from the Committee alike the accused and the accusers. He knew it had been said that the character of the right hon. Gentleman had been sufficiently vindicated by the statement which he had made in that House, and that there was no longer any intention of making a personal attack upon him; but it was not the less true that one of the ablest Members of the Government had been driven from the position which he had occupied and from the duties which he had discharged greatly to the benefit of the schools and to the economical administration of the funds of his Department. He had not the honour of being one of the right hon. Gentleman's friends; nor had he the regret of having been one of his assailants; but if he had been one of the former, and still more assuredly if he had been one of the latter, he should not have been satisfied until he had done all in his power to rescind the Resolution which that House had undoubtedly arrived at upon a misconception of the facts. Even in the humble position which he had the honour to hold in the House, he did not sit easy under that degree of blame which attached to each and every one of them for the decision they had come to, and which he could not but consider very unfortunate. If that were so, it was impossible to divest the proposed inquiry of a personal character, not only as regarded the right hon. Gentleman, but also as regarded some of the subordinates in office, who seemed to have forgotten those sentiments of loyalty and honour which happily distinguished our public service; and personal also, inasmuch as it was an attack on one of our public Departments through the heads of its administration. Now, under such circumstances, it was the usual, he might say the invariable course, that the Committees should be named by the General Committee of Elections. If it was argued that the General Committee of Elections was not the proper body, and that exclusion was wrong in principle, all he had to say was that, as far as his memory went back, the principle of exclusion had been frequently adopted. He recollected that when the conduct of Sir James Graham, then Secretary for the Home Department, was called in question, the Committee was proposed by Sir Robert Peel on the principle of exclusion—exclusion both of the accuser and of the accused. Sir Robert Peel even said that he would have every lawyer also excluded, lest by squabbling about the meaning of some Act of Parliament, they should prevent a plain decision upon the merits of the case being arrived at; and he would also exclude all persons who had been in office or who were supposed to be expectants of office. In the case of the charge brought against the Marquess of Exeter for interference in an election in 1848, a Committee of five was named by the General Committee of Elections. In 1852 there was another case—it would be fresh in the recollection of hon. Members without further mention. In 1853 there was another; and in 1854 there was the case of Mr. Stonor, which was quite in point, inasmuch as it involved a personal question between that gentleman and the Duke of Newcastle, then Secretary for the Colonies; and more recently in the case of Signor Bertolacci and Earl Granville a similar course was pursued. The Committee of Elections named a Committee of five, with two assessors to conduct the case, but without power to vote. There was a very great number of similar cases, and it would be in the recollection of the House, that what he now was about to propose was the usual course. He had consulted some gentlemen who were specially acquainted with the usages of the House, and they told him he was not wrong in the view he had taken. It might be said that he himself had shown that he had opinions which disqualified him from sitting upon this Committee; and whilst he had full confidence in his own impartiality, he could assure the House that it was far from his desire to be named upon the Committee.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the said Select Committee do consist of five Members, to be nominated by the General Committee of Elections."—(*Mr. Clay.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD ROBERT CECIL said, his objection to the Amendment which the hon. Member had just moved was, in the first place, that he believed the course proposed to be entirely unprecedented; and, in the second place, that it would make an inquiry absolutely futile, and would not get at the truth which the House desired to obtain. It was unprecedented, because the instances cited by the hon. Member were wholly beside the point. The practice of the House he believed to have been this, where a personal charge of corruption had been made against any Member of that or the other House of Parliament, or where there had been a charge connected with the electoral law of the country, in such cases, and such only, it had been assigned to the General Committee of Elections to select a Committee of five to inquire and judge. But there was another class of cases to which the present case belonged —a class with which the House had commonly to deal where great neglect or misconduct was imputed to a Department of the State, where Members sitting on both sides of the House were necessarily concerned; and he maintained if they searched the annals of the House they would scarcely find a single instance—certainly not a majority of instances—where a Committee of fifteen had been abandoned and a Committee of five substituted. Was the case of the Dover contract, where great misconduct was imputed to a Department, and in which the character of individuals was deeply concerned, sent to the General Committee of Elections? No, it was sent to a Committee of fifteen selected without any particular regard to the absence of partisanship on the part of its Members. Take the Crimean Committee, which had to investigate the alleged misconduct of a great public Department — that was nominated by the House. So they had had Committees on the Ecclesiastical Commission, on the Board of Trade, on the Admiralty, on the Foreign Office, in which charges more or less distinct had been brought against officers of the State, and the House had never renounced the practice of nominating those Members whom it thought best qualified to conduct the inquiry; and it seemed to him that the House had acted most wisely in pursuing that course. The hon. Member wanted five Gentlemen who were absolutely impartial. Well, on questions that were keenly discussed, impartiality implied that the persons of whom it was predicated had not taken any very lively interest in the subject. They would go into Committee free from any bias. Yes, but free also from any knowledge; and when they set themselves down in the chair to examine into the case, they had nothing to guide them, they did not know what witnesses to call, what evidence to look for, what places they were sent to probe. And, therefore, it seemed to him that the practice which the House had invariably pursued up to this time, of appointing a few of those who attacked and of those who defended, with a majority of those who were impartial, was the best and surest way of attaining truth in the examination, after a fair discussion had taken place. He would frankly confess, if the Committee were appointed by the Committee of Selection, he should have confidence in its fairness but not in its competence. No confidence could be attached to the decision to which it would come. They would be satisfied with the mere assertion of the officers of the Department; but the abuses which prevailed in it would not be thoroughly probed, as the House and the country had a right to expect. He should support the Motion of the noble Lord at the head of the Government.

MR. DENMAN said, that the objections taken by the noble Lord (Lord Robert Cecil) were really worth nothing, looking to the way in which this question had arisen. The noble Lord's first objection was that the course which his hon. Friend the Member for Hull (Mr. Clay) recommended would be unprecedented. But they were driven to take an unprecedented course where the case was in itself unprecedented; and he apprehended there was no precedent whatever for the case which had rendered it necessary to appoint this Committee. He had sat night after night, and heard all that had taken place with reference to this subject. He had heard it with great regret, because it appeared to him that the character of the House was greatly compromised by what had taken place. He had the misfortune to be present at the division which had ended in the retirement of his right hon. Friend the Member for Calne (Mr. Lowe) and he observed with grief the character of the attack. His right hon. Friend was defending himself against a charge of mutilating Reports, and was stating that upon his honour he had never mutilated Reports. While his right hon. Friend was on his legs making that statement, the noble Lord, unknown to his right hon. Friend and unseen by him, was showing first to one Member and then to another a paper which he held in his hand. He had in his hearing asked a question of his right hon. Friend, whether Reports had not been sent back marked in the margin; and that being denied, the noble Lord handed about a paper to half a dozen Members, pointing to it, the implication of course being this, "You see that what he is stating is not according to the proof I am presenting to you." That was the noble Lord's mode of proceeding. Had it occurred in a Nisi Prius Court, had it been resorted to in the Old Bailey by any member of the profession to which he belonged, some of whom were capable occasionally of acts not altogether defensible, he could only say there was not a member of that profession whose opinion was worth a farthing who would not repudiate it as unworthy of the profession. He was obliged to say this because he thought it did show that the attack was made in a spirit and manner which was not fair; and any one who could make such an attack in that way could not be a fair and impartial judge. On this Committee he saw the name of the very noble Lord who took that course. Did he mean to intimate that the Committee would be inefficient if his name was not on it? He rather gathered that the noble Lord wished to remain on the Committee in order to make out his own case. He repeated that the way in which this case had originated being unprecedented, it was desirable that they should not be altogether fettered by precedent. But if they went to precedent, surely the precedent of the Post Office, to which his hon. Friend the Member for Hull had referred, was more close than any stated by the noble Lord. But the noble Lord stated this inquiry would be insufficient if those were not on the Committee who had already taken a strong view of the question. He apprehended that was utterly fallacious. A Committee of five Members would start with unbiassed minds—that was a great thing; and they would have quite as much intelligence as any one who had applied his mind to the question before. There would also be this great advantage—that they would not run the risk of being led astray by the noble Lord, coming with his own story and hearsay evidence, obliging them to listen to what had been told him. They would compel the attendance of those who had instructed him; these would be subjected to cross-examination, and it would be possible then to ascertain whether the statements they made were fallacious and erroneous, as some of those they had supplied to the noble Lord had turned out to be. Of course all the House wanted was the truth in this matter, and by far the most likely way to arrive at it would be to have the Committee formed of Members of unbiassed judgment, who would listen in an impartial and judicial manner to anything that might be said on either side. The noble Lord adduced cases in which grave misconduct had been imputed; and had not grave misconduct been imputed in this case? Nothing could be more strong than the implication that his right hon. Friend the Member for Calne had been guilty of falsehood in denying that he had mutilated these Reports. It did appear to him that this was just one of those cases in which the ordinary course ought to be departed from, and there would be a much greater feeling of satisfaction on the part of the House, and much more reliance might be placed on the Committee, if it were appointed in the manner recommended by his hon. Friend the Member for Hull. He should certainly vote with him if he should divide the House on his Amendment.

Mr. W. E. FORSTER thought the House was in some danger of forgetting the question which was really before it. It was not a personal question. The personal question, as affecting the character of the right hon. Gentleman the Member for Calne (Mr. Lowe) had, in the opinion of all the Members of the House, been closed by the statement which that right hon. Gentleman had made. The question affected the past conduct of the Education Department with reference to the Inspectors' Reports and the future mode in which they were to be treated. How stood the facts of the case? Some time ago, certain Reports were not forthcoming, and he asked why they were not produced. The explanation made by the right hon. Gentleman was not deemed satisfactory. A

Motion was made by the noble Lord, expressing the opinion of the House that such was not the mode in which the Department of Education should manage this important branch of their business. That Motion was carried. The hon. Member for Hull (Mr. Clay) supposed that the vote on that Motion was entirely governed by what he would venture to call a most subordinate part of the question, as affecting some two or three Reports, but he did not believe that affected the votes of the large majority. The Resolution was passed. The right hon. Gentleman (Mr. Lowe) thought it his duty, considering that a vote of censure on his Department had been passed, to resign his office—a step which occasioned the general regret of both sides of the House. But the Government thought fit to ask for a Committee to inquire into the grounds on which the House came to that conclusion. If the decision of the Committee was very much to affect the policy of the Department in future, it was clearly a public, not a private question. If it were merely for the purpose, which was altogether unnecessary, of inquiring into the truth of the statement of the right hon. Gentleman, the terms of the appointment ought to have been different. The terms were that the Committee should inquire "into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools." Surely, if the Committee had been for such a purpose as the hon. Member for Hull supposed, the Motion would have been for a Committee to inquire into the statement of the right hon. Member for Calne, and not for a Committee of Inquiry on a public question. The practical difficulty of leaving the nomination of the Committee to the Committee of Selection, was that the Committee of Selection acted on the principle of appointing Gentlemen having little previous experience of the subject to be inquired into, in order that they might have no possible bias. But if all who had a bias were excluded from the Committee, then all those who took an interest in and had studied the question submitted to the Committee would be excluded. If there should be no person representing the Educational Department on the Committee, then it would be a dangerous thing for the office that its future conduct should depend on the Report of a Committee in which it was not represented by any Member; or, if there should be included in the Committee some one representing the office, then there would be the unfairness of including in it a person having an official feeling with respect to education, and excluding others who took an active, independent, and unofficial view of the subject. This Committee was moved for in the usual way by the Government, for the purpose of making what they considered the *amende* to the right hon. Gentleman the Member for Calne, and it was to be presumed that the Government considered that the Committee was a fit one for the purpose. He joined in the regret which had been expressed, that the right hon. Member for Calne had not thought fit to allow his name to remain in the list of members for the Committee; because, on a public object, his assistance would have been most valuable, and any private object did not properly enter into the consideration of the Committee. The present Amendment, if made at all, should have been made when a full discussion took place on the appointment of a Committee. At that time an Amendment was proposed by the right hon. Member for Droitwich (Sir John Pakington) to extend the scope of the Committee very considerably, and no one then disputed that this Committee was for a public object, and that its Report would very much affect the public conduct of the Department. He could not conceive a clearer case than that this Committee was for a public object, and therefore it should be chosen as Committees for public objects generally were.

Mr. KINGLAKE said, he entirely agreed with the hon. Member who had just sat down, that the speech of the right hon. Member for Calne (Mr. Lowe) was so clear and convincing as necessarily to satisfy the mind of every hon. Gentleman. Nevertheless it must be remembered that the Resolution of the 12th of April still remained on the records of that House, and the question to be determined was, what was the fittest manner in which the House should prepare itself to decide whether that Resolution should remain or be rescinded. He was one of those who thought that the moment the right hon. Member for Calne concluded his speech, the House was placed in a situation which enabled it without the slightest hesitation to rescind the Resolution. However, that was not the course taken by the Government. The noble Lord the Prime Minister had given notice of his intention to move for this Committee before the speech of the right hon. Member for Calne was delivered; but his belief was that if the noble Lord had heard the speech of the right hon. Member for Calne before giving his notice, he would have come down and moved to rescind the Vote without taking the preparatory step of asking for a Committee. As the object in view in moving the appointment of the Committee was to know whether or not the Resolution of the 12th of April was to be retained or rescinded, the question was of 'what materials should the Committee, who were to advise the House on this judicial question, consist? He ventured to think that the noble Lord the Member for Stamford (Lord Robert Cecil) gave an answer to the hon. Member for Hull (Mr. Clay) which confirmed the views of that hon. Member, for the noble Lord said that those who formed the Committee should enter on the inquiry with such a knowledge of the subject as would be sufficient to guide their judgment. [Lord ROBERT CECIL: Some of them.] Well, the previous knowledge which was to guide the judgment of men who were to form an opinion on a subject of this kind was that which in the English language was called prejudice, and unless it was desired that the Members of the Committee should be guided by prejudice, the House could not refuse to accede to the Amendment of the hon. Member for Hull.

SIR JOHN PAKINGTON said, that this was not a question of rescinding a Resolution of the House. If any Member thought that the Resolution of the 12th of April ought to be rescinded, it was competent for him to bring the subject before the House; but that would be a grave proceeding, and ought to be done in a frank, open, and straightforward manner. He thought that the Amendment of the hon. Member for Hull (Mr. Clay), and the speech of the hon. and learned Member for Tiverton (Mr. Denman), were founded on a complete misapprehension of the nature of this Committee. The hon. Member for Hull said that when a Committee was appointed to investigate a charge of personal misconduct, it was the practice of the House to refer the appointment of the Committee to the Committee of Selection. The cases of Lord Exeter and Sir James Graham were personal charges; but was that the case now? He denied it altogether. He did not understand that the Government proposed, or that the House adopted, the appointment of this Committee with any intention of discussing a personal charge against the right hon. Member for Calne. He agreed in the opinion which has been expressed, that the explanation given by the right hon. Member for Calne removed from the minds of hon. Members any idea that a Committee was necessary to investigate his conduct, even if any such idea had been previously entertained. This was perfectly clear, that if the noble Lord at the head of the Government had supposed that a Committee was necessary to investigate a personal charge, he would have in the outset moved for the Committee in a different form. It was a Committee to inquire not into the conduct of the right hon. Member for Calne, but into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools, and he challenged the hon. Member for Hull to show that a Committee to inquire into the practice of a public Department on a particular point was ever appointed in any other way than by the House itself. The noble Lord at the head of the Government expressed regret that the names in the list of members for the Committee had been changed, and he shared the noble Lord's regret, so far as the right hon. Member for Calne was concerned. He knew no reason why that right hon. Gentleman should not be a member of the Committee; but no satisfactory reason had been given why the usual practice of the House in appointing a Committee to inquire respecting a public Department on a particular branch of their duty should not be adhered to. This was a subject which every friend of education ought to attend to with the greatest jealousy. It was his firm belief that the cause of public education had been retrograding under the present Administration, and that, under an imperfect system of administering the grants of that House, the system had become so costly that the Government were desirous of diminishing the expense. Under these circumstances, as Government had proposed no better plan or substitute, the House should view with particular jealousy any change on the part of the Educational Department which tended to diminish the valuable information which that House had hitherto received from the Reports of the Education Inspectors. He was very desirous of seeing the practice of the Department on that question fairly investigated. He believed it might be much amended. Valuable as the Inspectors' Reports had been, the House ought to know the principle on which they were hereafter to be made. This was essentially an inquiry into a question of public policy, and no sufficient reason had been assigned for their departing from the usual practice. He therefore trusted that the noble Lord would adhere to the Motion he had made, and that the House would not sanction the innovation proposed by the Amendment.

Mr. MASSEY said, he was not present either at the debate or the division which had given rise to that discussion, and therefore the only information he possessed on the subject was derived from the records of their proceedings. It had been stated both by the hon. Member for Bradford (Mr. W. E. Forster) and the right hon. Baronet opposite (Sir John Pakington) that no personal question was involved in that matter. Now, the Resolution adopted by the House on the 12th of April was in these terms —

> "That, in the opinion of this House, the mutilation of the Reports of Her Majesty's Inspectors of Schools, and the exclusion from them of statements and opinions adverse to the educational views entertained by the Committee of Council, while matter favourable to them is admitted, are violations of the understanding under which the appointment of the Inspectors was originally sanctioned by Parliament, and tend entirely to destroy the value of their Reports."

Well, if mutilations had been made they must have been made by somebody, and if the heads of the Department had made them they deserved the censure that had been cast upon them. If, on the other hand, the subordinates of the office were responsible, it was highly desirable that their conduct should be inquired into. But he could not understand how it could be said that no personal question was involved. The hon. Member for Bradford had read the order of reference as if it stood alone; but when that order of reference was made it was connected with the Resolution of the 12th of April, and therefore the two must be read together. It had been the general and the better practice of the House, though not its invariable practice, to discriminate between Committees appointed to consider particular questions of policy, and Committees appointed to inquire into personal matters. In the former case the Committees were chosen from the representatives of various opinions entertained in the House and out of doors, and proceeded to collect the materials of a report on which future legislation might be based. In the latter case, the investigation being of a judicial nature, the Members consisted not of persons who went into it with political predilections, but of those who were fitted for the task intrusted to them by their experience and impartiality. They had to inquire, not into opinions, but into specific facts, which were to determine the status of an individual or the character of some particular transaction. To the latter category the present investigation properly belonged. It was said there was no precedent for the proposal of the hon. Member for Hull. Now, soon after he entered that House there occurred the inquiry into the alleged abuse of the patronage of the Admiralty Board in connection with a general election, and that inquiry was referred to a Committee, not of fifteen, but of five members. On a more recent occasion, when the conduct of a Member of that House was involved, a Committee of seven was appointed. It had been the practice sometimes, when it was necessary to investigate matters inculpating an hon. Member or the officials of a Department, to include in the Committee both the Member who was impugned and his accuser, as assessors, but not to vote; and if the present Amendment were adopted, it would be for the House, after the Committee of Selection had nominated five members, to follow that course in this instance should it think fit, and to add two members as assessors. Gross misconduct was imputed by the Resolution of the 12th of April to some person or persons connected with the Board of Education; and he hoped that the House for its own credit, as well as from a sense of what was due to the incriminated Department, would take care that the Committee should assume a judicial and not a political character.

Mr. WALTER said, that it was at all times anything but an agreeable task to have to defend one's own appointment on a Committee, or to express any opinion as to one's fitness to serve on an inquiry. Certainly, as far as he was personally concerned, he would have preferred that this matter should have been permitted to drop altogether, without being referred to a Committee at all, as it was true wisdom in many cases to allow things to pass into oblivion, and not pursue them *ad infinitum.* But he had felt all along that if a Committee were to be appointed, and he were nominated to serve upon it, it would be his duty to accept that nomination, as being one of those who had taken an interest and borne some part in the discussion which had led to the present Motion.

It appeared to him that the only question before the House was, what kind of a Committee was really likely to be the fairest and most impartial tribunal in this case. They knew that Election Committees did not receive credit for impartiality from the public at large. The endeavour, indeed, was made to make them impartial by nominating two members from either party, and a Chairman, with a casting vote, who was supposed to be specially qualified for the post assigned him; but it was, nevertheless, commonly believed out of doors that perfect confidence could not be placed in the impartiality of such a tribunal. He thought that a Committee of fifteen, consisting mainly of Gentlemen who were not supposed to have taken any active interest in the matter, and also of a minority of those on both sides who had taken an interest in it, was more likely to extract the greatest amount of information from the witnesses, and to decide upon it in a more impartial manner than a Committee of five, constituted upon the principle of Election Committees. And when the right hon. Baronet opposite (Sir John Pakington) a few weeks ago proposed to enlarge the scope of the inquiry, he declined to vote with him expressly on the ground that he conceived himself to be a very proper person, if the House so determined, to be nominated for such a Committee as that, but one who was by no means qualified to deal with that much larger question which the right hon. Baronet proposed to refer. It seemed to him that the great object of appointing fifteen members was to secure the services of the noble Lord (Lord Robert Cecil) and my hon. Friend who sits near me (Mr. W. E. Forster), and, perhaps, himself likewise, as having been the seconder of his noble Friend's Resolution. He could only say that if such a Committee as that now proposed would not command the confidence of the public, he did not know that they were likely to be satisfied with a small Committee; and he should suggest that it would be far better to let the subject drop altogether than refer it to such a tribunal. Some hon. Members appeared to think that an inevitable result of the inquiry would be to rescind his noble Friend's Resolution; but he (Mr. Walter) was by no means clear that such would be its effect. It was perfectly true that his right hon. Friend the late Vice President of the Education Department, as far as he was himself concerned, had satisfied everybody who required satisfaction on that subject that he had had no part in suppressing or mutilating the Inspectors' Reports. Nobody ever accused his right hon. Friend of doing so, as far as he had ever heard. ["Oh!"] Certainly it had been far from his intention to make any such accusation against him. But he had no doubt that the Reports had been — he hardly knew what word to use, or whether he should say "garbled" or "tampered with;" but, at all events, he was now as much persuaded as ever he was that they had been dealt with in such a manner that passages had been suppressed because they contained matter which was unpleasant to the Department. Very heavy charges had also been brought against those Inspectors who had supplied the noble Lord the Member for Stamford, himself, and others with information on this subject. They had been accused of baseness, disloyalty, and a great many other serious offences expressed in hard language. Probably those gentlemen had some right to claim that the Members to whom they furnished information should be present to watch over their interests, and see that they were fairly dealt with. That was one reason why he thought the noble Lord and himself should be members of the Committee. If the House was of a different opinion, he believed the public would be better satisfied to see the subject left where it stood, without any imputation upon his right hon. Friend the Member for Calne, than to have such a Committee as that proposed by the hon. Member for Hull.

Mr. KINNAIRD said, it was all very well for the hon. Member for Berkshire (Mr. Walter) to suggest that the matter should be dropped; but, in justice to the right hon. Member for Calne, it was only fair that there should be an inquiry by a Committee. For his own part, he was disposed to agree with the right hon. Baronet the Member for Droitwich on the public question; but the right hon. Member for Calne had been charged with an offence of which he was totally incapable, and hence the necessity for the Committee assuming a judicial form. He hoped the Government would assent to the Amendment of the hon. Member for Hull, for every precedent was in favour of the nomination of the Committee by the Committee of Selection.

Viscount PALMERSTON thought there was a great deal of force in the arguments used by the hon. Members for Hull and Salford; and, as the House generally seemed in favour of the Amendment, he was disposed to accept it.

MR. HENNESSY submitted that, after what had occurred, it was the duty of the House to adjourn the debate. The noble Lord at the head of the Government had made a proposition to the House, and in doing so had made no reference to the Amendment of the hon. Member for Hull, though he must have seen it on the paper. No sooner had the noble Lord resumed his seat than several hon. Gentlemen sitting behind the Treasury Bench, and well known as strenuous supporters of the Government, got up and spoke against the Motion. The hon. Member for Perth (Mr. Kinnaird) had made his maiden Opposition speech. There was something very remarkable about the whole transaction. Besides, the subject itself was one of such importance, and it had assumed so entirely new an aspect, that he thought the debate should be adjourned till it could be proceeded with in a fuller House. The hon. Gentleman concluded by moving the adjournment of the debate.

SIR GEORGE BOWYER said, he seconded the Motion. There was strong reason to believe that some arrangement had been made between the Government and the hon. Gentlemen behind them. He suspected that the Government had thought it necessary to make the proposal submitted by the First Minister, but on the distinct understanding that some of their habitual supporters should feel the pulse of the House, and endeavour to obtain its consent to a different proceeding, with the view of getting a late Member of the Government out of a scrape. Nothing more astonishing had occurred for a long time than the speech of the hon. Member for Perth against the Government. The noble Lord might have said to the hon. Member "*Et tu, Brute?*" but he had not done so, and the reason probably was that the whole affair had been arranged beforehand.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Hennessy.*)

SIR PATRICK O'BRIEN said, there was another reason for the adjournment of the debate, and that was the absence of the right hon. Member for North Staffordshire (Mr. Adderley), who had preceded the hon. Member for Calne (Mr. Lowe), in the office which he recently held. The right hon. Member for North Staffordshire ought to have been present, and to have acknowledged that he had pursued a course similar to that charged against the right hon. Member for Calne. Believing the Committee proposed by the noble Lord to be properly constituted, he should vote for the Motion.

SIR JOHN PAKINGTON said, that the right hon. Member for Staffordshire had frankly admitted on a previous occasion that, when he held the office of Vice-President, he commenced a practice very similar to that subsequently adopted by the right hon. Member for Calne. He had always regretted that his right hon. Friend took that course, and the fact that he did so strengthened his wish for an inquiry, not into the conduct of any individual, but into the system pursued in the Education Office.

SIR GEORGE GREY said, that the statement made by the right hon. Member for Staffordshire was that the practice originated by him went far beyond that which existed now. For his own part, he had always thought that there was no personal question involved in the proposed inquiry; but the discussion of to-night had changed his opinion. The hon. Baronet the Member for Dundalk (Sir George Bowyer), had distinctly asserted that Ministers were acting in concert with Gentlemen sitting behind them for the purpose of getting a late Member of the Government out of a scrape. It thus appeared that there was a personal question remaining, and, if suspicion still attached to the conduct of the right hon. Member for Calne, justice demanded that the Committee should be impartial. It could not be impartially constituted if, while his accusers were upon it, the right hon. Gentleman himself was excluded.

SIR GEORGE BOWYER explained that he drew his inference as to the Government desiring to get one of their number out of a scrape entirely from their own conduct.

MR. W. E. FORSTER trusted that the noble Lord would recognize the necessity of adjourning the debate. It was impossible to suppose that the noble Lord had put on the paper a Motion which he did not mean to press to a division; but if the matter were now pressed, many Members would feel to-morrow that a decision had been taken on the question rather by surprise. It was well known that hon. Members did not usually remain till so late an hour, when it was not expected that any contested business would come on. It was understood that the arrangements as to the Committee had been settled between the Government and the Opposition, and that they would act together. Consequently, many hon. Members had gone away, believing that even if a division took place there would be a sufficient majority without them. It now appeared that the Government had changed their mind since the morning; and it was only fair that the House should have an opportunity of considering the matter under its new aspect.

Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 30; Noes 64: Majority 34.

COLONEL DICKSON moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Colonel Dickson.*)

VISCOUNT PALMERSTON: I really think the course of proceeding on the other side of the House is not called for by the occasion. The most formal notice was given of the Amendment, and it is impossible to say that the House has been taken by surprise. This is not a new subject. It is one which every Member must have had in his mind; and I do not see what is to be gained by adjourning the debate. The question can be decided now as well as to-morrow or the next day, and there ought to be no unnecessary delay. The character and feelings of individuals are concerned, and the matter ought not, therefore, to be hung up from day to day, when the House is perfectly able to decide on it at once.

SIR JOHN PAKINGTON: I can retort on the noble Lord, that the proceedings on the other side of the House are such as very naturally to excite on this side the suspicion of a surprise. The noble Lord having given notice of a Motion, a Member not connected with the Government put an Amendment on the paper; but no one had any reason to suppose that, without any warning, the noble Lord would withdraw his own Motion in favour of the Amendment. To-night, also, we have seen the Tellers of the Government telling in a division against the Motion of the Ministers. A more remarkable deviation from the usual practice of the House, or a more decided case of surprise, I do not recollect. It is a case in which independent Members on this side have a right to protest and complain. I appeal to the noble Lord, under these circumstances, to consent to an adjournment.

SIR GEORGE GREY: I am sure the right hon. Baronet would not willingly state what is not correct. He is mistaken in saying that the Government Tellers have been telling against the Government. The division which has just taken place was on the adjournment of the debate, and in voting against the adjournment we cannot be said to have been voting against our own Motion. I must repeat that the change of intentions on the part of the Government arose out of the debate. Charges of a personal character have been made, and while they remain, is it fair that the Committee should be appointed with three of the chief accusers as members?

LORD ROBERT CECIL: Now it is the right hon. Gentleman's turn to misrepresent facts. ["Oh!"] The statement of the hon. Member for Dundalk (Sir George Bowyer), on which the right hon. Gentleman professes to ground the sudden change of opinion and conduct on the part of the Government, was not made until after the noble Lord had announced his intention of supporting the Amendment. Notice was given of the Motion for this Committee last night, but it was not moved. It was put off. [SIR GEORGE GREY: For a reason assigned.] And then secretly notice of an Amendment was given by the hon. Member for Hull (Mr. Clay), but no notice was given for that summons of forces necessary on such occasions. The summons, however, took place on the other side ["No!"], although not on this. If the noble Lord perseveres in taking so unjust a course, I, for one, will do my utmost to resist it.

MR. DENMAN said that, so far from there having been a summoning of forces, he was accidentally present when the Motion came on. On the first night on the debate upon this subject he thought the character of the House was deeply compromised; and he believed it would be still more compromised if it consented to the Committee containing three avowed accusers of the right hon. Gentleman.

MR. CLAY observed, that the noble Lord the Member for Stamford had accused the Home Secretary of a misrepresentation of facts without adopting the ordinary courtesy of giving credit to the right hon. Baronet of not intending to misrepresent. The right hon. Gentleman did not say the opinion of the Government was changed by the speech of the hon. Baronet the Member for Dundalk. What he said was that it had been changed by the tone of the debate, and he referred to the speech of the hon. Baronet in illustration of that tone.

Question put, "That this House do now adjourn."

The House *divided*:—Ayes 32; Noes 62: Majority 30.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MAJOR KNOX then moved the adjournment of the debate.

VISCOUNT PALMERSTON: As it is evident that hon. Gentlemen opposite wish to keep us here, and as I am sure the decision of a much fuller House will confirm the opinion which the majority has expressed to-night, I shall not object to the adjournment of the debate.

Debate adjourned till *Thursday*.

CHARITABLE TRUSTS FEES BILL.

On Motion of Mr. HANKEY, Bill for defraying out of Fees a portion of the expense of carrying into effect "The Charitable Trusts Act, 1853," *ordered* to be brought in by Mr. HANKEY, Sir FRANCIS GOLDSMID, and Mr. G. SHAW LEFEVRE.

Bill *presented*, and read 1° [Bill 128.]

The House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 1, 1864.

MINUTES.]—PUBLIC BILLS
Resolution in Committee — Merchant Shipping Act (Provisional Order)*.
Ordered — Merchant Shipping Act (Provisional Order)*.
Second Reading—Servants Hiring (Scotland)* [Bill 108].
Committee — Tests Abolition (Oxford) [Bill 18] —R.P.; Elections Petitions [Bill 17], Debate *adjourned*.

THE BIRKENHEAD IRON-CLADS.
QUESTION.

MR. J. TOLLEMACHE said, he wished to ask Mr. Attorney General a question with respect to the Birkenhead Iron-clads. It appeared that these vessels had been sold to the Government for £220,000, although the sum at first asked for them was £300,000. He believed, however, that the whole transaction was conducted by the owners of the ships, and not in any way by the builders. He wished to ask his hon. and learned Friend, Whether the offer to sell the Birkenhead Iron-clads at the price of £300,000 was made to the Government by the owners, Messrs. Bravay, or by the builders, Messrs. Laird?

THE ATTORNEY GENERAL, in reply, said, the offer was made by the gentlemen representing themselves as the owners, namely, the Messrs. Bravay. No such proposal emanated from the builders, Messrs. Laird.

TESTS ABOLITION (OXFORD) BILL.
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. TREFUSIS: I hope, Sir, that the great importance of the Bill, the details of which we are now asked to discuss, the great difference of opinion which existed at the time of the second reading, and the different views which were taken by the principal supporters of this measure as to its bearing and effect upon the University of Oxford, will be reasons sufficient to justify me in asking the House once more to consider, whether it will assent to its further progress during the present Session. The arguments against the Bill have already, on a former occasion, been very fully stated, so that I can promise to be brief. I shall endeavour also, in the few observations which I shall address to the House, to imitate the fairness and moderation with which the hon. Gentleman the Member for East Sussex has conducted the discussion on this Bill, and which have contributed so much, in my opinion, to raise a question which might easily be made the subject of angry controversy, far above the level of a mere party conflict, and to place it in such a position before the House that its merits and demerits may be calmly and temperately discussed. The question itself is necessarily one of those the discussion of which is attended with some inconvenience in this House, because it involves allusions to those differences of religious opinion which it is never desirable to bring prominently forward; but when these questions are forced upon us, it is necessary to meet them boldly and to argue them without reserve, and at the same time to meet them, as I feel sure they may be met and argued, without anything approaching to ill feeling or animosity towards those with whom, on such important subjects, we may happen to differ. Now, Sir, this Bill has been recommended to the House partly on the ground that it introduces no new principle, but that it is merely a completion of the work which was commenced at Oxford in the year 1854; but I maintain, and I shall endeavour to show, that it does seek to introduce an entirely new principle into the constitution of the University of Oxford, that it takes a step far in advance of the legislation of that year, and makes an important alteration which Parliament at that time distinctly refused to sanction. For when religious tests were abolished in the case of those who sought admission to the University, and of those who took the first degree of Bachelor of Arts, this alteration was supported by an argument of this kind: it was said that inasmuch as, since the repeal of the Tests and Religious Disabilities Acts, public offices and places of all kinds in the State were open to all persons irrespective of their religious opinions, the State had a right to demand that the University should give to all who chose to avail themselves of it, the benefit of the best education the country afforded; but this argument ceased to have any weight when it became a question of the abolition of tests in the case of the higher degrees. This step Parliament refused to take, and for this obvious and, as I think, sufficient reason; that when a Member of the University has passed his B. A. degree the educational course as far as he is concerned is concluded. On taking the M. A. degree he ceases to be in *statu pupillari;* he is admitted into Convocation, the body which passes the laws and appoints to nearly all the offices in the gift of the University: so that if you abolish the existing tests at Oxford you introduce this new and, as I think, objectionable principle, that you give a share of the government of the University to those who are not members of the Church of England. But it has been one of the complaints against the present tests, that it is unjust to exclude any one from the benefits of an academical education on account of his religious opinions; and to sustain this complaint it is necessary to assume that the University education is not complete until the degree of M.A. has been taken; whereas the truth is, that the very fact of an Undergraduate becoming a Bachelor of Arts is a proof that his education is completed, and the degree of Master of Arts is not a mark of any greater proficiency, but merely a sign of some additional academical standing. Now I confess I think that unless there is some very strong necessity and some very urgent demand founded on very good reasons, it is not desirable that Parliament should interfere to make a compulsory alteration in the regulations of our Universities. I do not deny the right of Parliament to interfere in these matters; that right has been exercised already on more than one occasion, but I do think that it ought to be exercised with the greatest caution, and only with the authority and on the responsibility of the Government. I cannot think that the necessity has arisen; nor can I find, judging from the petitions which have been presented to this House, that there is any demand for this Bill, either on the part of the University itself, or of those most likely to be affected by a measure of this kind. There is one important petition against this Bill, to which I think due weight has not yet been given in the discussions on this subject—namely, that from the University of Oxford, presented by the right hon. Gentleman the Chancellor of the Exchequer, in which the petitioners (the Chancellor, Masters and Scholars of the University) say, that

> "This Bill would destroy to a great extent the existing securities that the government, teaching, and discipline of the University and of its Colleges and Halls shall be intrusted to members of the Church of England: that, as to the Colleges generally, it would remove the most important of these securities, whilst with respect to the University as a whole it would abolish them altogether."

Such a petition, coming from those who would be principally affected by the passing of this Bill, is entitled, I think, to some attention from this House: on the other hand, I find petitions in favour of this Bill from various Educational Establishments in the country not connected with the Church of England, namely, from the Professors and Students of Spring Hill College near Birmingham—from the principal Professors and Students of Manchester New College, London—from the Professors and Students of the Countess of Huntingdon's College, Cheshunt, in the county of Hertford, and from Professors and Students of the Independent College in the county of Brecon. Now, Sir, it would be interesting to know whether any religious test or qualification is required from those who receive their education in these and similar institutions, or are admitted to their government or the management of their affairs; because, if there is, I think that they are not justified in coming to this House and endeavouring to force upon the University of Oxford a system which in their own case they are unwilling to adopt. But there does not appear to be a single petition from those who are said to be especially aggrieved—namely, those who having taken their first degree of Bachelor of Arts are prevented from proceeding to the higher degrees by the necessity of subscribing the Thirty-nine Articles and the three articles of the 36th Canon. Now this is somewhat remarkable, and can only, I think, be accounted for in one of two ways: either there are no persons in this position, in which case the grievance is a mere theory and has not yet assumed a practical shape, or else those who are in this position do not sympathize with the objects of this Bill; they are satisfied with the benefits of the education they have received, and they feel that their prospects in life are not marred by their exclusion from the privilege of writing M.A. after their names. I am aware, Sir, that there was a petition presented last year in favour of the abolition of religious tests at Oxford from certain Professors and others at that University, which was the subject of debates both in this and the other House of Parliament; but I believe that the most that could be said for that petition was, that it was signed by a few eminent men, but it was in no sense a petition from the University, and did not represent the opinions of even a considerable minority of the resident and non-resident members of Convocation. If then there is no demand for this Bill, and if persons of all religious persuasions are admitted to the educational advantages of the University, I must consider for a moment an objection which has been urged against the tests themselves. It has been said that they tend to provoke religious disunion, and add fuel to religious discord, and that if you remove them peace and harmony will be restored. We are told that the tests are useless because they have failed to produce unanimity of opinion on religious subjects—that there are theological differences already at Oxford, although those who have been admitted to full academical privileges must have signed these tests before they could obtain them. Well, Sir, that may be true to a certain extent, and no one can lament it more than I do; and it is precisely because I do lament it, and because I do not wish to see these evils aggravated, that I oppose a measure which will admit persons of every shade of religious belief and unbelief (for the Bill makes no exceptions) to the control of the studies, education, and government, and may place them in positions of authority and influence in the University and in the Colleges. At this stage of the progress of the Bill, it is important to consider whether, in the event of its becoming law, we may hope that we have seen the last of the demands which will be made upon our Universities in this direction. Our former experience on this subject is certainly not encouraging. First of all, in the year 1854, we had the Oxford University Act, by which the education of that University was thrown open to all persons irrespective of religious distinctions. Then, two years afterwards, came the Cambridge University Act, which abolished oaths or declarations for admission to the higher degrees, but coupled with the important restriction that a declaration of *bonâ fide* church membership should be signed before a Master of Arts could become a Member of the Senate, and so take part in the government of the University. Eight years pass, and we have the Bill now before us, seeking to abolish all tests, and to give to all admission to the higher degrees, and a share in all the powers of government and discipline at Oxford; and, as if that were not enough, we have hanging over us the Bill of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), by which he proposes to abolish the necessity of subscription to the Liturgy of the Church of England by those who become Tutors or Fellows of Colleges. But let us suppose that this Bill is passed into law; we know that it will not satisfy its principal supporters, who think, with my hon. Friend the Member for the City of Oxford (Mr. Neate) that "this measure will be useless unless it pave the way to a full admission to all emoluments and professorships both in the University and in the Colleges;" still less, if it pass, in the modified form which has been suggested, will it satisfy those petitioners in its favour, who pray for "equal rights to participate in the honours, offices, government, and emoluments of the Universities."

But, Sir, argue as we may on the provisions of this Bill, as it is presented to the House, there can be no doubt that there is a far more important question at issue than the mere abolition of a religious test. By our decision on this Bill, we shall decide whether the University of Oxford is to continue any longer in connection with the Established Church; whether it is to hold out to the country the advantages of a definite system of religious teaching. There are some persons, no doubt, who think that our Universities would be better without a religion; but I cannot understand upon what principle of reason or of justice they would force them to abandon that connection with the religion of the country, which has been the cause of the confidence which is felt in their teaching, and the source of the infinite blessings which they have conferred, and are still conferring upon the whole country. In these days, too, when the principle of religious liberty is so thoroughly established, and the right of all sects and denominations to hold the religious opinions which may be most agreeable to their feeling and conscience is so fully recognized, will those who dissent from the doctrines of the Church of England deny to the University of Oxford that privilege which they claim so loudly for themselves? Is the University of Oxford—a national institution charged with the instruction, not of the laity only, but of the clergy also, for service of the National Church—not to be allowed to profess a definite creed, and to fence it round with those safeguards which it considers necessary to preserve it in its purity and its integrity? We live, Sir, in times when doubts and difficulties are raised on the most sacred subjects, and when scepticism and infidelity are openly avowed. It will not tend to allay doubts nor to check infidelity, if the University of Oxford, which should be a guide in these matters, show itself indifferent in questions of doctrine, and becomes indistinct in its religious teaching. I do hope, Sir, that the House will consider seriously the tendency of this and similar measures; and if it appears that this Bill, introduced as it is by private Members, who have not yet agreed as to their own wishes and intentions with respect to it, is an undue and uncalled for interference with the University, that it will lead to a severance of the connection between the University and the Church of England, and that, in whatever shape it may be passed, it is merely an instalment of farther and more extreme measures, I trust that a majority of the House will support the Motion which I now beg, Sir, to place in your hands—"that the House will, on this day six months, go into Committee on this Bill."

SIR STAFFORD NORTHCOTE seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Trefusis,*)

—instead thereof.

MR. LEATHAM said: Mr. Speaker, the objection of the hon. Gentleman who has just sat down (Mr. Trefusis), which relates to that portion of this Bill in which as a Nonconformist I feel more especial interest, is comprised in the assertion that if passed it will sever the connection between the Church of England and the governing body of the University. I have listened attentively to the speech of the hon. Member and to those which have been delivered on previous occasions by hon. Members opposite, and I find the same reiteration running through them all, but without any very formidable attempt to justify it by an appeal to reason, and without even the rudiment of an attempt to support it by an appeal to fact. But hon. Gentlemen seem to think that they can make up for the disuse of reason by the abuse of a sister faculty. They have made powerful appeals to the imagination, and have told us, that if this Bill should pass it will be necessary to establish another University with "cardinal and fundamental features of exclusion which shall shut out the sons of Dissenters." Now, Sir, I am aware that hon. Gentlemen, when they discuss Church questions or quasi-Church questions, have by long usage established for themselves something like an ancient right of being as courageous and nearly as illogical as they please; but I do think that the use of such an argument as this amounts to an abuse of even the right which they have of being illogical. It seems to me to be all of a piece with the argument of the noble Lord the Member for Stamford (Lord R. Cecil), who, when my right hon. Friend the Member for Kilmarnock brought in his Bill last year, assured us, with a gravity befitting the occasion, that it was calculated to lead to the election of a Jew Vice Chancellor, and afterwards proceeded to argue that when the Jew Vice Chancellor was elected, the

University would cease to pay, because the upper classes would cease to frequent it. Now when the noble Lord made this astounding communication to the House, I cannot say that I experienced much surprise, because we are not unaccustomed to hear that kind of argument from the lips of the noble Lord; nor was I much surprised when the hon. and learned Member for the University (Mr. Selwyn) indulged in his great flight of imagination the other day, because there seems to be something about these questions which, when they are discussed by hon. Gentlemen opposite, however logical or candid or able they may be at other times—just in proportion as it excites the irritability of their belief—impairs the vigour of their understanding. Take, for example, their opposition to this clause. It is opposed on the ground that it will sever the connection between the Church of England and the University, and yet in the same breath every speaker of eminence who has addressed himself to that side of the question has told us, that nineteen-twentieths—some go so far as to say ninety-nine-hundredths—of those whose social position enables them to avail themselves of an University education are members of the Church of England. Now is this logical? How can this possible sprinkling of Dissenters destroy the supremacy of the Church at the University? And yet this is a very fair sample of the kind of argument with which hon. Gentlemen are content to discuss these questions, and to which a long and melancholy experience has inured, I will not say reconciled, this part of the House. Why, Sir, the history of religious freedom in this country is the history of the systematic disregard of these sepulchral prophecies. What was it that was said when it was proposed to repeal the Test and Corporation Acts, to admit the Jews to Parliament, or to emancipate the Roman Catholics? Was it not said that you were polluting the pure stream of legislation at its source, that you were severing the connection between the Church of England and the Legislature, that you were inaugurating in this House a conspiracy against the Protestant religion of this country? And how was it that an enlightened Churchman of that day dealt with these delusions? "If all the seventy members," said Sydney Smith, "were of the Catholic persuasion, they must still plot the destruction of our religion in the midst of 588 Protestants. Such terrors," he proceeds, and his words seem strikingly applicable to the present terrors of hon. Gentlemen opposite, "such terrors would disgrace a cookmaid or a toothless aunt; when they fall from the lips of bearded and senatorial men, they are nauseous, antiperistaltic, and emetical." And, Sir, when this clause is passed (and it will be passed, whether you pass it to-day or not), the Dissenters who will be admitted to the Senate will have to plot (if, indeed, Dissent and conspiracy be convertible terms), will have to plot the downfall of the supremacy of the Church at the Universities (by hon. Gentlemen's own showing) in a minority of twenty to one—some of them say of a hundred to one—and such is the estimate which you have formed of the ability and the vigilance and the constancy of those who constitute this vast majority, that you dare not intrust to these tremendous odds the maintenance of your system; but the moment the Dissenter is in imagination within the walls of the Senate House, that moment you propose to haul down the flag, to abandon the University with all her rich spoils and her immemorial renown, and build elsewhere another University possessing those "cardinal and fundamental features of exclusion," which shall satisfy the anxious minds of the fathers of families, that the fragile and exotic faith of their offspring shall not be blighted by the breath, I do not say of scepticism, for you have that already in abundance, and you do not talk of abandoning your University on that account, but of that other pestilential thing which is so much more formidable than scepticism—Nonconformity. But, Sir, I feel as though I were abusing the patience of the House when I treat seriously such arguments as this. And yet if they cannot be treated seriously why are they advanced? What are they worth? What possible harm can come of our disregard of them? What harm has ever come of our habitual disregard of them? Dissenters, Catholics, Quakers, and Jews sit in Parliament, hold offices of trust all over the country, and the Church of England still exists; the Church not only exists, but the repeal of every intolerant statute which you have repealed has served to consolidate her power, and every grievance which you have removed or abated has been an element of danger taken out of her path, and yet with all this experience at our command we are still hesitating and deprecating and prophesying and romancing; we sweep the whole horizon for danger whenever it is proposed to take a single step forward in that path along which we have been treading with safety and confidence and with immeasurable benefit now more than thirty years? But, Sir, the real reason why we hear these remarkable arguments, and why the opponents of this and every other measure tending in the same direction make all their forced marches on behalf of intolerance, is because without them their line of defence has become no longer tenable. The moment that Dissenters were admitted to the Universities free of tests, their flank was turned. You have either done too much or too little for the Nonconformists. So long as you excluded them from all emoluments, and all honours; so long as you ignored their presence at the Universities, so long was it competent to you, perhaps, to assert that the Universities, and all they possessed, were the indefeasible inheritance of the Church. But when you opened the door to them, when you admitted by so doing that the Universities did not exist for the exclusive benefit of the Church, you recognized the principle that the Nonconformists were there not on sufferance, or by accident, but by right; you returned to the principles and the practice of the times of Queen Elizabeth before the miserable scribble of a monarch, whose memory is one of unmingled derision, dictated the emasculation of the University. And having recognized the position of the Nonconformists at the Universities, it is no longer competent to you to go back, and say "these things are the exclusive property and privileges of the Church;" but if you will be logical, if you care to be just, if you mean to act in accordance with the spirit of English fair play, you will take another step forward (the step you took nine years ago, but which was reversed elsewhere, where the decisions of this House in a liberal sense frequently are), you will take another step forward and say, "these men have a recognized status at the University; they bear our degrees and hold our scholarships, how long can we persist in excluding them from the body corporate of the University, of whose life's blood they already form a part, jealous of her honour, proud of her traditions, and ambitious to assist in their own persons in upholding her renown?" Look at the working of your invidious test. You have admitted the fact that this man, although a Nonconformist, has a right to study at the University, to be examined, to prove his competency, his merit, his genius. Up to a certain point no one could tell the difference between the black sheep and the white; but when your first-class man, having achieved the position for the recognition, and a reward of which your Universities themselves were made, presents himself, among hundreds of others his inferiors, as a claimant for the very humble distinction of an admission to the Senate, at that moment, armed with all the intolerance of an age when religious freedom did not exist, you step in and say "No; that man is under a cloud." Bishops may believe pretty much what they please—at all events, the colonial variety may. They may disbelieve, if they like, in Noah's ark, but the man who believes resolutely in Noah's ark must be kept at all hazards at arm's length, the University must put her black mark upon him—and why? Because he does not believe in bishops. And so it may be, the man of superior ability, and of indefatigable application, is told to stand down, while men of inferior intellect and merit pass in in shoals; and all that is narrow, and bigoted, and timorous in the Church exults over the paltry triumph of fifth-rate Conformity; and all that is sectarian, and violent, and pugilistic in Dissent chuckles when it sees the man of great but unrewarded intellect, whom a little conciliation would have won to friendship with the Church for ever, whom a little justice would have satisfied, turn his back upon her and go away armed with his great genius and his great indignation to join the ranks of her enemies. Now, what is the real objection to this Bill? Is it not that it is a concession to Nonconformity; and whatever is a concession to Nonconformity is taken for granted to be a blow to the interests of the Church? But I deny altogether that this measure will be a blow to the interests of the Church, and that not upon the ground that it will be inoperative. On the contrary, the Church should hope that it will be powerfully operative, that it will tend to cause Nonconformists to flock to the University; for rest assured that, should this be the case, it is not the Church but Nonconformity which will have cause to fear. For what are you in effect doing? You take the flower of the youth of Nonconformity at an age when the mind is peculiarly susceptible of new impressions, and you plunge them into a society profoundly saturated with Church notions — everything the young Dissenter sees around him is calculated to efface his attachment to Nonconformity; and, when to all these allurements you add the removal of those disabilities which at present rankle in his mind, keeping up the irritation with which he regards the pretensions and exclusiveness of the Church, and which is the true safeguard of his Nonconformity, the temptation is complete—the trap is baited with an art and a power which will enable you to capture nine out of ten of those who enter the University as Nonconformists. Well, then, it may be asked—and it is a very fair question—why do I, who am a Nonconformist, support this Bill? Because, Sir, there are some things which, to my thinking, are greater than Nonconformity. What is it that underlies all Nonconformity? What is it that redeemed all its uncouthness and extravagance 200 years ago, when the prisons were full of it? It was the protest which it has ever borne to liberty of conscience—to the great and cardinal principle that the consciences of men are free—that you may swaddle them as you will in creeds and catechisms, you may bind them as you please with tests and Acts of Parliament, you may allure them as you like with emolument and honour; but there is something in the soul of man which refuses to be dwarfed, and bound, and tempted; there is something so high and so free that it laughs, not only your tests and your Acts of Parliament, but, if need be, your prisons and your scaffolds to scorn. And, Sir, it is because this Bill touches, although it may be only the very edge of this great principle, that whatever may be its effect upon Nonconformity, I am for the Bill of my hon. Friend.

MR. C. C. CLIFFORD said, it was erroneous to suppose that those who supported the Bill were inimical to the University of Oxford He was peculiarly identified with that University; and, so far from considering the Bill was prejudicial to it, in reality he believed it would be of great strength and advantage to it. He had no wish to be relieved from his subscription to the Articles. He believed few men had taken more oaths than he had himself, and he could assure the House his conscience was perfectly easy on that score. It had never been his wish to promulgate any doctrine contrary to the Church; and, indeed, the peculiar emphasis with which he had pronounced the words "horrible and damnable doctrine," and the sternness with which he had regarded the Proctor, who at that day was supposed to be inclined to recreancy, had induced the Vice Chancellor to request him to act as his fugleman in putting the oath on other occasions. There was no manner of doubt that the multiplication of these tests at a time of life when young men were most inclined to lose themselves in theoretical speculations often drove into the ranks of Dissent men who might otherwise have become zealous defenders of the Church. Nothing could be more absurd than to attempt to check in such a manner the free progress of opinion. In secular matters it had been found impossible to stop the growth of opinion, and in spiritual matters not all the councils, synods, universities, or boards in the world would have any effect. He had read with very great, and at the same time painful, interest, the *Apologia pro Vitâ Suâ*, by Dr. Newman. Dr. Newman was, perhaps, the man of all others who had inflicted the most deadly stabs upon the Church of England, and had caused the largest number of persons to secede from that Church, and so far from saying one word against his character he (Mr. Clifford) would bear his public testimony that he believed him to be an honest and conscientious man. He had referred, however, to this work for the purpose of showing how absurd and ludicrous it was to try to check the growth of opinion at Oxford, even within the walls of the University, and amongst its teachers. It was impossible to prevent the growth of opinion within the walls of the Church, and Dr. Newman left it, not on account of having subscribed the Articles, but on account of the Donatist controversy, of which no one was more ignorant than himself. The hon. Member who had moved the rejection of the Bill had said, that it was time for the Church to take a decided line. One party in the Church had moved and taken a very decided line, and he was glad that there was a House of Commons, and that there were courts of law ready to stand against the narrow-minded bigotry of a certain party in the Church. If the question was asked, who wrote the most distinguished work in defence of the Christian religion, the answer would be "Paley." That writer admitted that there were certain discrepancies in the memories of a time antecedent, and he relied upon those discrepancies for the purpose of showing that the books were written without concert or conspiracy, and that they were genuine. He compared them with the events of profane history, and stated that mention was made of a Duke of Argyll having been beheaded on a Monday, whilst another account stated that he was hanged on a Tuesday, but no one doubted the fact of the execution having actually taken place. Although there was some discrepancy in point of time relative to the action recently fought off Heligoland, no one doubted that the action had taken place. According to the new creed, Paley was a heretic. But Paley and all his followers were branded as heretics by the extreme party of the Church, and were exposed to what the right hon. Member for Bucks had once called very aptly "the humdrum persecution of Oxford University." Nothing in his opinion could be more fatal to the interests of the Church and the interests of true religion than to lay down the proposition that the truths of religion and the course of science were at sharp issue, if on the one side there should be all the intellect and genius of the University, and on the other numbers should be called up at the boatswain's whistle. He objected to all attempts to stigmatize science as being opposed to religion. He did not care from what party the attempt came—whether in a pastoral letter from Cardinal Wiseman or a Protestant bull from the Earl of Shaftesbury. It had been stated that the passing of the Bill would not conclude the question, and that the Dissenters would ask for more —that this was merely an attempt to drive in the thin end of the wedge. Now, if it should be found necessary, he was prepared to go further. He was disposed to act on the broad principle that all our legislation for many years had been in the direction of civil and religious liberty, and if any one blot, any fancied disability which acted as a stigma on the Dissenters could be pointed out, he should be glad to see it wiped away as a disgrace to our present age and civilization. The arguments by which the hon. Member for Devon endeavoured to persuade the House to reject this Bill were those of antiquated fear. They were very much those which Dryden, in his poem *The Hind and the Panther*, placed in the mouth of the "spotted beast," who represented the Church of England. The poet made her say

> "Our penal laws no son of yours acquit,
> Our tests exclude you from all benefit."

And then the Panther went on to talk of the great ocean of rebellion, which,

> "———— with resistless sway,
> Would sweep the pastors and their flocks away."

Mr. C. C. Clifford

These words, which were put ironically in the mouth of the Church of England by Dryden, were much the same as those used by the hon. Member for Devon and his friends. He certainly was not a friend of any ocean of Dissent coming to sweep away the tower and spires of Oxford. He believed that that great ocean would prove but an insignificant driblet of a stream, and he treated the fears which existed as a mere idle chimera. It had been truly said by the hon. Member who had moved the rejection of the Bill that these were critical times. That was an additional argument for the passing of the Bill. If the Church had to enter into a warfare with rationalism and scepticism, let her not enter into the contest clogged with these tests and formularies, which provided no security for true religion. Let her not go into the battle with one arm shackled, but let her rely on the truth, and fight the battle fairly and honestly.

MR. MORRISON pointed out that after the Bill had been deliberately discussed on the second reading, and affirmed by a majority, it rested with those who opposed it again at that stage to state what new reasons had arisen for inducing the House to change its opinion. As, however, the supporters of the Amendment remained silent, it must be presumed that they confessed that the weight of argument rested with the supporters of the Bill, and that they meant to rest solely on the *vis inertiæ* of numbers; in fact, to use a phrase which had become historic, "to fight it out on that line if it cost the whole summer." The principle of the Bill was not novel. As had been stated by the hon. Member for East Sussex (Mr. Dodson) it was contained in one of the recommendations of the University Commission, and it was a necessary supplement to previous legislation. Hon. Gentlemen opposite had in fact long since given up the substance, and were now fighting only for a mere shadow. But the principle of the Bill had more than that to recommend it. It formed part of a movement which had been going on for some time past. Time was when the word clerk was synonymous with an educated man, and the education of the community, not only in this country but abroad, was entirely in the hands of the clergy, and it was well known that they kept it to themselves. Gradually a change took place, inaugurated by the Reformation; but it was not until lately that laymen were permitted to hold professorships at Oxford. Until very recently a lay classical master of any pretensions was the greatest rarity, and no layman would ever have thought of opening a private school for higher classification. That feeling had had great effect in retarding the progress of opinion in this country; for there had always been a tendency among the clergy to set themselves against freedom of thought. It was not for the advantage of the Church of England, or of the clergy and youth of the Church of England, that these theological considerations should be allowed to prevail for the future. Every one must admit the defects that exist at Oxford even in classical learning, and as to modern history and law the number who qualified themselves to take high places was very limited indeed. He did not mean to say that all this was to be ascribed to the exaction of the subscription; but no one acquainted with the position of affairs at Oxford could be ignorant that it was not a mere theoretical grievance which this Bill sought to remedy; and as far as the remedy was concerned, no member of the University of Cambridge would say that the course which had been adopted there had injured the Church of England. It had been said that one part of the Bill was a very small question, and, perhaps, the right to put M.A. after one's name instead of B.A. was not a very large one. Still, the great mass of mankind did think much of such distinctions, and there were very few people indeed who did not believe that M.A. meant some very superior degree of learning, and not merely some additional payments. The question whether Nonconformist Masters of Art should have a share in the Government of the University was of more importance. But how many Nonconformists were there at the University now, or what appreciable number was there likely to be for years to come? What was the reason he could not say; but it was certain that both in this country and in America the great mass of the upper classes belonged to the Church of England, and when Dissenters rose in the world there was always a tendency among them to join the Church. Why, then, should any sharp line of demarcation be drawn which would make it almost a point of honour with them not to go over to the Church. By granting this concession they would do away with a grievance. For a number of years to come the number of Dissenters or Roman Catholics obtaining a vote in convocation would be very small indeed. If a majority of convocation should ever consist of such persons, it would imply that a great change had come over the people, and that the great bulk of the intelligent, wealthy, and influential classes of the country had become alienated from the Established Church. The true policy for the Church of England to adopt was, he contended, that of concession, and those he believed to be in reality its worst enemies who would hedge it round with an artificial system of protection. For these reasons he should vote in favour of going into Committee on the Bill.

SIR STAFFORD NORTHCOTE said, that the hon. Gentleman who had just addressed the House had stated that the principle of the Bill had been accepted by the House on the second reading on the 16th of March, and that they ought not to attempt to reverse the decision at which the House had then arrived. But he (Sir Stafford Northcote) contended that the principle of the measure had not been accepted by the House on the 16th of March. The fact was that the Members who then voted for the second reading were not agreed among themselves as to what was the nature of that principle; and many of them had declared that they would not support it if it were really what it had been described to be by those Members who had gone out with them into the same lobby. The right hon. Gentleman the Chancellor of the Exchequer and the right hon. Baronet the Home Secretary had stated upon that occasion that they should regard the Bill as an objectionable measure, and would vote against the third reading if they thought it to be of the character which the hon. Member for Huddersfield had just described. They added that if certain Amendments were introduced into the Bill they should continue to give it their support, and it was expected that in the interval which had since elapsed the Government would have made up their minds as to the plan upon which they would recommend the House to proceed, and would have placed upon the notice paper the Amendments which they deemed to be necessary in order to make the Bill what it ought to be. Instead, however, of that having been done, the House stood exactly at the present moment in the same position in which it was placed on the second reading, no indication having been made from the Government or any other quarter as to the Amendments which it was expedient to introduce. Now, considering the importance of the subject, the matter was one, in his opinion, in which the Government ought to have taken the initiative with the view of guiding the action of the House. The question, he might add, was one which went beyond the mere points of detail which had been dwelt upon by the speakers who preceded him. It raised the issue whether Parliament was prepared to go on continually tampering with our Universities whenever the salary of a Professor, a vote in Convocation, or similar occasions for comment arose. Was that House to be perpetually endeavouring to rectify every mistake into which the authorities at those great establishments might be supposed to have fallen in the discharge of their minuter duties. That was not the policy on which they had hitherto proceeded in legislating for the Universities, and, in his opinion, it was a policy which they ought not to adopt. They had some time ago entered into a general review of the whole condition of the Universities; it was very right that they should from time to time undertake such a task; but were hon. Members, he would ask, prepared to go back again and to re-open questions which it was supposed had then been settled. The hon. Member for Huddersfield, indeed, was anxious to move on in the interests of the Nonconformists, and the hon. Member for the Isle of Wight seemed to think that whenever any difficulty arose in the Universities about a matter of faith it should be made the subject of discussion in the House of Commons; but, if their views and those of the hon. Member for Plymouth were accepted, there was no reason why persons not being members of the Church of England, having been admitted to the degree of M.A., should not turn round and say, "Why shut us out from Convocation and all the honours and emoluments which the Universities can confer?" That being the state of the case, it was extremely expedient that hon. Members should know the exact nature of the measure for which they were asked to vote, for the only principle decided on the second reading of the Bill was that most mischievous principle, that it was desirable to keep moving. It was most important, too, that it should be borne in mind, that it was a great fact in the constitution of this country that we had an Established Church, and that that Church was intimately connected with our Universities, so that they were not simply lay but to a great extent Church Universities also. In conclusion, he would observe that he objected to the restless action of the promoters of the Bill, who, while refraining from showing their whole hand, raised questions of enormous magnitude, and for those reasons he thought his hon. Friend (Mr. Trefusis) had done quite right in giving the House another opportunity of expressing its sense upon the principle of the Bill. They took the principle of the Bill as they found it, and in justice to themselves they must refuse their assent to going into Committee.

Mr. ROEBUCK said, he for one had no objection to show his whole hand. The proposition before the House was to do away in certain cases with the use of tests. Now he objected to the use of such tests, and he would state the reason why. A test was the means to an end, but what was the end sought—to preclude the admission of persons to the privileges conferred by the great Universities who were not members of the Church of England. But did the test in question, he would ask, effect that purpose? It was true it excluded some persons, but it was a sort of cobweb which let through the large flies and caught only the small. There was a large body of educated men in this country who did not believe in the Church of England, but who said to themselves, "We will not incur the imputations which are invariably cast on men not of the orthodox creed, and, as we do not much care about the matter, we will conform." Could one single man of that class be excluded under the operation of the test? He would, in illustration of his argument, advert to two cases which just occurred to him. There were two men well known in English literature who, as everybody was aware, had not a particle of faith in the doctrines of the Church of England—he alluded to Gibbon and Hume. Could Gibbon have been excluded by the test—he did not mean when he was a boy, and might have some conscientious scruples on the subject, but when he became a man? Could Hume have been excluded? Not a bit of it. He would have laughed at the test, and said after his own fashion that it was a bigoted contrivance which he would cast to the winds. The case, therefore, stood thus, that while the most thorough infidel and sceptic might obtain admission into Oxford, conscientious persons like the hon. Member for Huddersfield, who might be influenced by scruples, were kept out. And what harm, he would ask—seeing that into that House Jew, Infidel, or

Christian might come—could there be in surrendering at Oxford the petty obstruction which it was sought to remove? Oxford would change, and all our institutions might change, but as there was no danger of change in the people of England, and as the obstacle in question hurt the feelings of a large number of estimable men, he would entreat the House not to refuse to comply with their wishes.

SIR WILLIAM HEATHCOTE said, when the hon. Member for Plymouth (Mr. Morrison), in his able and temperate speech, observed that all the arguments on the subject of this Bill had been exhausted, he was disposed to concur with him. But the hon. and learned Gentleman who had just sat down had imported into the consideration of the question an argument which he believed had never occurred to any other Member. The hon. and learned Gentleman had fallen into a transparent fallacy in losing sight of this fact, that all human legislation would break down at some point or another if they did not give mankind some credit for honesty. It was true, as he had argued, that there might be persons entirely without honour whom it was in vain to hope to exclude by any test whatsoever; but that argument, he was happy to think, was not applicable to the case of all men. The tests, he might add, were imposed in the particular instance under discussion not to preclude those who were not members of the Established Church from being educated at the University, but for the purpose of maintaining there on the whole a certain current and tone of religious teaching. He should not, however, have risen to speak on the subject, but for the hon. and learned Gentleman who had just sat down. He wished to press upon the House what had been already put by the hon. Member for Stamford (Sir Stafford Northcote), that they were not taking any unusual or unfair course in asking the House to re-consider the decision they had taken on the second reading. He would place before the House the actual position in which they now stood. On his side of the House they were contented with the present state of the law; nevertheless, some hon. Gentlemen said that if the Bill were amended in certain directions they would, though unwillingly, be disposed to assent to it. On the other side, the hon. Mover and some of his Friends repudiated entirely the amendments suggested. They certainly said they would consider them, but they never gave the slightest intimation that they would assent to them. Then another most important section of the House, who supported the Bill, stated distinctly that they would not accept the measure if it were amended as proposed in respect to the exclusion of the governing body from its operation. It was not for the opponents of the measure to be content with the alternative of rejecting the Bill, or of waiting for the amendments and reject them. The amendments had not been proposed, and the inference was that they found the Bill was not one which they could amend satisfactorily. Either they could not produce the security they desired for themselves, or if they did so it would be unacceptable to those who brought it in, and they did not think it worth while to try it. He called upon the House to reject the Bill.

MR. SCULLY said, he had an Amendment on the paper to refer the Bill to a Select Committee, and he trusted the hon. Gentleman who had moved that the House go into Committee on the Bill that day six months, would accept his (Mr. Scully's) Amendment, because if he did not he would be prevented from taking the opinion of the House upon it. If the hon. Gentleman's Amendment was carried, the Bill would be done with, and if it was not carried the House would at once go into Committee, and he would thus be prevented from moving that the Bill be referred to a Select Committee. In his opinion the Bill promised but a miserable instalment of privileges to which the great bulk of the people were entitled to admission. It was not reasonable, he contended, that the *bonâ fide* members of the Church of England, who did not constitute one-third of the population of the United Kingdom, should monopolize all the advantages of our Universities. The evidence given before the Oxford Commission in 1853 by a gentleman who was now a senior Fellow at Balliol, showed that it was from the admission of students into the University without being connected with any college or hall, that the greatest good to the University itself, the Church, and the country, was, in the opinion of one of its own members, to be expected. The spirit of the University Reform Acts, which were passed in the years 1854 and 1856, was that Dissenters and Roman Catholics should be admitted to both the Universities; and in accordance with that spirit all the emoluments and offices of those seats of learning ought to be thrown open. The Bill only asked for a small instalment, which would not satisfy the Dissenting body, and in his opinion it would be better if they were to demand at once all to which they were entitled. The scheme for the establishment of licensed halls unconnected with the Colleges had entirely failed. Only one had been established at each University. That at Cambridge, which was intended for the benefit of medical students, had only three pensioners, while in that at Oxford there was only one gentleman commoner. But even if that scheme could be carried out, and if halls were established, the Colleges ought to be opened; and that opening ought, in his opinion, to be provided for under this Bill. The objection to the existing system of tests was, that it excluded two-thirds of the people of the United Kingdom, and at the same time it admitted many who were not *bona fide* but only professing members of the Church of England. The evidence taken before the Commission and the Report of the Commissioners both stated that the test was accepted by persons without consideration and without study. Without discussing the doctrines contained in the Thirty-nine Articles, it was clear that there were many things in them to which some tender consciences might object; and certainly there were portions to which no Roman Catholic or Dissenter could subscribe. The Bill proposed to substitute a test to which some consciences might still more strongly object. Subscription to the Articles might be submitted to with a mental reservation, but there could be no mistake about the declaration that a person was a *bona fide* member of the Church of England. That would shut out even more persons than did the existing test. The only way to avoid the evil was to do away with the tests altogether. Why should not an accomplished Jew participate in the emoluments of the Universities which were unconnected with the Church? Some of the most distinguished members of the University of London were Jews, and one of them, Mr. Solomons, had just gained the Inns of Court studentship. Why should that gentleman have been excluded from the Universities of Oxford and Cambridge? In his opinion, the only way in which these difficulties could be met, and the Bill could be satisfactorily dealt with, was by referring it to a Select Committee. If they went into a Committee of the Whole House upon it, there would be sure to be a great deal of wrangling about clauses crudely framed and as crudely opposed. Mixed education was forced upon Ireland, but how could any one believe that it was intended *bona fide*, unless it was also introduced into England, and carried out in these Universities? The people of the United Kingdom were divided into a great number of religions, which appeared in a great measure to follow the distinctions of race. The Scotch were Presbyterians, the Welsh or ancient Britons were Methodists, the Irish were Catholics, and the English were Protestants; the governing classes, who might be taken to represent the conquering Normans, were Government Protestants, and the other classes who represented the Saxons were Methodists or Nonconformists. ["Question!"]

Mr. SPEAKER intimated to the hon. Gentleman that he was passing away from the Question before the House.

Mr. SCULLY said, that he should cheerfully submit to the authority of the right hon. Gentleman; but, for his own part, he thought that the differences of religion which prevailed in the United Kingdom and their origin were matters which were closely connected with the Question. It was true that the best and highest education was to be obtained at the Universities, but it was equally true that the worst and lowest education was also to be acquired there. The late Mr. Thackeray was strongly convinced of the necessity of University reform, and said in one of his works—

> "I should like to know how many scamps"—Mr. Thackeray used a stronger word—"I should like to know how many scamps our Universities have turned out, and how much ruin has been caused by that system which is called in England 'the education of a gentleman.'"

He desired the admission of the body of the community into the Universities, in order that they might be reformed, and that the evils to which Mr. Thackeray referred might be abolished. He was anxious that the Universities should stand upon the highest pinnacle of greatness and efficiency. If they were not reformed, however, they would go from bad to worse, and if their doors were not opened by that House, they would be opened by the public.

Mr. MOOR said, that although he was unwilling to intrude himself on the attention of the House, yet, in the position in which he was placed, he could not give a silent vote. He had voted for the second reading of the Bill, because he conceived that it was time that the Roman Catholic and Nonconformist should be enabled to enjoy the privileges and rights of obtaining a degree at Oxford. But in his own mind he felt that it would not be right that those Masters of Arts should have a voice in the governing power of the University; and he was confirmed in that opinion by the observation that was made by the Chancellor of the Exchequer, that unless some restrictions were placed on those Masters of Arts with reference to the governing power, he should vote against the Bill on the third reading. Well, he (Mr. Moor) had looked into the paper to see if any Amendment had been proposed in that direction. He had listened to hon. Gentlemen on the other side of the House, but he had found no indication that such restrictions would be introduced by way of Amendment. The supporters of the Bill had stated that day that there was to be no restriction on the privileges of the Masters of Arts; and, under these circumstances, much as he should regret that Dissenters should be prevented from obtaining that degree, he should feel it his duty to vote against the further progress of the Bill. He made that statement in order to explain to the House the course he was about to pursue in voting at present in opposition to their going into Committee, although he had on a former occasion supported the second reading of the measure.

Mr. NEATE said, he must admit that there was a *primâ facie* case for the opposition of the hon. Member for the University to the further progress of the Bill at that stage. Still he thought that the Amendments ought to come from the other side, and that the promoters of the Bill could not be fairly expected to mutilate their own measure. The principle of the Bill, and the only one which the University had a right to insist upon, was, that the religious teaching and the religious worship of the University should be those of the Church of England. Whether those objects would be best secured by a test was a very doubtful matter. He thought that the University would not greatly object to an Amendment which he had intended to propose, giving to all nominal Masters of Arts the power of opening halls without taking a test. Every hall must be conducted by a Master of Arts, and, as the statutes now stood, every Master of Arts must have subscribed the Thirty-nine Articles. The Amendment to which he referred would be a great relief to those who, like his hon. Friend beside him (Mr. Scully), wished to send their sons to the University. His hon. Friend was going down to Oxford with him (Mr. Neate) next Saturday to find the most convenient place for his son, and he was therefore surprised to hear him speak of the University in such a tone. He should be happy, however, to help his hon. Friend to place his son where he would receive the least detrimental education. With regard to the Parliamentary franchise, he thought it only right that those who had passed three years in the University, and had obtained a degree, should have a voice in the representation of the University, and he believed there would be very little disposition on the part of the University to contest this privilege. He believed it would be a great advantage to have a more liberal spirit introduced into the politics of Oxford. He did not know whether the attention of hon. Members had been directed to a recent banquet in that city, at which the noble Lord the Member for Stamford (Lord Robert Cecil) had been a conspicuous speaker. ["Question!"] If there was any Member of that House who was particularly well qualified to take care of himself it was the noble Lord the Member for Stamford; and he would, perhaps, be regarded with something like compassion while he stated that he was about to make what might be called an attack upon that noble Lord. But hon. Members need not fear that he would in any way exceed the limits of Parliamentary courtesy upon that occasion; and he was sure the noble Lord would feel that in anything he might say he would not treat him with personal disrespect. The noble Lord and his friends in order to stir up the dormant Toryism of the University, had held a sort of politico-theological revival. He confessed, however, that when he first saw the speeches in the newspaper account of that meeting he was excited to a feeling of considerable indignation. That indignation, however, before long subsided, and at present he only looked at the matter with a feeling of satisfaction in contemplating a decided failure on the part of his polical opponents. A more deplorable failure than that banquet, in which the noble Lord the Member for Stamford took so conspicuous a part, he never recollected. [*Cries of* "Question!"] There was never any occasion on which the absence of those who alone could give value and importance to such a meeting was more conspicuous. ["Question!"] He was speaking within the limits of the Question, because it was an illustration of the sort of education which those who opposed the moderate Bill wished to instil into the minds of the youth of Oxford. They often had occasion to admire the political and moral courage of the noble Lord, which would not allow him to shrink from expressing himself in somewhat strong and dictatorial language. He (Mr. Neate), however, wished to call attention to one statement made by the noble Lord, which he never would have the moral courage to utter within the walls of that House. The noble Lord told the youth of Oxford that a good Conservative was a good Churchman, to which sentiment he (Mr. Neate) would offer no objection; but the most perfect Conservatism was that which promoted every reform in ecclesiastical as well as in temporal affairs. He might have doubted the fact that every good Conservative was a good churchman, because he believed there had been a great many distinguished men in the Conservative party whom the Church could not have looked upon with such admiration and faith as the noble Lord. [*Cries of* "Question!"] He submitted that he was speaking to the question when he was calling attention to that singular specimen of the noble Lord's teaching. When the noble Lord went on to say that every good Churchman was a good Conservative, and that no good Churchman would vote for that Bill, he told the noble Lord that he used language which he dared not utter within the walls of that House. Would the noble Lord say that there were not many men on that (the Ministerial) side of the House, who were conspicuous for their attachment to the faith and worship of the Church of England, but who were nevertheless not to be considered good Churchmen unless they were prepared to vote with the noble Lord. If the noble Lord would not make such an assertion in that House, why did he go down to the country for the purpose of using such language to the inexperienced youth of Oxford? Why should he have taken advantage of his great talents to instil into their minds the poison of such political doctrines—doctrines which were formed from a combination of religious intolerance and party animosity? What might be the result of the noble Lord's visit to Oxford, and how far his hopes and prospects might be promoted by his movements on that occasion, no great distance of time would reveal. It might be that the noble Lord would succeed in his object; it might be that that sort of combination which the noble Lord supported might succeed in driving from his seat the present distinguished representative of the University of Oxford. If the noble Lord and his party should succeed in driving the right hon. Gentleman the Chancellor of the Exchequer in sheer weariness of spirit to renounce the honour which he had so long and deservedly enjoyed — the honour he had so long conferred—if he should succeed in driving the right hon. Gentleman to transfer to some constituency the lustre of his name, the right hon. Gentleman would carry with him the regrets of all those gentlemen who were conspicuous in the University for their learning and piety. He was, however, one who, by no means, gave up the hope of retaining the accomplished Gentleman in his present position. Wherever the right hon. Gentleman went he was quite sure that he would carry with him those same principles which he had so long advocated, and which had so long recommended him to the confidence and affection of those whom he might have left, but would not have deserted. If the difficulties that now threatened the Church should increase in their menacing aspect—and they would increase, if the Church should be persuaded to add to its difficulties the damage of the noble Lord's disastrous advocacy; if the time should come— and he believed the time would come—when the Church should be in danger, who was it that the true sons of the Church would look to in their time of need? Was it to the noble Lord the Member for Stamford? Was it to the hon. Member for Durham, or the hon. Member for Northamptonshire? Was it to the hon. Member for Leominster? He singled out those Gentlemen because he regretted to say that they took an active part with the noble Lord at the recent meeting at Oxford. Or was it to the right hon. Gentleman the Member for Buckinghamshire? He took the liberty of mentioning the name of the right hon. Gentleman, because it was imputed to him by the party with which he was associated, that he was the great champion for the maintenance of those principles enunciated by them. No, it was not to the noble Lord or his friends that the Church would look for advice and assistance when the time of danger should really arrive. The Church would look to one who had always kept religion apart from politics. She would look to that right hon. Gentleman who had always kept religion a sacred thing apart from politics, who had always loved and respected the Church too much to make her the instrument of a party, who had given to her that which no political combination could give—the assistance of a great intellect humbly submitting to her doctrines, and who, more than any one in connection with that Church, had a right to say of himself—

> "Si Pergama dextra
> Defendi possent, etiam hac defensa fuissent."

LORD ROBERT CECIL: Sir, I received last night, by the courtesy of the hon. Gentleman, an intimation that he intended to attack me to-day about our late visit to Oxford. Well, I am tolerably familiar with the word "attack," but I confess I was utterly puzzled to think what possible connection there could be between the question of this Bill and the harmless, simple, and obvious Conservative truths which I had uttered at Oxford; and I was still more puzzled to know how any attack upon me in reference to the late meeting could possibly be introduced upon the Motion for going into Committee upon this Bill. Still, as the hon. Gentleman has thought fit to take this occasion for announcing the strength of his own party in Oxford, which he thinks requires an advertisement of this kind, and as he has composed for the occasion a sort of political epitaph for the Chancellor of the Exchequer in anticipation of the dissolution which he evidently sees in more than one sense to be impending, I suppose it is necessary for me, though I feel it is somewhat irregular in discussing the question immediately before us, to notice the hon. Gentleman's remarks. In the first place, I beg to assure the hon. Gentleman, that if he was present at the meeting to which he refers he would not have talked of the dormant Toryism of the University of Oxford—he would have seen with his own eyes that the Toryism of Oxford was as wide awake Toryism as any he had ever seen in his life. The hon. Gentleman says that the banquet was a failure, because the people with whom he sympathizes were not present at it. I am afraid that if they had been present and had expressed such opinions as those which have fallen from the hon. Gentleman, their persons would not have survived the banquet, inasmuch as that dormant Toryism of which he spoke was in that condition that I do not think it would have endured without some very practical manifestation of vigour the presence of those with whom the hon. Gentleman sympathizes in opinion. But, Sir, I am happy to find that the banquet is not such a failure as the hon. Gentleman thinks, as I gather from his speech, and for two reasons. In the first place, he thinks that the founding of a Conservative association in the University of Oxford is a thing likely to have so much influence on the future political course of that body, and likely to produce so much effect on those on whom its influence is brought to bear, that he has thought it necessary to take this course to add his little mite to contribute to its defeat. In the second place the hon. Gentleman appears to anticipate with no doubtful eye, that the result of the founding of this association will be to make the right hon. Gentleman the Chancellor of the Exchequer a fit subject for the epitaph which he has pronounced upon him. I can only say now that the right hon. Gentleman's name has been introduced into this debate, that I had no intention of entering into the merits or demerits of the right hon. Gentleman. Personally I admire him very much, but politically I am opposed to him. I consider it is highly indecorous and unadvisable to make this House the arena for discussing the electoral contingencies of the University, and therefore I pass over that question; but the House will understand that I do not do so for the purpose of shrinking from any subject of discussion, but because I believe I shall not be consulting the dignity and honour of this assembly in following the example which the hon. Gentleman has set. The hon. Gentleman rather startled me when he stated that I had said something somewhere else which I dared not say here. Now I do not think I have impressed upon any hon. Member that my fault is reticence of my opinions; but if the House desires from me a confession of opinion, in the most formal manner, I repeat that I do not think a man can be a good Churchman who is not a good Conservative. But it is possible that the hon. Gentleman and myself may differ as to what a good Churchman means. The Church to which we are attached is an Established Church, and he cannot be a good Churchman at the present day who does not support the Established Church; and he cannot be a good supporter of the Established Church unless he is a good Conservative. [*Cheers and counter Cheers.*] Well, the test is before you. From what part of the House come the cheers which accompanied the hon. Gentleman's speech?

Who are they that sympathize with him? Who are they that sympathize with the great example of Liberal Churchmanship to which the hon. Gentleman appeals? Are they in the ranks I see before me? Is that where I am to look for the supporters of the Church who are not Conservatives? Is that the style of opinion which the hon. Member desires to present to the House as that which unites advanced Liberalism with devoted attachment to the Church? If that is what the hon. Gentleman and his friends call Churchmanship, I feel that not only is a Churchman not a good Conservative, but he cannot be a good Conservative if he is a Churchman of that kind. The hon. Gentleman knows that the battle which the Conservatives of the present day have to fight is for the Established Church, which our forefathers have handed down to us, and which is the foremost of the institutions of this realm. That Church the Conservative party are banded together to support. And there is no point to which its efforts are more consistently directed, or by which it has more thoroughly deserved the allegiance of the Conservatives of the country than in the efforts it has directed, and mainly so, to the maintenance of the Established Church. I had no intention of addressing the House on this question, having expressed my feelings on the subject on a similar occasion last year, and I should not have done so had I not been called up by the hon. Member; and in passing away from what the hon. Gentleman has said I hope I have sufficiently convinced him that in our opinion our demonstration at Oxford was not a failure, but that if he is still of opinion there is anything like a failure in it I call on him to consult the future for an answer. You cannot judge of the quality of the seed until you have reaped the harvest, and you cannot tell what the result of your political organization will be until it has borne its legitimate fruits. "Let not him that putteth on his armour boast as he that taketh it off." Let the hon. Gentleman not boast of the failure of that organization which, I freely admit, has come forward to oppose, and, if possible, to exterminate from the University the opinions which the hon. Gentleman entertains, until he has learnt by events that its failure is a reality.

Now, this Bill contains two parts. One part of it changes the tests of the Articles and the Prayer Book to a declaration of *bonâ fide* membership of the Church of England. The other part of the Bill is that which relieves all members of convocation forming part of the governing body from any test whatever. Now the first part, which is looked upon as a liberal measure, and is advanced by hon. Gentlemen opposite as such, is in reality a measure of a very exclusive kind. You are asked to relieve them from a test which they say is an embarrassment and a snare to tender consciences, because these tests contain propositions which some interpret one way and some another way. It is said these tests are vague, but it is proposed by this Bill to substitute for them another test so absolutely vague that I defy any hon. Member to tell me what it means. What, for example, is a *bonâ fide* member of the Church of England? And in considering it do not approach the question merely as men of the world, but fancy yourselves for a moment to possess one of those scrupulous consciences of which you have heard so much. Some men will think that a *bona fide* Churchman is a man who not only holds all the belief of the Church of England, but who also obeys her precepts, holds himself bound by her canons, fulfils her directions, and is a sharer of her communion to the full. That I grant is the natural interpretation of the word, and many of those who assent to the test put that straightforward common sense view upon it. But you profess to be legislating specially for the relief of tender and morbid consciences; but I assert that the test you offer is more ensnaring, because more vague and undefined than the one you are going to take away. There is another objection to this test. Many petitions have been presented from Scotland on this subject. Now, in Scotland, they say that as Presbyterians they can sign the Thirty-nine Articles with a perfectly good conscience, but they cannot declare themselves members of the Church of England, and the consequence will be their entire exclusion, if this Bill passes, from the University of Oxford, to which before they had the power of belonging. Therefore, I consider we ought to wait for some further information before we so hurriedly adopt the change offered to us. We have no information to go on, for we have had no inquiry into these morbid consciences, and do not know what they would like. The tests we are using have succeeded very fairly for two centuries, whilst the tests proposed in their places have only had a limited experience at Cambridge of four or five years. What is thought to be the most liberal part of the measure is in reality one of restriction, and such as the House ought not to adopt. This is not the moment for carefully examining the great question of tests. It has been referred to a Royal Commission, and, therefore, it will come before us in a larger manner, and then will be the time for us to examine it; but you must bear in mind that in opening the door of the governing body of the University to all Dissenters and people of all religions, you are putting into their hands the power of regulating absolutely the studies of the University. We have heard from the hon. and learned Member for Cork that an accomplished Jew and persons of all religions might find their way into Convocation under the provisions of this Bill, and regulate the examination. The whole of the collegiate system of education is necessarily moulded upon the subjects which are prescribed for examination, and therefore you are producing by this Bill an entire revolution. You are absolutely severing the connection between the University and the Church. You are turning what for centuries has been an institution for the education of youth in the principles of the dominant religion into a simple instrument for grinding Latin and Greek into young brains. If that is your intention, and you believe that in that way you best fulfil the objects the founders of the University had in view, and promote the moral and spiritual welfare of those over whom you are appointed to watch, then you will support the Bill; but if you desire to promote amongst the upper classes as you do amongst the lower classes a religious education, no man who votes for the existing system of education amongst the lower classes ought to vote for the Bill.

MR. SCULLY said, he had not intended to make any imputation upon the University. He had not interfered, because he did not wish to spoil sport; but as he had himself been called to order, he wished to know whether that disorderly discussion was to be continued.

MR. SPEAKER said, that if the hon. Member for Cork had thought there had been anything out of order, it was his duty to have called attention to it at the time.

MR. GOSCHEN said, he thought that the hon. Member for the City of Oxford had done good service by alluding to the speech of the noble Lord at Oxford. If it were said that the hon. Member for the City of Oxford had dragged the banquet into Parliament, it had been because Parliament had been dragged into the banquet. If Churchmanship was to cover the same ground as Conservatism, what would the noble Lord say to the Roman Catholic Members who sat behind him? [Lord ROBERT CECIL said he had confined his observations to members of the Church of England!] He (Mr. Goschen) was glad the noble Lord had retracted his statement, but he had seldom heard a broader statement made. He maintained that on that (the Liberal) side of the House as staunch friends of the Church might be found as on the other side. If the cry was raised on the other side, "The Church is in danger!" the same cry might be raised on that side—"The Established Church is in danger—the National Church is in danger!" because everything was done that was possible by hon. Members opposite to denationalize the union between Church and State. It was only the other day, when the constituted authorities of the Church made a declaration unpalatable to certain members of that Church, that those who professed to be the only true Churchmen circulated a new and unauthorized test distinct from that sanctioned by the constituted authorities. While they claimed to be an exclusively National Church, they repudiated that nationality and the connection with the State where it did not suit themselves. One of the questions connected with the Bill was certainly this—whether the Universities were clerical seminaries or Universities for the education of youth in the true sense of the word. He believed that there ought to be a religious education at Oxford, as well as at every other educational establishment. But he did not regard Oxford as a clerical seminary, and he did not think that the lay majority ought to be sacrificed to the clerical minority. It was not only priests and clergymen who were educated at Oxford, but English gentlemen and statesmen; and everything should be done to keep the education at Oxford in harmony with the spirit of the age and the nation. They had no Universities in the true sense of the term, unless Oxford and Cambridge were Universities for laymen as well as for the clergy, and therefore he did not think they were acting for the interests of the Church when they acted in the intolerant spirit of which the noble Lord had set them the example. The noble Lord had said that it was impossible to hear at Oxford opinions different from those of his friends, and that any persons that might have expressed them would be exterminated. But the point was this—if Oxford would not reform itself, it must be reformed by the Legislature. It had been said that the promoters of the measure advocated it from different motives. As his name was on the back of the Bill, perhaps the House would allow him to explain what he considered to be its principle. The principle was to abolish all tests for academical degrees, and with respect to the offices held by Churchmen, to substitute one test for those which were in existence. That principle was affirmed on the second reading. Incidentally the measure might give to Nonconformists a certain part of the management and government of the University. But that was not the principle though it might be the effect of the Bill. They would be members of the University in the same sense that other members would be members of the University. He did not advocate the measure because it would give a portion of the government to the Nonconformists. The noble Lord opposite said that the introduction of members who did not entirely agree with the doctrines of the Church of England would be to hand over the government of the University to the majority. That might be so, so soon as the intellect of the nation was no longer in the hands of the Church of England—so soon as the whole spirit of the nation was so far changed as to render such a change possible. But he had so much confidence in the Church that he believed that would never be the case. So long as the Church of England maintained its majority, its supremacy, its hold upon the intellect of the people of England, so long would there be no danger of admitting Nonconformists into the government of the University. The fact was, that in all cases only so many persons would be able to avail themselves of the admission as to give a fair representation of the different denominations, and therefore no danger was likely to arise. But there was a complete safeguard in the hebdomadal board. So long as the Church of England maintained its exclusive power over the authorities and officers, so long the terrible danger which was apprehended would not arise. The noble Lord had talked of "morbid" consciences. He (Mr. Goschen) did not wish to ask any personal question, but he perhaps might be allowed to ask whether the conscience of the noble Lord was a "morbid" one. When he used the expression "morbid conscience," he applied it to those who did not wish for honesty of declaration. What could be said of a man who declared that he was going to study a subject for the purpose of coming to one particular conclusion? What would a tutor reply to such a "morbid" conscience? Why, he would say, "Give up your studies, or try to study conscientiously." It was not a fair argument to speak affirmatively and disrespectfully of "morbid" consciences. Surely that ought not to be encouraged at Oxford. They ought rather to encourage the pursuit of truth, and it was in opposition to the spirit of truth to impose tests on all occasions. It discouraged theological studies to do so; but there appeared to be many hon. Members who would stifle those studies. Those who were good Churchmen, however, must hold that the more the doctrines of the Church of England were studied, the more people would be convinced of their truth. He trusted the House would go into Committee on the Bill.

Mr. CHICHESTER FORTESCUE said, he thought he could point out to the hon. Member for Brighton (Mr. Moor) an easy mode of escape from the extraordinary difficulty in which he found himself involved. The hon. Gentleman had voted for the second reading, thereby affirming the principle of the Bill; but since that time he had discovered from those who sat around him, that there was a portion of the Bill from which he, as a Member of the party opposite, was bound to differ, and he thought there was no possible mode of escaping the difficulty except by refusing to go into Committee. But if in Committee, where Amendments might be properly made, a proviso was introduced in the first clause, to the effect that the degree of Master of Arts would not constitute a qualification for being a member of Convocation, or holding any office formerly held by a member of the Church of England, the object of the hon. Gentleman might be attained. As an affectionate member of the University of Oxford, he (Mr. C. Fortescue) thought he could not give a better proof of the sincerity of his conviction as to what was the principle of the Bill than by saying that it was as a Churchman that he thanked his hon. Friend for having introduced the Bill, and for having given them an opportunity of getting rid of the bondage of subscription to the body of dogmatical doctrine contained in the Prayer Book. It seemed to him a tyrannical wrong to require the young laymen of this country to declare that they subscribed *ex animo* to every tenet of controversial divinity that was contained in the formularies of the Church. It was bad enough to require the subscription from clergymen of the Church. But nothing but hereditary habit could have so blinded our minds and hardened our consciences as to induce us to impose such a test upon the laity—a test not required by the Church for participation in her most sacred rite. The movement which was going forward in the Church had not originated in indifference to religion, but, on the contrary, was occasioned by the increased tenderness of conscience, by the growth of religious thought, and by the difficulty of swallowing, as a mere form, those dogmatic propositions which our forefathers accepted without thinking much about the matter. It was because he wished to see the members of the University of Oxford relieved from those tests, which were not required from other laymen who were in communion with the Church of England, that he should support the Motion for going into Committee.

Mr. HENLEY: I hardly intended to take part in this discussion ; at all events, I do not mean to say much. After the strange statement of the right hon. Gentleman who had just sat down, I must allude to it. He has told us that he speaks as a Churchman when he says that it would be of great advantage to us to be relieved from the bondage of the Prayer Book and Articles. That is a strange statement. I cannot understand one, who, at a mature age, boasts of being a Churchman and speaks of the bondage of the Prayer Book and the Articles. The question now before the House is, whether we shall go into Committee on the Bill ; but, indisposed as I generally am to take part in second discussions upon almost the same thing, I feel bound to say that the course taken upon the second reading by the authors of the Bill, what they stated and still more what they denied, gives me the strongest grounds for thinking that the moving of the Amendment was nothing more than fair and prudent Parliamentary action. The hon. Member for Huddersfield (Mr. Leatham) told us unmistakably that the Bill does not go far enough. The hon. Member for the city of Oxford (Mr. Neate), in equally plain terms, said that in his judgment the governing body of the University should be thrown open to Dissenters and Catholics. The hon. Member for the City of London (Mr. Goschen), whose name is on the back of the Bill, said that he would have no compromise, and that Conformists and Nonconformists ought to be members of the governing body. The Bill on its second reading received the support of some solely on the ground that amendments would be introduced in Committee. But it is not for those who are opposed to the Bill altogether to attempt to amend it. That is quite contrary to Parliamentary practice. It is quite plain from the course of the debate to-day, and the arguments of the hon. Member for London, that the friends of the Bill mean to accept no compromise. I do not wonder at that, for they know that a great majority of the supporters of the Bill support it only as an instalment. If we were to make it what the hon. Member for Oxford city calls a harmless measure, the support of those Gentlemen would cease. Therefore it is that the hon. Gentleman the Member for the County of Devon was justified—no Amendment having been put on the paper—in raising the Question which he has done. The hon. Gentleman who last spoke told the hon. Member for Brighton that the introduction of a very few words in the Bill would do all that he wished. It is a pity that kindness was not known beforehand, and that some hon. Member was not instructed to give that notice, without which upon a question of so much importance persons acquainted with Parliamentary practice like the hon. Gentleman must know there is no chance of success. I am one of those who think that the Government of the University ought to be secure in the hands of the Church. The analogy raised between this great assembly and the governing body of the University is not a correct one. I cannot conceive a more certain way of leading to no religious teaching at all than to have conflicting elements in the governing body that has to regulate the studies of the University. We are not without experience in this matter. The common school education in America, as every one knows, was originally a religious education. Those who established it were men who would have a religious education and no other. Well, in the course of time differences crept in, and the result was they were obliged to give up altogether religious teaching in the schools. The same thing will take place in any body where security is not taken with respect to the governing body. That is a matter I should be sorry to have any hand in bringing about in our Universities; and for that reason I shall certainly support the Motion against proceeding further with this Bill.

SIR GEORGE GREY said, as to the subject which had been discussed by the hon. Member for the City of Oxford and the noble Lord, he should like to say just one word. The noble Lord had fully vindicated his character for plain speaking in that House, without the possibility of being subjected to a charge of reticence, when he announced that no man could be a good Churchman unless he shared the political opinions of the noble Lord. He had the misfortune to differ from the noble Lord, and their difference, he believed, consisted in this, that they totally dissented from one another as to what constituted a good Churchman. He (Sir George Grey) believed that man to be a good member of the Church who, while listening to argument, was not opposed to improvement; who showed his attachment to the Church not by a blind adherence to everything that existed, but who advised, counselled, and was ready to make concessions when by concession a practical grievance might be removed; and who by conciliating the goodwill of those who were outside the pale of the Church invited them to come within its fold, while he firmly resisted every innovation that would tend to impair its stability. Having said so much as to the doctrine laid down by the noble Lord, he came to the subject immediately before the House. Having voted for the second reading of the Bill he felt bound to vote for going into Committee. The only ground upon which the Bill had been opposed on the second reading was this, that its principle was the severance of the connection between the University and the Church, because it would admit into the governing body of the University persons who were not members of the Church. But would his hon. Friend who made use of that argument, and who said but for that he would have hesitated to oppose the Bill, or would any other hon. Member, maintain that such a declaration as was now required ought to be exacted from a layman upon taking a Master's degree? It had been stated upon the second reading by those who had charge of the Bill, that it was perfectly competent for those who saw danger in the measure to give notice of Amendments. He (Sir George Grey) stated upon the second reading, and he would repeat it there, that the author of the Bill would do wisely in not pressing it in the form in which it stood. The principle upon which Parliament had hitherto legislated was this, that the governing body should be connected with the Church, and it would be unwise now to attempt to interfere with that principle. At the same time, he agreed with his hon. Friend the Member for the City of Oxford, that there were some powers now exercised by members of Convocation which might be safely confided to persons who were not members of the Church of England. He thought it would be a great advantage to the University if such persons were permitted to open halls—those who presided over those halls not being subjected to the test which was now imposed. He should be willing in Committee to consider any Amendments with a view to remove objections to the Bill, and he was, therefore, prepared to repeat the vote in favour of the Bill which he had given on the second reading.

MR. NEWDEGATE said, that since the second reading of the Bill it had been represented to him that the test of *bonâ fide* Churchmanship which the Bill proposed to substitute for lay masters was liable to a construction which would render that test stringent in a far greater degree than the test which at present existed. Her Majesty was temporal head both of the Church of England and the Kirk of Scotland, and held that position on that ground. The profession of faith held by the two Churches was the same. The members of the Kirk of Scotland could subscribe to the Articles of the Church of England, and be admitted to the governing body of the University of Oxford; but if this test of *bonâ fide* Churchmanship were introduced it would involve, he had been told by those who had carefully examined the subject, an adhesion to the discipline as well as doctrines of the Church of England, and would thereby exclude the whole of the members of the Kirk of Scotland—a Church of which Her Majesty was as much the temporal head as she was of the Church of England. That was an illustration of the danger of those loose generalities. It showed that the hon. Gentlemen who proposed the Bill, in trying to escape from the tests which had hitherto constituted membership of the governing body of Oxford equally for laymen and ministers, were lending themselves to the purposes of a section of the Church whose ideas were directed towards the Church of Rome. The Bill, therefore, was liable to the imputation of introducing into the governing body of Oxford a distinction between those who were equally attached to the great truths of the Catholic faith as embodied in the formulas of the Church. That showed the danger which that House would incur of inflicting clerical tyranny if it were to adopt the proposal of the Bill, instead of maintaining the freedom of the laity, by maintaining a test of religious opinion clear from all questions of discipline — a discipline which might be rendered as tyrannical as was the discipline of the Church of Rome. The Church of Rome exacted no test of dogmatic belief, but she did exact obedience to an arbitrary discipline. For that reason he should resist the Bill, as tending to establish an arbitrary discipline such as had never yet been recognized in the Church of England.

Mr. E. P. BOUVERIE said, he wished to set the hon. Member for North Warwickshire right on one point. The Bill was not regarded with disfavour by Scotchmen, as the hon. Gentleman seemed to think. They did not believe that the operation of the Bill would be to exclude them from the privilege of taking degrees at Oxford, which they now possessed. In fact, the academical body of the Universities of St. Andrew's and Glasgow had petitioned in favour of the Bill, and what they deprecated was the introduction of the Amendment suggested by his right hon. Friend (Mr. Chichester Fortescue), and by hon. Members on the other side, which, they said, if introduced, would make the governing body of the University more exclusive. He wished to enforce again upon the House to the best of his power, the point which had been so well put by the right hon. Gentleman the Member for Louth, that this was not a question between Nonconformists and the Church of England, it was rather a question of the liberty of the laity of the Church of England, upon whom, by the present regulations of the University, not of the State, a test was imposed, upon the attainment of academical degrees, which was imposed upon no other layman within Her Majesty's dominions. He would remind the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that nine-tenths of the laity of a certain age in the Church of England would decline to take that test if they weighed every word of it. He did not know whether the right hon. Gentleman had lately refreshed his memory with the tests, but one of them, which was taken by a Master of Arts, was a declaration that the whole of the Prayer Book contained nothing contrary to the Word of God, and that he himself would use that book, and no other, in public prayer. Now, was there any layman in the Church of England who would voluntarily take that test if taken in all its weight and force? He might approve of the Prayer Book as worthy of the greatest respect on the part of the Church of England, and of everybody who regarded true piety properly expressed, and true devotional fervour; but to ask him, as a man arrived at a certain age, to maintain as a dogmatical position and to assert his solemn belief that the Book of Common Prayer, composed by a number of uninspired men like themselves, contained throughout the whole of it no one thing contrary to the Word of God, that was a test to which he, for one, would decline to subscribe. He took leave to say, in spite of the definition of the noble Lord the Member for Stamford, he did consider himself as warm, as attached, and as true a Member of the Church of England as the noble Lord himself, and when at Cambridge he took his degree he was not required to subscribe to that wide abstract declaration of belief insisted upon by the University of Oxford, but he did declare himself a *bonâ fide* Member of the Church of England; certainly not in the sense of the noble Lord, that he was a true Conservative. The truth was that the objects for which those tests were originally imposed had entirely failed, and a new object had been set up in modern times, which was never contemplated by those who framed the establishment. The test when first introduced, nearly 300 years ago, was part of one great system, the enforcement of uniformity of worship and doctrine upon all Her Majesty's subjects in England. It was attempted to be enforced by imprisonment, and by means of the Court of High Commission, but the system entirely failed. It had cost the country three Revolutions, and two changes of dynasty, to discover that to compel uniformity of belief and worship was impossible. It was evident that the enforcement of these tests had not secured uniformity of opinion at Oxford, or prevented religious discord. Within the last few years, the Tractarian controversy had originated at Oxford, resulting in a great schism from the Church of England. Had the tests secured religious harmony? The scenes which took place a short time back on the proposition to remunerate a distinguished Professor of the University of Oxford afforded a proof that the present system had not secured religious harmony. Let, then, another system be tried, and let an attempt be made to see whether the removal of exclusion would not, by introducing freedom of opinion and unfettered liberty of discussion, tend to promote the cause of truth, and thereby serve the best interests of the Church of England.

MR. DODSON said, that he understood some hon. Members to state that they took the unusual course of opposing the Bill going into Committee because they did not know why they voted against the second reading. It was also urged as an objection to the measure, that its promoters had given no notice of any Amendments with regard to it. The promoters introduced the Bill in the form which they approved, and it was not for them to give notice of Amendments, but for other persons who desired to see changes in the Bill. The hon. Member for North Warwickshire seemed to have discovered that there was some danger to the Church of England in the proposed declaration that the person making it was a *bona fide* member of the Church; but he was unable to follow the hon. Member in his views on that subject. For nearly 100 years that had been a test at Cambridge, and none of the effects which the hon. Member for North Warwickshire prophesied would result from the present Bill had been experienced at Cambridge. It was said that the declaration in the Bill was vague; but he was of opinion that a declaration of *bona fide* membership in respect to the Church of England was in the nature of a profession of allegiance to that Church, and was more in conformity with practical Christianity than a declaration of assent to a mass of theological dogmas. As to the assertion that the proposed declaration would be more exclusive than the existing tests, all he could say was that the Universities of Scotland did not think so, because they had petitioned in favour of the Bill. In reply to the question which had been asked, as to what the principle of the Bill was, he replied that the principle was the abolition of subscriptions at the University, subject to the preservation of the religious character of the teaching; and when a test was necessary for securing that object, the simplest test was employed. It was said that the Bill would sever the connection between the Church of England and the University. He emphatically denied that that was the object, or that such would be the effect of the Bill. Of this, however, he felt assured, that the extortion from a layman of an obnoxious test created dissension among the members of the Church, and needlessly irritated those who were without its pale.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 236; Noes 226: Majority 10.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Wednesday*, 29th June.

ELECTIONS PETITIONS BILL.

[BILL 17.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. AYRTON expressed his opinion that the Bill deserved more discussion than it had hitherto received, but it was too important to be discussed at that late hour. The Bill was an attempt to improve the law relating to election petitions. There were already two Acts of Parliament on the subject, one regulating the presentation and trial of petitions complaining of undue elections, and the other dealing with the question of the withdrawal of election petitions. In the latter Act very careful provisions were embodied for the purpose of prosecuting an inquiry into corruption and bribery, when the original petition was withdrawn, and there was ground for suspecting collusion. It appeared to him that those two acts dealt with the whole question as far as was practicable. However, the hon. Member who introduced the present Bill thought that the existing law allowed undue facilities for the presentation of petitions for which there was no solid foundation. Still it would be impossible to legislate in the way proposed by the hon. Member, for if the right to a seat in that House was to be regarded as a personal right concerning the sitting Member, the electors, or unsuccessful Member, all litigation with regard to that right must be subject to the ordinary conditions under which all other rights were tested and decided—by judicial inquiry. The person claiming the right to sit in the House must have the unfettered power of asserting his right before the proper tribunal, and onerous conditions could not be imposed on him at the outset. But the Bill attempted to make a petitioner asserting his right, not only responsible, in case of failure, for the costs of his opponent, but also for any amount of costs on account of another investigation to which he might not be any party—namely, public inquiry into the question of bribery. The Act for the better discovery of bribery and corruption expressly provided, in the case of the withdrawal of a petition, for the examination both of the personal and public questions involved. He was afraid that the present measure, by throwing obstacles in the way of presenting petitions against election returns, would tend rather to hinder than to promote the discovery of bribery. These petitions were usually drawn up in a general stereotyped form, and did not contain libels against individuals. Their presentation, therefore, could not be supposed to do injury to anyone. In his opinion the sitting Member had no right to claim greater protection than he already enjoyed. The proposal now made, that when the Committee on a petition had made their report it should be considered by the House at large, would lead to the introduction of all sorts of questions, and would create much confusion. The Bill as it then appeared was more objectionable than that of last Session. It contained a provision, for instance, that the Committee should be at liberty to appoint an agent at the public expense if they thought fit, but he should like to know whether the Treasury had sanctioned that proposal. If not, then he apprehended it ought not to be proceeded with. He should have been prepared to move the rejection of the Bill had it not been for the remark made by his hon. and learned Friend the Attorney General, when discussing the failure of justice in the Lisburn case, that the law relating to election petitions should be made the subject of investigation by a Select Committee. He had adopted that suggestion, and begged to move that a Select Committee be appointed to inquire into the expediency of amending the Election Petition Act (1848) and the Act for the better Discovery and Prevention of Bribery and Treating at Elections.

Mr. COLLINS seconded the Motion. He opposed the Bill on the ground that for the first time it proposed that a plaintiff was to be compelled to prosecute his suit at the discretion of a third party. He did not think the House of Commons was the proper tribunal to decide what degree of right a petitioner should have when he presented his petition.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the expediency of amending the Election Petitions Act (1848), and the Act for the better discovery and prevention of Bribery and Treating at Elections,"—(*Mr. Ayrton,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Debate *adjourned* till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

* * *

HOUSE OF LORDS,

Thursday, June 2, 1864.

MINUTES.]—Public Bills—*Second Reading*—Ecclesiastical Courts and Registries (Ireland) (No. 96); Summary Procedure (Scotland)* (No. 89).
Committee—Mortgage Debentures (No. 99).
Third Reading — Local Government Supplemental * (No. 71), and *passed.*

FORTIFICATIONS—DEFENCES OF THE BRISTOL CHANNEL.—QUESTION.

Lord PORTMAN said, that their Lordships would remember that last year he had directed the attention of his noble Friend the Secretary of State for War to the defences of the Bristol Channel—a subject which had been in his mind for many years. Sir William Napier was of opinion that the Bristol Channel required more defence against a privateering enemy than almost any other part of the country, in order to protect Bristol, Gloucester, and the Severn. His noble Friend informed him, in answer to his Question, that the Government had purchased sites for the erection of defensive works on the shores of the Bristol Channel, but that no Votes had been taken by his predecessor (Sir George Lewis) for the purpose of erecting works on those sites. His noble Friend, however, said that the subject should receive his careful attention. He now begged to ask his noble Friend, Whether any progress had been made in preparing these defences?

EARL DE GREY AND RIPON said, he agreed with his noble Friend as to the importance of this subject. Sites had been purchased, and the Government were negotiating for others on which to erect works for defending both sides of the Channel, and this Session a Vote had been taken for the purpose of erecting the fortifications. A part of the works was in a forward state, and as soon as possible the remaining portion would be commenced. He hoped that the principal portion, if not all, the works would be completed in the course of the present year.

THE CIRCASSIANS.—QUESTION.

VISCOUNT STRATFORD DE REDCLIFFE wished to ask the noble Earl the Foreign Secretary, Whether he could give the House any information he might possess relative to a subject which had excited great interest, by means of the narratives in the public press, which had given great pain to all who had perused them—the state of those Circassians who had gone into voluntary exile owing to the late successes of the Russian Government? The Circassians, during a number of years, had won universal sympathy and respect by their vigorous efforts to preserve their national rights against an encroaching Power. They had now been unfortunately obliged to yield, and rather than remain under a Government which they had so much reason to dread and detest, they had emigrated in large numbers, at the risk of their lives, and with no provision of any sort. He desired to learn if the noble Earl would furnish the House with any information upon the subject; and, above all, with respect to what had been done by the Russian Government to alleviate the suffering which they had caused, or as to what course had been pursued by the Turkish Government for the assistance of the sufferers. No one could regard the misfortunes of the Circassians without interest, because there were many circumstances which commended them to our consideration, and by no means the least was the bravery with which they sought to sustain their national independence. He should also be glad to know if the noble Earl had any objection to lay upon the table of the House any papers bearing upon the subject?

EARL RUSSELL was understood to say that he had no objection to furnish to the House any information upon the subject which he might receive. The details were very painful, and he feared that great barbarities had been committed.

MORTGAGE DEBENTURES BILL.

[NO. 99.] COMMITTEE.

Order of the Day for the House to be put into Committee read.

LORD REDESDALE, in moving that their Lordships go into Committee on the Mortgage Debentures Bill, said, he desired to explain that this measure had originally come before them as a Private Bill. But it appeared to him that the measure was of far too important a character to be properly considered a Private Bill—he had taken the liberty of bringing it up as a Public Bill. In that form, if its provisions were found to be dangerous or objectionable, they would be more open to the revision of Parliament than if they formed part of a Private Bill. Under these circumstances, not as adopting the provisions of the Bill with any great confidence, he proposed it as a public measure, taking the provisions of the company which originally promoted the measure as the basis of the Bill. There were some of the clauses which he thought demanded the attention of their Lordships.

Moved, That the House do now resolve itself into a Committee upon the said Bill.

LORD PORTMAN thought the thanks of the House were due to the noble Lord the Chairman of Committees for stopping the progress of the Bill as a private measure. It was another new move for facilitating the lending of money to the prejudice of the heir. He thought that many of its provisions required the cautious attention of the House.

EARL GREY said, he could assure the noble Lord that the Bill had been most carefully considered by the Committee which sat upstairs. There was nothing in it which would give any powers to the owners of settled property which they did not at present possess. The object of the Bill was to afford facilities to the owners of money on the one hand, and the owners of land on the other, to make arrangements for their mutual convenience; and it proposed to sanction the formation of companies for the purpose of carrying out such arrangements; and they were authorized to issue mortgage debentures when they were shown to have capital sufficient to cover such securities. The majority of the Committee of their Lordships' House were satisfied with the securities provided in the Bill, and there was no reason to believe that they would be found insufficient. With respect to the necessity for some such measure, he might observe that trustees now experienced the greatest difficulty in finding eligible securities upon which to invest money under the strict terms usually contained in settlements. On the other hand, it was not an easy matter for landowners to obtain loans when they needed them. From various causes the great Insurance Companies now invested their money in other than landed securities, and consequently the amount available for the wants of the landowners was constantly diminishing. Unless some further facilities were afforded to trustees, there would be a continually-increasing difficulty in obtaining loans upon landed security; and if the clause relating to trustees were struck out, the Bill would be wholly inoperative. He agreed with the Chairman of Committees that it was not right that such large powers should be given by a Private Bill, and the thanks of the House were due to the noble Lord for having introduced this measure. He thought trustees might invest trust money in land through the intervention of large companies, whose operations were carefully guarded by Acts of Parliament, even more safely than through the intervention of law agents. The expense which would be saved was also a very important object.

LORD OVERSTONE agreed with the noble Earl that it was extremely desirable that every facility should be given for the obtaining of money upon the security of land; but, at the same time, he felt most strongly that Parliament ought to watch legislation on this subject very carefully, and not to encourage the formation of companies which might not deserve public confidence. He had several objections to the present Bill. The first was, that the debentures to be issued by these companies would go forth to the public as mortgage debentures, whereas they were in truth nothing of the kind. They were merely acknowledgments of debt on the part of a public company. His second objection was, that the indirect consequence likely to arise from these transactions was, that they would give rise to a wholesale system of registration. But registration would not give to the holders of these debentures any additional legal security. Thirdly, he thought their Lordships would never sanction the proposal that trustees, who were authorized by the parties creating the trust to lay out their money only on the best security, should be authorized by Parliament to invest it in debentures of this kind. The company itself must pay a full rate of interest to its subscribers; then how could they afford to pay interest upon mortgage debentures as well, except by borrowing money on inferior classes of mortgage security? He held in his hand an advertisement of the Land Investment Society, sanctioned by the high character and position of a noble Duke (the Duke of Marlborough), which advertised that they were ready to lend money upon landed security, or upon houses in the course of construction, either with or without a deposit of the lease; and then followed another advertisement by the same company, stating that they were prepared to issue mortgage debentures upon the security of houses in the course of construction with or without deposit of the lease. With regard to trustees who were empowered to invest in land, they were bound to invest in security of the best class. If trustees invested in these mortgage debentures their only remedy would be against the company, and if the company failed to pay, their only remedy would be to come in with the other holders of debentures upon the assets of the company. If the assets of the company were insufficient, the claim must ultimately be made against the trustees themselves. He did not think that such transactions were a proper way of discharging a trust—certainly the Bill gave no adequate protection for those whose benefit the trust was created. The noble Lord said, that if this clause were struck out the Bill would be virtually destroyed. Then, what other inference could be drawn than that this was a most objectionable Bill? He trusted his noble and learned Friend on the Woolsack would apply his acute and sagacious mind to this Bill, and say whether its provisions could be safely and properly carried out.

THE DUKE OF MARLBOROUGH said, the principle of the Bill seemed not to be well understood. The second clause of the Bill explicitly declared what the nature of the instrument should be by which the transactions of the company were to be carried on. It was to be a deed under the common seal of the company, duly stamped and signed by two directors, than which it was difficult to conceive a document of a more formal character. It would be, in every sense, a mortgage issued by the company, taking the form of a debenture. The real security which these companies offered to the public, and on which the mortgage debentures were issued, consisted of the property vested in them by virtue of the loans they made. Then there came an additional security in the shape of the company's guarantee fund, over and above all the other securities, and consisting of the property invested in Consols, Exchequer Bills, cash at the bankers, and finally, the uncalled share capital of the company. These companies would not depend for their income upon the small difference between the interest they paid for money and the interest they received on advances. Their profit would be derived from the commission charged on their transactions. Their advances would be made upon the report of competent surveyors and valuers, who would take into account all the circumstances of the property which constituted the security. It could not be fairly said that a company regulated by the provisions of that Bill was a company of a speculative character. Safeguards were provided by the measure against the aggregate amount of the debentures issued by a company at any one time exceeding the aggregate amount of the securities which it held. He thought that the country was indebted to the noble Lord the Chairman of Committees, for the suggestion that the measure should be treated as a public, and not as a private Bill; but he could not approve the alteration in the Bill which the noble Lord had suggested, because, if adopted, he believed it would render the measure nugatory.

THE LORD CHANCELLOR said, that there was no necessity for an Amendment of which notice had been given by the noble Lord the Chairman of Committees, because the trustees contemplated by the terms of that Amendment already possessed power to invest their funds as proposed. This question of the investment of trust monies was, however, one of great importance. Many of their Lordships were doubtless aware that the rules of the Court of Chancery on the subject were most careful and most cautious. Their general principle was this—trustees who were authorized to lend money on real estate were forbidden to lend more than two-thirds of the value of the security. In the case of leaseholds the proportion was only one-half. Whether or no the powers of trusts hereafter created should be enlarged was a question worthy of consideration; but for his own part he could not consent to any enactment that would alter the provisions of any existing trust. At the same time, he felt bound to state that he had found, in his judicial capacity, that the greatest hardship and inconvenience often arose from the limited powers conferred upon trustees. Trustees were naturally and properly desirous to be safe, and, consequently, they were averse to laying out their money except upon securities expressly within the terms of their trust. Generally speaking, there was even an indisposition to exercise the powers which they actually possessed, and to keep to a course of investment about which there could be no possible anxiety. If, for example, they had power to invest their monies in the public funds or on mortgage, they would argue that there might be some little danger in adopting the latter course, whereas there was none in buying Consols. The result was that trustees were frequently disinclined to look out for eligible mortgages; and a limited income was often thus considerably reduced, or, at least, not improved, because the trustees did not choose to incur the risk of making a more profitable investment. So strongly was this evil felt, that in 1859 an Act was passed (the 22 & 23 *Vict.* c. 35), which provided that wherever a trustee was not forbidden to invest trust monies on real security in any part of the United Kingdom, in Bank of England or Bank of Ireland Stock, or in East India Stock, it should be lawful for him to do so. It was doubtful whether that enactment referred to existing or future trusts, for there were conflicting decisions on the point; but the Act was a precedent for Parliament to interfere to enlarge the powers of trustees. With regard to companies under the present Bill, the security offered had been correctly stated by the noble Duke (the Duke of Marlborough); but the reason urged by the noble Lord (Lord Overstone) against permitting trustees to invest in this kind of security was conclusive—that no assignment would be made to them of any portion of the company's assets, and he would consequently have no direct or personal remedy. All that he could do would be to call upon the company to realize its assets, to call up its unpaid shares, and to make an equal distribution amongst the whole body of its debenture-holders, and they would only rank with the whole body of creditors under similar circumstances. He thought that it would be most undesirable to permit trustees to invest trust monies in securities of that kind.

THE EARL OF DONOUGHMORE observed, that every day the difficulty of obtaining money on the security of land was becoming greater, on account of the many other ways in which money could now be invested, and he thought that the clause which enabled trustees to lend money for the improvement of land would be highly beneficial.

Motion *agreed to.*

House in Committee accordingly.

On Clause 32 (Investment of Trust Money on Mortgage Debentures).

LORD PORTMAN said, this clause enabled trustees to do what they were positively forbid doing under settlements, and he moved that the clause be omitted from the Bill.

THE MARQUESS OF BATH seconded the Motion.

After a few words from Lord CRANWORTH,

THE LORD CHANCELLOR suggested that the clause should now be negatived, in order that it might be brought up in an amended form on a future stage.

Clause *negatived.*

Amendments made.

The Report thereof to be received on *Tuesday*, the 14th *Instant*, and Bill to be printed, as amended. (No. 107.)

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL—(No. 96.)

SECOND READING.

Order of the Day for the second reading read.

THE ARCHBISHOP OF ARMAGH said, My Lords, there are four principal objects which we seek to obtain by the Irish Ecclesiastical Courts and Registries' Bill, which I now propose be read a second time—

1st. That the twenty-six Diocesan Courts and Registries be reduced to twelve, giving each Bishop one Court and Registry.

2nd. That the mode of procedure in the Provincial and Diocesan Courts be simplified and improved, and the ecclesiastical fees be made more uniform and placed on a more satisfactory basis.

3rd. That the number of Vicars General be reduced to twelve.

4th. And that Appeals from the Metropolitan Courts in Ireland, respecting matters of doctrine, should, instead of being made to the Court of Delegates in Ireland, be heard and determined in the same manner as appeals from the Metropolitan Courts in England are.

1st. Before the Church Temporalities Act was passed, there were four Archbishops and eighteen Bishops in Ireland. That Act united ten of the Bishoprics to ten of the remaining Sees. There was no provision made for the union of the Diocesan Courts and Registries as there was formerly, when Down and Connor were united by Killala and Achoury. The consequence is, that while there are only twelve Bishops, there are twenty-six Diocesan Courts and Registries. The Bishop of Meath alone has only one Court and Registry. The other Bishops have two and some three each. This is a source of inconvenience to the Bishops and clergy. In the diocese of Elphin, when a clergyman has to transact business with the Bishop, which requires a reference to some document in the Diocesan Registry, he has to travel to Elphin, which may be as much as forty miles from his residence, and then come on to Kilmore, which is forty miles more. If he has to be instituted or collated to a benefice, he has to bring the Registrar with him and pay his travelling expenses; whereas, by the provisions of this Bill, the Registry will be close to the Bishop's residence at Cavan, and the clergy be saved all this trouble and expense. The withdrawal of testamentary jurisdiction from the Ecclesiastical Courts has left them dependent henceforth on fees derived from marriage licences and church business. These are not sufficient to pay for twenty-six Ecclesiastical Courts and Registries. In the diocese of Killala and Achoury there are only twenty-six benefices; in the Diocese of Clonfert and Kilmacclugh seventeen; and in Kilfenora only six. It is quite evident that the fees arising from the transaction of ecclesiastical business relating to six parishes, or to twenty-six, would not remunerate a qualified ecclesiastical lawyer for acting as Vicar General, nor support a separate Registry. It is very desirable to adopt means to remedy these anomalies. To do this, it is proposed that the twenty-six Diocesan Courts and Registries be reduced to twelve, by uniting into one the several Courts and Registries under each Bishop. Such consolidation is not required in the diocese of Meath, where there is only one Court and Registry. In only two of the dioceses—Armagh and Dublin — are there suitable buildings belonging to the Registries for the safe preservation of the records, which, by law, are deposited in them. The Registries are kept at the houses of the Registrars, and are subject to many accidents. The Register Office at Kilmore was burnt down some eighty years ago, and many most valuable and interesting documents destroyed. The Registries have been so badly kept that there are few documents older than the Restoration. It is the duty of Government to sanction the concentration of the Registries, because the most important temporal rights of lay patrons and of the Crown itself may be dependent upon the safe keeping of the documents in these Registries. Each institution to a benefice recites upon whose presentation it is made. This record remains in the Diocesan Registry only. These records are evidences of the right of advowson. The destruction of these documents by fire or otherwise would destroy all legal proof of the right of presentation in many cases, and be a cause of great inconvenience in all. Many advowsons have been lost to the laity by irregularities in Bishops' Registries, and some have been lost to Bishops from the same cause. If the present Registers were at once removed from their situations upon the consolidation of the Courts and Registries, they would be entitled to compensation; but for this there is no fund available. It is, therefore, proposed that the present Registrars should remain in office as joint Registrars of the united dioceses, and should continue to transact their accustomed business and to receive their fees as heretofore; but that, on death or resignation of these Registrars, no new appointments should be made, until at length but one Registrar should remain for each united Registry. The working of the measure will be very simple. It may be illustrated from the dioceses of Armagh and Clogher. The Registries of these dioceses will be united into one Registry, to be called the United Registry of Armagh and Clogher. The principal office will be at Armagh. But the business of the diocese of Clogher will be transacted at Monaghan, until the Registry of Clogher becomes vacant, and then the business will be transferred to Armagh. If the Registry of Armagh becomes vacant before that of Clogher, the Registrar of Clogher will become Registrar of Armagh, and transact all business there. The papers and records of both dioceses will then be kept at Armagh. Provisions have been made for compelling all future Registrars to discharge their duties in person for transmission of records to the united Registries, and for the punishment of persons stealing or defacing such documents.

2nd. It is next proposed that the modes of procedure in the Provincial and Diocesan Courts should be simplified and improved, and ecclesiastical fees placed on a more satisfactory basis. To effect this, it is provided that the Archbishops of Armagh and Dublin shall make rules and orders subject to the sanction of the Lord Lieutenant in Council — for the custody and preservation of all records and documents in the United Diocesan Registries; for regulating times, forms, and modes of procedure before the Metropolitan and Diocesan Courts; for making alterations in the form and number of ecclesiastical instruments, and regulating their procedure and practice, especially in reference to fees. It is proposed that an annual report shall be made to Parliament of all rules and orders made during the preceding year, by which all these important regulations will be brought under the control of public opinion.

3rd. The reduction of the number of Ecclesiastical Courts and Registries necessitates the reduction of the Vicars General. It is proposed that the number of Vicars General be reduced to twelve, leaving one to each Bishop, and that those offices be possessed by persons properly qualified to exercise exclesiastical jurisdiction. By these means the emoluments of those that remain (small at the best) will be increased, and persons duly qualified will be induced to accept the office. Of the twenty-six Vicars General now in Ireland eleven are clergymen. For the Metropolitan Courts it is intended by the proposed Bill that no person shall be considered qualified for such an office except he be one of Her Majesty's sergeants or counsel or a practising barrister of fifteen years' standing; and that no person shall be appointed a Vicar General unless he be a practising barrister of ten years' standing. The working of the measure may be illustrated by its effect on the united dioceses of Down and Connor and Dromore. The Vicar General of Dromore will be removed, but will for his life receive two-thirds of the fees. The Vicar General of

Down and Connor will be the Vicar General of Dromore, receiving one-third of the fees, and paying two-thirds to the retired Vicar General of Dromore. On the death of the Vicar General of Dromore all the fees will be received by the Vicar General of Down and Connor. The final effect of this measure will be, that there will be twelve Courts instead of twenty-six, and they will be presided over by barristers of ten years' standing; and there will be appellate tribunals at Armagh and Dublin, presided over by a Queen's sergeant or Queen's counsel or barrister of fifteen years' standing. There will be no demand on the Consolidated Fund for compensation or salary of the officers who have to carry out this Bill.

4th. It is proposed that Appeals in matters of doctrine from the Metropolitan Courts in Ireland should, instead of being made to the Court of Delegates, be heard and determined in the same way as Appeals from the Courts of the English Archbishops—namely, by the Queen in Council. Provisions have been made in the Bill for hearing appeals from the Diocesan to the Provincial Courts. Dilapidation cases are of a temporal more than of an ecclesiastical character, and it is proposed that all such appeals relating to the building or repairing of ecclesiastical residences shall be made to the Court of Appeal in Chancery, under the Chancery Appeal Court Act, 1856. Appeals from the Metropolitan Courts in matrimonial and divorce cases will continue to be made to the Court of Delegates.

Before I proceed to the provisions in this proposed Bill relating to the final decision in matters of doctrine, it may be expedient to call your Lordships' attention to the state of the law in reference to final Courts of Appeal in Church questions. There are four final Courts of Appeal in the United Church of England and Ireland.

1. The Judicial Committee of the Privy Council, with the Archbishops of Canterbury and York and the Bishop of London, for hearing appeals under the Church Discipline Act.

2. The Judicial Committee without any Bishop for hearing appeals on *Duplex querela.*

3. The House of Lords on appeals in *Quare impedit*, &c., from the Common Law Courts in England and Ireland—the Court of Delegates for appeals from the Archbishop Courts in Ireland.

Any given question of doctrine may, under certain circumstances, be brought before any or all of these Courts, and there is no provision against conflicting decisions. Upon the subject, for instance, of baptismal regeneration, we might have in the United Church three wholly irreconcilable decisions by three Final Courts of Appeal. In the case of Mr. Gorham, the Bishop of Exeter's counsel argued that the doctrine of the Church of England, respecting baptism, is identical with that of the Church of Rome. The House of Lords might have decided upon *Quare impedit*, that the denial of this was a good cause of refusal. Mr. Gorham contended that the baptism of an infant affords no proof of its regeneration, and upon *Duplex querela* it was decided his doctrine respecting baptismal regeneration was not incompatible with the doctrine of the Church of England. The Courts of Delegates might have decided in favour of the doctrine in the *Reformatio Legum*, which is inconsistent with both. Many strong objections lie to the Court of Delegates as a Court of Final Appeal in matters of doctrine and discipline. Such Court ought to be uniform and consistent in its decisions, and not subject to be influenced by parties, popular clamour, or intrigue. The Court of Delegates fails in Ireland on these conditions. Such a Court constituted expressly for each case, and then falling to pieces, contains no provision for uniformity of decision, and it can have no experience. All its members are engrossed by other affairs, and in times of religious excitement the selection of Delegates would be open to intrigue, and seldom free from suspicion. The Court of Appeal in Chancery would not be a suitable tribunal to decide in matters of doctrine, because the Lord Chancellor of Ireland may be a Protestant Dissenter. In the Church Temporalities Act he is excluded from being an Ecclesiastical Commissioner except he be a member of the Established Church. It is much more important that a Judge, in matters of doctrine, should belong to the Church, than a person who is merely a manager of its temporal affairs. The Lord Justice of Appeal may be a Roman Catholic or a Dissenter; and it appears to me that these facts exclude the Court of Appeal in Chancery from being a proper final appellate tribunal in matters of doctrine and discipline. It is, therefore, proposed that every appeal from any Metropolitan Court in Ireland in matters concerning the doctrine, discipline, or worship of the United Church of England and Ireland shall be made to Her Majesty in Council instead of to the Court of Delegates in Ireland, and shall be heard and determined in the same manner as appeals from the Court of an Archbishop in England are heard and determined under the Church Discipline Act, 3 & 4 *Vict.* c. 86. That such a measure is necessary appears to be acknowledged by all parties. In 1859 an Ecclesiastical Courts and Registries Bill for Ireland, in all essential features similar to this Bill, was brought into this House under the administration of the noble Earl opposite. The Bill passed through your Lordships' House without a division, and it was read a second time in the House of Commons without opposition, and was in Committee when Parliament was dissolved. In 1860 the present Government brought in an Ecclesiastical Courts and Registries Bill for Ireland. Both of these Bills proposed a uniformity of discipline between the Church in England and the Church in Ireland, and both proposed the same final appellate tribunal as does this Bill. The object of the Irish Prelates is to have one and the same Court of Final Appeal for the whole united Church, whatever that Court may be. We only advocate the adoption of the principle laid down both by the late and by the present Government, of dealing with the Church in England and the Church in Ireland as one Church, which is in strict accordance with the spirit of the Act of Union. I therefore recommend this Bill to your Lordships' consideration for many important reasons:—It will facilitate, cheapen, and improve the transaction of ecclesiastical business in Ireland; it will lessen the expenses of the clergy; it will prevent extortion, if there be any, and silence complaints of it if there be none; it will insure more competent Judges for our Ecclesiastical Courts; it will lead to the better preservation of our diocesan records; and it will reduce the Final Courts in the united Church from four to three, which is *per se* of great practical utility. On these grounds I recommend this Bill to your Lordships.

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday* next.

OYSTER FISHERY (ENGLAND AND WALES) BILL. [H.L.]

A Bill for the Encouragement, Promotion, and Regulation of the Oyster Fisheries of England and Wales, for increasing the Production of Oysters, and facilitating the Breeding and Rearing thereof—Was *presented* by The Lord Somerhill; and read 1ª. (No. 108.)

House adjourned at a quarter past Seven o'clock, till to-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 2, 1864.

MINUTES.]—Select Committee—On Education (Inspectors' Reports), *nomination*—Debate *adjourned.*

Supply—*Resolutions* [May 30] *reported**.

Public Bills — *Ordered* — Fish (Freshwater Streams)*.

First Reading — Fish (Freshwater Streams)* [Bill 130]; Pilotage Order Confirmation* [Bill 131].

Second Reading — Court of Chancery (Ireland) [Bill 78]; Court of Queen's Bench (Ireland)* [Bill 123]; Married Women's Acknowledgments* [Bill 122].

Committee—Banking Co-Partnerships* [Bill 118]; Life Annuities and Life Assurances* [Bill 56]; College of Physicians* [Bill 98].

Report—Banking Co-Partnerships* [Bill 118]; Life Annuities and Life Assurances* [Bill 56]; College of Physicians* [Bill 98].

Withdrawn — Rivers Pollution (Scotland)* [Bill 106]; Public Works (Ireland)* [Bill 101].

THE HUDSON'S BAY COMPANY.

QUESTION.

Mr. CRAWFORD said, he would beg to ask the Secretary of State for the Colonies, Whether any progress has been made in the negotiations between Her Majesty's Government and the Hudson's Bay Company relative to the establishment of telegraphic communications with the Pacific through British North America, and whether arrangements for the future management of the territory of the Hudson's Bay Company are still the subject of negotiation?

Mr. ARTHUR MILLS said, he would also beg to ask the Secretary of State for the Colonies, Whether Her Majesty's Government exercise at the present moment any control over the territory claimed by the Hudson's Bay Company, and stated in their Prospectus issued in July last to comprise 1,400,000 square miles; and, whether it is in contemplation to establish a Crown Colony in any portion of this territory?

Mr. CARDWELL, in reply, said, at the present moment no authority was exercised over the territory in question except by the Hudson's Bay Company. Negotiations for some time past had been going on between Her Majesty's Government and the Hudson's Bay Company, having for their object the transfer of a large portion of their territory to the Crown, and the establishment of a Colony in Rupert's Land, and a telegraphic communication with the Pacific. Negotiations had been commenced last Session, but no satisfactory answer had as yet been received.

MIDDLESEX SESSIONS.
MR. SERJEANT PAYNE.—QUESTION.

Mr. CLAY said, he rose to ask the Secretary of State for the Home Department, Whether his attention has been directed to the sentence of ten years' penal servitude passed at the Middlesex Sessions on a man named White, for an act which, if an offence at all, appears to have been at most an attempt at a larceny; and whether also he has noticed unusual severity in the sentences passed not unfrequently at the Middlesex Sessions; and whether Mr. Payne's tenure of office was *quamdiu se bene gesserit?*

Sir GEORGE GREY: Sir, my attention was called to this case by *The Times* newspaper of Saturday last. Immediately afterwards I received a letter from Mr. Payne, Deputy Assistant Judge of the Middlesex Sessions, stating the facts of the case as they appeared on the trial. The prisoner White was charged before him with stealing a roll of cloth, and from the evidence it appeared that he was acting in concert with another man who was not apprehended, and with a woman who was apprehended. Mr. Payne was of opinion that the verdict of the jury was fully justified by the evidence, and in passing his sentence he took into account the fact that the prisoner had been convicted in May, 1859, of a robbery of plate, and had been sentenced to five years' penal servitude. He had at that time been several times previously in custody and twice convicted of robbery. Under those circumstances, Mr. Payne, acting in exercise of the discretion vested in him by law, passed a sentence of ten years' penal servitude upon him. That sentence was subsequently respited until the next Sessions, in order that inquiries might be made as to the truth of the allegations made by the prisoner, of his having been persecuted by the police since his discharge from the sentence of penal servitude, and also as to his character and mode of gaining his living during that interval. In the meantime I had, before receiving Mr. Payne's letter,, directed the same inquiries to be made, and the result has satisfied me that, as far as I can judge, the allegations of the prisoner are wholly without foundation. It appeared the prisoner was not known to the constable who apprehended him, and it was not known to the police of the division in which he resided that he had been previously sentenced to penal servitude. Nor was there the slightest foundation for the statement that the prisoner's brother had been discharged from his employment in consequence of the interference of the police, for his employer stated on inquiry, that he had discharged the prisoner's brother in consequence of gross misconduct. The result of the inquiry into the prisoner's conduct since his discharge from penal servitude has shown, what was not known to Mr. Payne at the time he sentenced him, that in November last, six months after his discharge, he was apprehended together with his brother on a charge of being found on private premises at Paddington at two o'clock in the morning for an unlawful purpose, and sentenced at the Marylebone Police Court to three months' imprisonment. In answer to the question, whether I have noticed any unusual severity in the sentences passed at the Middlesex Sessions I have to say, that I have not noticed any unusual severity in those sentences. It will be in the recollection of the House that frequent complaints have been made in this House of the lenity of the sentences passed at Assizes and Quarter Sessions, especially upon habitual offenders. No one can doubt that this man was an habitual offender. As to the tenure of Mr. Payne's office, I have to state that he holds no permanent office. Under the provisions of the Act of Parliament, Mr. Payne is appointed from Sessions to Sessions by Mr. Bodkin, as his deputy. The appointment was originally approved by the Secretary of State. I am bound to state that Mr. Payne informs me that he has filled that office for six years, and that during that time he has tried between 3,000 and 4,000, or 4,000 and 5,000 prisoners—I forget which. I am not aware that any just ground of complaint has ever been established against him.

ACCIDENT IN PLYMOUTH SOUND.

QUESTION.

SIR MASSEY LOPES said, he wished to ask the Under Secretary of State for War, Whether his attention has been called to the fatal accident which has recently taken place from Artillery practice in Plymouth Sound; and what measures he proposes to recommend in order to preventt he repetition of so painful a disaster? The accident took place on Monday last in Plymouth Sound while the Artillery were practising. A boat had landed passengers from the *Warrior*, and was coming back to Devonport, when a shot struck the boat on the starboard side and shattered both the thighs and the spine of one of the boatmen, who lingered for six hours. Another of the boatmen was only saved from drowning by a boat putting out immediately to his assistance. Many other boats, he understood, had been struck in the same way.

THE MARQUESS OF HARTINGTON said, in reply, that a Report of the accident had been supplied, but up to the present time no further details of the circumstances under which the boat had been struck had been received. A full Report had been called for as to the circumstances attending the accident, and also as to the precautions that ought to be taken to regulate the Artillery practice. In the meantime, orders had been sent by telegraph to suspend all further Artillery practice until that Report had been received.

DISCIPLINE AND DIETARY IN GAOLS.

QUESTION.

MR. BAZLEY said, he would beg to ask the Secretary of State for the Home Department, Whether the Government be now prepared to give effect to the Recommendation of the Select Committee of the House of Lords in reference to the discipline and dietary in Gaols, and whether the advice of the Visiting Justices of Prisons, which has been sought by Government, and any other inquiries in progress, were calculated to finally fix the dietary in County and Borough Gaols upon a sound and scientific basis; and who are the Gentlemen to whom the subject has been referred, and how has their inquiry been conducted?

SIR GEORGE GREY said, in reply, that a Paper had been presented to Parliament giving the Correspondence between the Home Office and the Prison Inspectors in reference to the Report of the Lords Committee. A full and elaborate Report had also been received from the three medical men to whom the subject of the dietary of Gaols had been referred, which would shortly be laid on the table. The House would see in that Correspondence the manner in which the inquiry had been conducted and the measures taken by the Government.

MURDER OF MR. JAMES GREY ON BOARD THE "SAXON."—QUESTION.

SIR JAMES ELPHINSTONE said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether he has received the Report of the Court of Inquiry held on Acting Master Danenhowen, or Donovan, of the United States ship *Vanderbilt*, for the murder of Mr. James Grey, mate of the ship *Saxon*, at Angra Pequina, held at the Philadelphia Navy Yard, with the finding thereof; also the Proceedings of the Court Martial subsequently held upon him, with the remarks of the Secretary to the Navy of the United States, and the Correspondence of Lord Lyons on the subject; and if so, whether he will lay the Papers upon the table of the House?

MR. LAYARD said, in reply, that the Court of Inquiry held upon Acting Master Danenhowen or Donovan, of the United States' ship *Vanderbilt*, for the murder of Mr. Grey, mate of the ship *Saxon*, at Angra Pequina, was a private Court, and the Government had no official information as to what took place in it. The case was then submitted to a court-martial, but the verdict had not yet been sufficiently promulgated. All the information possessed by the Government was derived from the notes of a shorthand-writer who was engaged by our Consul. When the Government received information of the decision of the court-martial, he would see what papers could be produced.

ARMY — PERCUSSION CAPS FOR MILITARY PRACTICE.—QUESTION.

MR. MORRISON said, he wished to know, Whether the attention of the War Office has been called to the quality of the Percussion Caps issued for practice to the Army?

THE MARQUESS OF HARTINGTON, in reply, said, that complaints had been received of the Percussion Caps supplied to the Volunteers. No complaints had been received from the Army. An improved kind of Percussion Cap had been submitted to the War Office and was now undergoing experiment. Meanwhile, the Horse Guards had called for a Report on the quality of the present Percussion Caps.

ORDERS OF THE DAY.

Ordered, That the Orders of the day be postponed till after the notice of Motion relative to Education (Endowed Schools).—(*Sir George Grey.*)

EDUCATION (ENDOWED SCHOOLS).

RESOLUTION.

Mr. ADDERLEY: I rise, Sir, to move that this House, having considered the Minute of the Council of March 11, 1864, on Endowed Schools, is of opinion that it does not meet the objections made to the Minute of the 19th day of May, 1863. The House will remember that, about three months ago, I brought forward a Resolution condemnatory of the Minute of May, 1863, which proposed on the part of the Treasury to appropriate to its own credit every single endowment belonging to all the schools in England and Scotland which receive aid from the Government, whether those endowments were the gifts of living donors or vested in charitable trustees for educational objects, or whether they were the actual concession of living claimants amongst the poor for the benefit of the education of their children, or whether they were endowments expressly left for the payment of school fees. That Minute proposed to sweep into the Treasury indiscriminately, and treat as public money, all the endowments belonging to all the aided schools in England and Scotland; and it was not surprising that the House so strongly supported my condemnatory Resolution—indeed, with the exception of the hon. Members for Leeds and Sheffield, I was unanimously supported in the proposition which I made. The noble Lord at the head of the Government found himself obliged to intimate to the right hon. Gentleman the Member for Calne, the then Vice President of the Committee of Council, when in the middle of his defence, that he must instantly put about and beat a rapid and immediate retreat, which difficult operation the right hon. Gentleman executed in a manner worthy of his well-known ability.

Mr. LOWE: I beg to say the right hon. Gentleman is mistaken.

Mr. ADDERLEY: The right hon. Gentleman says I am mistaken, but I must repeat my proposition, and I do not think he will again contradict it, namely, that he came down to the House to oppose my Motion, and the commencement of his speech was apparently in opposition to it, but an intimation being made to him—[Mr. Lowe: No, that is not so.] Well, Sir, the right hon. Gentleman denies that an intimation was given him, but at all events the right hon. Gentleman in the middle of that speech found the House was unanimously in favour of my Motion, and he was obliged to change his tactics—if he likes the expression better—and beat a rapid and immediate retreat. The Minute which I am now bringing under the notice of the House, and which I hope the House will condemn as heartily as they did the other, was issued a few days after. The new Minute so produced offers to exempt from a general and indiscriminate appropriation of their endowments the small rural schools of the country, which are defined by the document as schools of 1,200 square feet area, as if poverty was to be measured by the square foot, and injustice by the capacity of endurance. Absurd as this mode of meeting the Resolution of the House is, it does not represent to the full extent the right hon. Gentleman's mode of evasion; for there is a proviso in the middle of the Minute, from which he would seem half-way to have repented of what he was about to do—that the endowments of those small rural schools should, if not wholly, be at last so far appropriated by the Treasury, that the endowments and the grant together should not exceed 15*s.* a head. Now I appeal to the House whether this is not a proposition for stultifying its former resolution, and whether it is not a cool proposition on the part of a Minister to set at naught the authority and rescind the decision of this House. Those who three months ago opposed the Minute of the 19th May of last year so unanimously cannot consistently accede to the Minute of March 11th. The host of petitions that was presented against the first Minute applies equally to the present one, and the patrons of schools throughout the country who asked their representatives to rally round their interests and defend them from the spoliation proposed in the first Minute can equally call upon them to defend them from the operations of the second. If there are any hon. Members who have schools near their own residences or amongst their constituencies which might escape the entire spoliation of their endowments under the new Minute, and are therefore content to allow the injustice which they have averted from themselves to fall upon the rest of the kingdom, I tell them to their faces that they do not know their duty or the constitutional principle of their functions in this House. [*A laugh.*] No hon. Member is sent here to represent his own private interests. I see a noble Lord opposite (Lord Henley) laughs at the proposition; but I hope he is not of those who, having protested against the first Minute, is ready to put up with the last Minute because his local school might come within it. No one, I say, is sent here to represent his private interests, or exclusively his own constituents, but to represent the interests of the kingdom at large, and therefore we are bound to discuss the Minutes by what their effect will be generally on the interests of the schools throughout the country. I was asked by the Government to delay taking the sense of the House on this Minute on the plea that a Return, moved for by the hon. Member for Berkshire, and likely to have a material effect in regard to it, was about to be presented; and I was thought by many to have acquiesced in that request too readily and almost too simply. I did, however, accede to the request, not on account of the alleged plea, but merely because I knew that the present Vice President of the Committee of Council on Education had barely entered into that office, and I therefore conceived that it would be only fair that that right hon. Gentleman, if he should be called on by his leaders to make his first essay in his new office by a Quixotic charge against all the endowments connected with the schools under his control, with a view to sweep them into the Treasury, should have time allowed him to get firmly seated in his saddle. That time has been allowed, and the Return I have adverted to is now before the House; and I confess I cannot conjecture what inference is intended to be drawn from it in favour of the new Minute. In the first place, the Return is most imperfect and most incorrect, and it is wholly inapplicable to the question before the House. It professes in three parallel columns to show the condition of the endowed schools receiving grants in 1862, as compared with 1863; that is to say, to give a comparative statement of their condition under the old and the revised codes. But, as the hon. Member for Berkshire must be aware, the revised code was not in full operation in 1863, and therefore the Return does not accurately represent the condition of the schools under that portion of the revised code in operation. In many particulars it will not come into operation for some years, as, for instance, in the payment of pupil-teachers, and, putting these special points out of the question, it will take some years for the revised code to get on a complete footing. It is well known that no schools received grants throughout the whole of 1863 upon the conditions of the revised code, and therefore the comparison is imperfect. If any information can be obtained from the Return, it is simply this —that even before the revised code came into operation a large reduction had already been made in 1863 in the income of the schools which relied upon grants from the Treasury. I do not condemn that reduction, but I say that schools that were suffering so great and sudden a reduction of income in the way of assistance from the State were unable to stand the second blow involved in the absolute confiscation of the whole of their endowments. The Return moved for by the hon. Member for Berkshire is also incomplete in this way, that grants before the revised code were calculated on the income of the schools, and in a great number of instances that income is not given, it being stated in a note that there was no Return of it. How could the office have calculated the grant without knowing the income which measured it? I also have to complain of the Return because it affords no test to judge, in any case, of the grant or endowment. I have heard some people say, what a large endowment such and such a school has; but large is a relative term, and unless the number of children in the school be stated, it cannot be said whether any endowment or grant is large. There is another feature of inaccuracy about the Return, inasmuch as in a great number of instances the endowment of the schools is stated at different amounts for 1862 and for 1863. The fluctuations in the statements go to the extent of 100 per cent. Now, if these endowments are fluctuating quantities they are not such endowments as are properly contemplated in the Minute, and they do not justify this strong and violent proceeding on the ground that they are fixed and not precarious incomes. A further feature of inaccuracy is, that several of the largest endowments stated in the Return are endowments, within my own knowledge, not simply for education, but also for the clothing, food, and maintenance of the children. One of that kind is St. Clement's Dane's Schools, which is mentioned in the Report as an endowment for education solely. I think I have shown that the Return, for which my Motion was postponed, is valueless for its purpose. Supposing, however, the Return correct, and as complete in every respect as no doubt the hon. Member for Berkshire wished it to be, I still am at a loss to conjecture what inference he or the Government sought to draw from it in favour of the second Minute. I can judge of the question just as well from any one case as from all, and accumulating cases in an aggregate form did not affect the matter. The question is one of right, and can be illustrated as well from one instance as from a thousand. But, perhaps, the hon. Member for Berkshire, or the Government, thought that they would be able to fish out of the Return certain cases, one or two, justifying the Minute. It is difficult to draw up any scheme of public grants which will not be liable to some cases of abuse, and I will suppose the kind of abuse the hon. Gentleman was searching for—the case of a school possessed of an endowment almost equal to its expenditure; or up to the extreme limit which an endowment could reach, and yet not disentitle the school to a grant, there being certain subscriptions entitling it to some payment of money from the Treasury. I admit that that would be abuse, because it would put the school in possession of an income beyond its requirements; but that case might be met by laying down a rule that in no instance should a grant be given to a greater amount than would make the aggregate sum formed of fees, subscriptions, endowment, and grant, more than 30*s.* per head in any school, which is the average expenditure. Such an arrangement would get rid of the abuse I have referred to, without any violent injustice, or the sweeping of endowments from schools into the Treasury; and the remedy I propose I feel confident would be agreed to by the House. This is not a matter of individual cases, for if the hon. Member for Berkshire can produce a few cases of abuse under the existing system, I can for every one he produces bring forward ten where much greater abuse would be certain to spring up under such violence and injustice as the Minute proposes. I will not repeat what I said on a former occasion, but I must remind the House that it is not a question of cases but of principle which is at issue. I and the right hon. Gentleman the Member for Calne are at issue on principle, and I confess I was for some time utterly at a loss to conceive on what possible principle the right hon. Gentleman could have based these Minutes of which he was the author; but in his recent speech he for the first time gave a distinct enunciation of the principle upon which he based them, and upon which he based generally his conduct and by-legislation in his office. The right hon. Gentleman told us in his speech that he considered himself in his office as the trustee of an eleemosynary fund, in the distribution of which he was bound to consider the means of the recipients. He said he had to perform the duties of a relieving officer. Now, I ask the House to-day, as I asked them in March last, to take issue with the right hon. Gentleman on that principle; for I conceive that the right principle on which he ought to act is very nearly the reverse of that which the right hon. Gentleman says he has acted upon. It is true that in the distribution of the public funds for the relief of poverty and destitution you ought to consider the means of the recipient. Whether his means of relief arise from endowments, from subscriptions, from donations, or from charities of any sort or kind, you have no business to distribute a public fund for the relief of destitution, to give out of such fund on the score of destitution, when you know the recipient is in possession of other means of any kind to live upon. But when you are distributing a public fund given in aid of voluntary efforts for the education of the poor, instead of reducing the amount of your assistance by the amount of aid coming from another quarter, you ought rather to increase the assistance in proportion to the voluntary exertion. Your action in the two cases is precisely the reverse. The right hon. Gentleman, in the capacity of a relieving officer, was relieving the Treasury out of the funds of the poor, and not relieving the poor out of the coffers of the Treasury. But let me point out to him that though the parallel of the poor law is false, yet that even supposing there was an analogy between poor relief and a subsidy for voluntary education, the analogy would not bear him out in the defence of this Minute; for in the distribution of poor relief, although you take into consideration the means and the conditions of the recipient, I ask whether any parish would be justified in taking the endowments of the parish in reduction of the poor rates? As a Charity Commissioner I recollect a case very much in point of a parish in Herefordshire, where the guardians of the poor happened to be trustees of an endowment for the relief of the poor. The parish being in debt the guardians and trustees took upon themselves to pay off the parish debt by means of the charity property, and for that purpose they cut down the timber on the estate from which the endowment was made. And what ensued? The Charity Commissioners proceeded against them, and the case was decided against them as a fraudulent transaction; and the thing was stopped. Exactly in the same way I ask the House to stop the Treasury from relieving its own disbursements by the appropriation of the endowments of private benevolence. One word more as to the avowed principle of the Minute. I say if you allow the education minister to assume the position of a relieving officer, and to treat the fund at his disposal as an eleemosynary fund, you will be most utterly disappointed. You will find that instead of tending to economy that it would tend to the grossest waste and the most profuse expenditure of the public money. It was against that very pauper system of dealing out as doles from the education fund that I struggled most when I was in that office. I find that the right hon. Member for Calne thinks it has already pauperized the country. He says it was once regarded as an honourable act to undertake the endowment of a school, but not so now. I do not agree with the right hon. Gentleman, but I am firmly of opinion that if we were to allow the Education Minister to take the post of relieving officer and treat the grant as an eleemosynary fund, we should find that the spirit of the country would be pauperized, and its voluntary zeal for the promotion of education would become gradually paralyzed. We see a tendency to this already. We find large districts in London calling themselves poor districts merely because the owners of property will not come forward and take their part in aid of the voluntary system. We find landlords in rural parishes trying to give a stigma of poverty to parishes, which poverty amounts only to poverty in their own zeal, or indicates a want of interest in parishes in which they possess much, but do not reside. But if the property of each parish is to maintain the education of the poor—and no doubt it is sufficient in every case to do so, with the aid of a subsidy from this House—let us not break down that system by turning the subsidy into a dole for destitution, or comparing the minister to a relieving officer. I have done with the principle of the right hon. Gentleman. But there are some who say, "Though it is true that these endowments should not be allowed to relieve the Treasury, yet neither should they be allowed to relieve your voluntary efforts." I think that was the main argument of the hon. Member for Leeds the other day; I think it is likely to be the argument of the hon. Member for Berkshire. The hon. Member for Leeds said,

> "Even allowing that these endowments ought not to be taken to relieve the Treasury, still, on the other hand, they should not be allowed to relieve voluntary efforts."

The right hon. Member for Calne has never attempted to deny that an endowment during the life of the donor is a voluntary effort. The hon. Member for Berkshire will allow that endowments in the life of the donor have altogether the characteristics which the right hon. Member for Calne declared to be a test of voluntary effort, namely, that they are under the living superintendence of the donor, and are a proof of the stimulus which the education grant was intended to bring forth. But there is nothing that makes an endowment less a voluntary effort in the deed by which the donor binds his successor. He makes the donation during life. This shows that the stimulus has acted upon him in drawing out his money; and I suppose that the hon. Member for Leeds will not say that when a gentleman has made an endowment of £50 a year for a school in his parish that it would stimulate him to greater zeal if the Treasury pocketed the money, and asked him for another £50, in the form of subscription also; because it seems to be contemplated by the right hon. Member for Calne and others, that when the Treasury pockets a vested subsidy you will get the same amount repeated in donations and subscriptions. At all events, I have the admission of the right hon. Gentleman, that endowments in the life of the donor are equivalent to voluntary efforts. That is a very great admission. There is, therefore, a large class of endowments dealt with by these Minutes, who, according to their own showing, Ministers propose to treat with simple robbery, without any excuse or advantage whatever. Let me now proceed to endowments of another kind. The right hon. Gentleman will wish to get away from the consideration of living donors as soon as he can. He will get away from those living squires as he calls them, and from local endowments, and will ask us to consider his Minute with reference to dead squires, and old and not local endowments. He argued as if there was nothing really local in an endowment; and certainly a man in Australia may, from affection for his native county, endow a school in Staffordshire. This, however, is not generally the case. I admit at once that an old endowment, even of three generations, is not entitled to be treated in the same way by the Treasury as recent ones. I say they have not a similar claim, or a claim to the same amount. But at the same time I say the claim, whatever it may be, is on the credit side of the account, and that you cannot on the score of antiquity, or of the endowment being made at a distance, justify the Treasury in depriving the particular locality of all advantage from its endowment. The endowment is the property of the place. It is not public property. Will any one stand up and say that an endowment to a particular place is to be of no advantage to the locality above others? There may be different modes of treating different cases; but nobody will be bold enough to say that an endowment is simply public money, in which its specified object has no particular interest. Still less will any one say that it is just for the debtors of any place to seize on its endowments as a public property and then discharge with it their public debts. I wish to draw the attention of the House for one moment to a suggestion made to me by the hon. Member for Oxford yesterday. I will not appropriate the suggestion, because I hope the hon. Member will introduce it himself. I would deal with old endowments by taking them in account of contributions duly having claims for subsidy at a depreciated rate. The hon. Member for Oxford threw out this fresh suggestion. He said, "Why should not a public body, say the Charity Commissioners, appropriate such endowments to special extra prizes to the school endowed or for the masters, and then let the school receive grants on the same terms with other schools irrespectively of its endowments?" I think it well worthy of consideration whether by that means the locality might not have the advantage of its endowment, and yet all schools start fair for grants. And there would be this additional advantage—that there would be certain places possessing endowments whose schools would be looked to as prizes by the masters throughout the kingdom who would thus gain the stimulus of promotion. Well, now, I have completed my arguments. I will only ask the House to recollect how completely we made out in our last debate the entire failure of the advocates of the Minutes proposed, even to show their possible application throughout this country. We found that, even if we consented to the violation of justice that seems to pervade them, they could not be carried out without great exceptions, great anomalies, and injurious consequences. As to the great exceptions, the greatest of all included the whole kingdom of Scotland, when the heritors' tax in every rural parish would have to be left out of the category of endowments; and that I consider to be a considerable deduction from any provision relating to school endowments which is meant to be impartial. As to the anomalies, we find them in the case of endowments for the payment of fees in schools—which the Minutes exclude as endowments, but recognize as school fees. As to the consequences, I appeal to the right hon. Gentleman whether he would not acknowledge this consequence to be injurious, that it would put a stop at once and for ever to the process by which the Charity Commissioners are turning many doles from charities notoriously abused, to the purpose of education? Would it not still further be an evil that this Minute would at once put a stop to all future school endowments? It is no use appealing to the Government in favour of any endowments. I am afraid they are prepared to see the extinction of endowments without regret; but at all events I have made out that the relative claims of schools, endowed and unendowed, may be reconciled to each other without any injustice to either, or the appropriation of the property of the one to assist the other. There is a Minute I would propose to substitute. When the right hon. Gentleman gave me a draft of this new Minute I ventured to give him also a counter draft of my own, which I thought would be preferable. He knows it, and I need not trouble the House by explaining it. I think I see my way of limiting the whole expenditure for education in this country in a satisfactory manner, without any such violent appropriation of the property of endowed schools. It is with no special views—not in the special interests of the Church, nor in the interests particularly of the poor, but merely because I think it is most desirable that the distribution of the education grant should be on fixed and fair conditions, that I propose to the House to cancel those two Minutes, and to substitute the one that I have prepared. I think we should pay most dearly for any little temporary relief the Treasury would gain by a plan for the appropriation in aid of public grants of the private endowments of schools.

Motion made, and Question proposed,

"That this House, having considered the Minute of Council of the 11th day of March, 1864, on Endowed Schools, is of opinion that it does not meet the objections made to the Minute of the 19th day of May, 1863."—(*Mr. Adderley.*)

Mr. WALTER said, he should occupy the attention of the House but for a very few minutes, for the principle at issue between his right hon. Friend and himself was of so limited and narrow a character that it required only to be clearly stated to be understood, and hardly demanded so lengthy an explanation as that of his right hon. Friend. The question he took to be simply this, Were endowments to be considered in the nature of public property appropriated to certain purposes, and placed in the hands of trustees to see that it was so applied; or were they to be regarded as special subscriptions, and to be treated as such, and taken into account among the sources of income from which a school derived its funds? His right hon. Friend had held him responsible to a greater extent than was right for the accuracy or inaccuracy of the Return which had been laid on the table on his Motion. At all events, his right hon. Friend had no right to complain that he had been obliged to postpone his Motion until that Return was produced, inasmuch as a considerable part of his speech was devoted to an exposure of its inaccuracies. Certainly there was another Return which would have rendered that one far more complete, and without which it was scarcely possible to do full justice to the subject. That was the Return moved for by the hon. Member for Newark, which would furnish the House with most valuable information, and would show the origin, history, and character of every school endowment, whence derived, the date, and how applied. That Return, with the Return already produced, would furnish the House with very valuable information. It really, however, was of very little consequence, as his right hon. Friend had truly said, whether the Return was strictly accurate or not. He did not rest his argument at all on the accuracy of the Return. He agreed entirely with his right hon. Friend that it was a question of principle, that it mattered little whether the endowment were £5 or £500, and many endowments, as they knew, went beyond even that large amount. When his right hon. Friend the late Vice President, at the conclusion of his speech, made that concession to the opposite party, waiving a large portion of his case and making an exception in favour of small schools, he felt then that the ground was so far cut from under his feet, for he admitted that if an exception were made in favour of small rural schools there was no logical ground for making a deduction from the larger schools. The real question they had to determine was, What was an endowment? He took the history of most of these school endowments to be this:—They were left by benevolent persons, not to go into the pockets of the parishioners, as they would do if the present system were carried out, but for the support of schools in particular places where otherwise these schools never would have existed. They were left at a time when the duty of supporting education was generally ignored. They were left by benevolent donors with the full conviction that if the money was not left in that form for the performance of the duty it would be altogether neglected. Circumstances, however, had completely altered since that time. The support of schools was becoming recognized as a general duty, and it was very liberally performed. When the Government offered its support to schools on the condition of the parishioners in particular places evincing their willingness to perform the duty, the grant ought to be measured by the display of that willingness on the part of the parishioners, and not by the possession of certain public property which they held as trustees, and from which they themselves ought to derive no benefit whatever. To use an illustration which would make his case clear. Suppose the State out of the public revenues were to undertake to do completely and entirely what it did partially, and were to support wholly and entirely all the schools throughout the country. Take then the case of half-a-dozen parishes which required each £100 a year to pay their expenses. Suppose one of these schools had an endowment of £50, another of £40, and another of £30, and so on, and that a certain proportion of them had no endowment at all—would his right hon. Friend contend that that £100 should be paid to every one of these schools, irrespective of their endowments? Of course not. It would be putting the endowments into the pockets of the parishioners. If that were so, what was it they were doing with regard to the present system? The State contributed a portion towards the expenses of these schools, and in proportion as the endowments were taken into account as a portion of the ordinary revenue of a school the pockets of the parishioners were relieved of a portion of the expenses. That principle was fully illustrated by the facts of the case. When the hon. Member for Leeds the other night read a long list showing the small proportion which subscription school fees bore to endowments, and the consequent benefit which parishioners derived from these endowments, the immediate answer was, "that was in 1860; things have been altered since then." The Return, however, showed what was the case in 1863, and he would cite one or two cases. There was no need to select any, for all over the country were scattered about schools with small endowments and large Government grants, and large endowments with small Government grants. He would take the case of Arundel. Arundel in 1862 had an endowment of £120 19*s.* 2*d.*; the total income derived from other sources, including schools fees, was £35 2*s.* 8*d.*, the amount of the grant £162 16*s.* — making a total for that school of £318 17*s.* 10*d.* Now would any one tell him that that sum of £120 19*s.* 2*d.* did not go into the pockets of the parishioners of Arundel? Again, Barnstaple Bluecoat School had in the same year, in the shape of endowment, £98 12*s.* 5*d.*; from other sources, £29 3*s.* 11*d.*; while the Government grant was £45 15*s.*—making a total of £173 11*s.* 4*d.* There was also the case of Accrington, in Lancashire, which, according to the Return, had in 1863 an endowment of £50, the entire amount derived from other sources being £192 4*s.* 6*d.*; the amount of the grant, £194 14*s.*; total, £336 18*s.* 6d. In Bridgenorth Bluecoat Schools the endowment was £251 7*s.* 4*d.*, the funds from other sources, £49 3*s.* 1*d.*; the grant, £49 16*s.* 6*d.*; total, £350 6*s.* 11*d.* In the case of the Episcopal Charity School, Exeter, the endowment was £547 5*s.*; other funds, £230 6*s.*; grant £175 1*s.* 4*d.*; total, £952 12*s.* 4*d.* The endowment in the case of Brereton, Staffordshire, was £86 2*s.* 2*d.*; the receipts from other sources, £43 1*s.* 2*d.*; amount of the grant, £19 3*s.* 4*d.*—not a very large grant, but what he should like to know was, why that amount of endowment should not be deducted. He should like also to call the attention of his right hon. Friend to another argument derived from those endowments. He held in his hand the petition of the managers of the Shirley Church of England Endowed School, and what was the argument used by those gentlemen in favour of those endowments being respected in the way which his right hon. Friend proposed? One great object was, they said, "to enable the managers, especially in rural districts, to rise to the pecuniary requirements of the Committee of Council and to obtain a portion of the educational grant and secure the services of a certificated and more efficient teacher than they could otherwise have engaged." That was to say, that those endowments were to be made a lever in the hands of those managers for extracting money out of the pockets of the public, which they must pay in the shape of grant, while managers who had no endowments and, therefore, not the same means of paying certificated teachers, enjoyed no such advantage. Was that, he would ask, fair? What right had the House to turn those endowments into an engine of that kind? The argument of those gentlemen was—"We will tax you by means of our endowments. We will compel the Government to respect those endowments, and we will put our hands into your pockets." Another argument urged by the managers in question was, that "to make an abatement of grant in proportion to endowment is in effect to deprive a school of any benefit from the liberality of its benefactors, and to confiscate the endowment to the public revenue." What was the meaning of that word "confiscate?" If the principle contended for were admitted, it was clear those endowments would not go for the support of the school but into the pockets of the parishioners. He recollected the case of a school in which the endowment was £130, the amount of the subscriptions £33, and the Government grant £120 or £130. Could there be any doubt as to where that endowment went? He could not understand how, if the argument of his right hon. Friend were admitted in the case of small endowments, it should not also be admitted in the case of large, which would be a *reductio ad absurdum* of the whole thing. He should not trouble the House further on the subject, because when the matter was once clearly stated he did not see how it could be misunderstood. A certain degree of courtesy might be required to be extended in the case of endowments for a man's life, but he did not think there was any necessity for carrying it beyond. The whole theory of the mortmain laws showed that we were not disposed to respect the endowments with which they dealt; and he saw no reason why precisely the same principle should not be applied to the endowments for schools. He regretted the Government had gone so far as they had in protecting those small endowments; and feeling as he did, that the question was one of principle, not of detail, he should oppose the whole principle of endowments being respected in the distribution of Government grants, whether their amount was large or small.

MR. H. A. BRUCE said, that the distinction between endowments and local contributions was broad and intelligible. A local contribution implied personal sacrifice and a continuing interest in the welfare of the school on the part of the giver. If a school were ill-conducted the contributor would evince his dissatisfaction by withdrawing his subscription; whereas the endowment remained the same under every possible circumstance. The course which the Privy Council had taken up to that time with respect to endowments was, he must admit, somewhat inconsistent. Formerly grants in aid of schools were made under various heads—augmentation of masters, capitation grants, and payments to pupil-teachers. The augmentation to masters was never paid unless a certain sum was provided by the school, out of the fees or local contributions, and the endowment was left out of consideration. In the case of the capitation grant there was no such provision. It was made in every case where the funds of the school, created out of fees, local contributions, and endowments, reached the sum of 14*s*. per head; and so with respect to the pupil-teachers, their grant was made quite irrespective of the sources from which the income of the school was drawn. At that moment they were under the compromise entered into between the Government and the House, paying to schools where pupil-teachers were maintained considerable sums of money, while those schools were receiving by way of endowment, £2, £3, and even £5 per head upon each child. The revised code dealt with the subject of endowments, but dealt with it but imperfectly. The attention of the Department did not seem to have been specially directed to that part of the question. It was occupied by topics of greater consequence. The regulations made on this subject in that code were that no grant should be given in any case where the endowment amounted to more than 30*s*. per head, on the average attendance of children. What was the result? That where a school in which the attendance averaged 200 had an endowment of £300, and that 10*s*. was raised by means of local contributions, and 10*s*., therefore, given in the shape of a grant, the school would actually be in the receipt of 50*s*. per head. There was no reason to doubt that many schools were receiving more than they required; and, in some cases, considerable sums had been, by way of bonus, presented to masters, in others reserve funds had been created to extend the school buildings at a future time. The Privy Council having to deal with this state of things considered it thoroughly, and it was their opinion that the payment authorized by the House and made by the State was sufficient, with that amount of local aid which might fairly be expected, to give a proper education to the children of the poor. That calculation was founded on the assumption that all schools started on an equality, with no funds but those raised by means of local contributions. It was obvious that if the assessment committee for any union possessed the power of assisting out of the rates of the union the different parishes composing it, the assistance given would be proportionate to the actual means of the parish receiving aid. They would not give to a parish which had an endowment of £100 a year as much as to a parish which had none; and the same principle ought to guide the State in the distribution of its annual grants. The right hon. Gentleman had used hard words, and talked about "spoliation" and "confiscation," but he would ask him whether the contribution of the State was not given simply to supply a need. Where that need existed and the conditions imposed by the Privy Council and sanctioned by that House were complied with, the grant was made; but where the need did not exist there ought not to be any grant. Such, however, did not appear to be the opinion of the House when the subject was last before them, and his right hon. Friend and predecessor undertook to frame a Minute which should be in accordance with the Resolution moved by the right hon. Gentleman the Member for Staffordshire, and with the understanding which was then come to. That Resolution was vaguely worded, that no one could deny that it was satisfied by the Minute of March, 1864; but the question between them really was, What was the fair interpretation of the understanding under which the Resolution of the right hon. Gentleman had been withdrawn? Several hon. Members, among them the noble Lord the Member for Northampton (Lord Henley), the hon. Member for Midhurst (Mr. Mitford), and the noble Lord the Member for Stamford (Lord Robert Cecil), drew on that occasion a broad distinction between endowments in rural places and endowments in towns. The noble Lord the Member for Stamford pointed out that while in rural parishes the contributions would depend mainly upon the disposition of the principal proprietors, upon their liberality or niggardliness, in towns and populous districts, the average of numbers tended to remove their inequality. The distinction between populous and small rural parishes had already been recognized in the orders of the Privy Council, under which rural parishes were treated in certain cases more favourably than urban ones. The Minute of March, 1864, was in effect this. Any school the average attendance of which did not exceed 100 children—and the House must remember that an average attendance of 100 implied that there were usually 150 names on the books—might enjoy an endowment to the extent of 6*s.* for each scholar, without any deduction being made from the grant. That in the case of a school having 100 children, amounted to an endowment of £30 a year. This exception met the case of some of the Scotch endowments, such as those of Mill and Dick, which were among the most useful that existed. Mill's bequest produced about £1,400 a year, which was divided in the proportion of £20 a piece among 70 out of 144 schools in the county of Aberdeen. Dick's bequest, which produced £4,000 a year, was distributed between Aberdeenshire and two neighbouring counties. He did not say that there would be no changes in the application of those bequests, but with the necessary alterations the whole of the funds of these two great endowments might be applied under the Minute in furtherance of popular education. Such being the effect of the Minute, he wished to call attention to the Return obtained by the hon. Member for Berkshire. He fully admitted that it was not a complete document, and that in order to guide the House it should have shown the average amount of the endowments over a series of years, because they were subject to great fluctuations. It appeared, however, by the Return, that out of 7,739 schools assisted by the State 1,631 were endowed schools. The average attendance in these 1,631 schools was 213,000 scholars, and the total value of their endowments was £52,495 a year. That sum divided among 213,000 scholars would give exactly 4*s.* 11*d.* a head; so that if these endowments were equally distributed — which, however, was not the case — every rural school would obtain the full benefit of its endowment. It was impossible to draw in all cases an exact distinction between the rural and town schools, but he believed it could be done with sufficient accuracy for the information of the House. The number of schools which would be wholly relieved by the Minute would be 450, and the number partially relieved 674; the remainder were town schools, the endowments of which would in all cases be deducted from the grants. By far the greater number of endowments in the rural parishes were small, and the large towns which had sprung up in modern times rarely had any endowments. They were generally to be found in places of respectable antiquity, such as Shrewsbury, Hereford, Worcester, Bridgenorth, and towns of that character. That such schools could dispense with any exception being made in their favour could be shown by a recent example. At Hereford there were two schools, each having an endowment of about £120 a year. When the Minute was published, the trustees of one of them were about to protest and petition against it, but they thought better of the matter; they exerted themselves to supply the place of the grant which was to be withdrawn, and, after providing for the education of fifty children gratuitously, they had by a system of fees raised £130 more than the amount of that grant; and the Dean of Hereford said, that he had no doubt whatever that the managers of the other school, too, would be able to raise more than they formerly received from the Government. These schools had for a considerable time been, and under the revised code would have remained, in receipt of £250 a year, which was worse than wasted. He believed that in most other towns a similar result would follow the publication of the Minute. As a question of economy that was of but trifling consequence. The saving would be only about £30,000 a year, but it was of infinitely greater importance that the public money should not be uselessly squandered. Over and over again economies had been introduced which had at first excited objection and hostility, but the soundness of which had ultimately been universally admitted. The right hon. Gentleman himself caused some dissatisfaction among the managers of schools by reducing the amount of the building grant, yet the propriety of that reduction was not now disputed. He believed that the same would be the case with regard to this Minute, which he was confident would inflict no permanent injury upon the education of the country. Believing that the system adopted for the encouragement of popular education had conferred inestimable benefits on the country, and so far from dulling the edge of voluntary effort, as had been apprehended, had greatly stimulated it, he would not willingly be a party to any act which would impair its efficacy. He held that the interference of the Government with the education of the country had been fraught with the greatest blessings.

The advice and assistance of the Inspectors had been of the greatest value in organizing the schools; and everyone who had lived in a populous district, as he had done, must have felt that, while the advantage of the Government aid to the present generation was very great, its benefit to the next generation would be incalculable. He believed that no money had been better expended than the £8,000,000 expended in education. Still, it was the bounden duty of the House to hold its hand whenever an injudicious outlay was pointed out, because a reckless expenditure brought discredit on those who administered the fund, and demoralized those who received it. For these reasons, he would ask the House not to assent to the Motion of his right hon. Friend.

Colonel SYKES said, he wished to know whether the Revised Minute would permit the revenue arising from the Mill bequests in Aberdeenshire to be distributed without deductions from the Government grant?

Mr. H. A. BRUCE observed, that in that case as well as in those of all rural schools where the average of attendance was less than 100, no deduction would be made within the limits indicated by the Minute.

Question put,

"That this House having considered the Minute of Council of the 11th day of March, 1864, on Endowed Schools, is of opinion that it does not meet the objections made to the Minute of the 19th day of May, 1863."—(*Mr. Adderley.*)

The House *divided*:—Ayes 111; Noes 119: Majority 8.

EDUCATION (INSPECTORS' REPORTS).

NOMINATION OF COMMITTEE.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [31st May],

"That Mr. Bruce be one of the Members of the Select Committee on Education (Inspectors' Reports),"—(*Viscount Palmerston.*)—

—and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the Select Committee do consist of five Members, to be nominated by the General Committee of Elections,"—(*Mr. Clay,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. E. P. BOUVERIE said, he regretted he had not been present at the discussion of the previous evening, because the question raised was one of considerable importance, and it behoved the House to decide deliberately and calmly. His opinion was that questions involving imputations on the conduct and business of public departments could not be tried satisfactorily by Committees that were ordinarily appointed. Those Committees were composed of fifteen Gentlemen, who were selected, not because they were supposed to be impartial and unbiassed, but on the principle of taking half-a-dozen Members of strong opinions from one side of the House and balancing against them half-a-dozen from the opposite side. When the Committee came to decide, it was usually found that they were very evenly balanced, and perhaps the Chairman gave his casting vote in an inquiry in which a really judicial decision was required. He remembered a very analogous case which happened a few years ago—namely, the Committee appointed to consider the question of contracts. Upon that occasion he took objection to the construction of the Committee, and the same objection he still retained, which was this—that a Committee so constituted did not properly try questions of that kind or come to a satisfactory verdict; and he must say that the result of the inquiries and the evenly balanced divisions which took place showed that his objection was more or less well founded. The investigation proposed was of an analogous character. There was an accusation of maladministration brought against one of the great Departments of the State, and he was confident the inquiry could be carried on far more fairly, more impartially, and with more of a judicial spirit by five Gentlemen selected from Members of that House, who did not usually act from party motives, than by a Committee of fifteen Members. [*Cries of* "Divide!"] Those cries showed that all the hon. Members of that House were not really prepared to deal with the question in a fair and judicial spirit. It would be in the recollection of the House, with regard to another case, with which the late Mr. Stafford was unfortunately mixed up, that the investigation was intrusted to a Committee of five Gentlemen, to whom all in that House looked up with respect, and their verdict was received with satisfaction as on the whole a fair decision. When the Committee was composed of a limited number the result was usually more satisfactory to the House and the country than where the decision might be a mere matter of balance in a larger Committee. The objection taken to a Committee of five, that the members would not be acquainted with the facts of the case, and would not be able to elicit the truth, did not really apply, because such Committees had more recently been appointed with two additional members, one to prosecute and the other to defend, but who had no votes, and whose business it was to bring out the facts. He had himself served on one of those Committees, of which the late Sir James Graham was Chairman, and the inquiry was conducted in a way which was perfectly satisfactory to the members of the Committee. The whole of the facts of the case were brought before them, and the result met with the approval of the House and the country. On these grounds he should give his hearty support to the Motion of the hon. Member for Hull.

MR. H. BAILLIE said, one who had heard his right hon. Friend might have supposed that he was some ingenuous youth who had just got a seat in the House, and not a Member of that great experience of the proceedings of Parliament which they all knew him to possess. His right hon. Friend told them he wanted to have a perfectly impartial tribunal—[Mr. E. P. BOUVERIE: As impartial as can be got]—and he would wish it to be inferred that Election Committees were perfectly impartial, and therefore that this Committee should be formed upon that model. As far as his (Mr. Baillie's) experience went, he did not think there was any tribunal in this country that could be regarded as so partial and unjust as an Election Committee. That was the result of his experience in that House. Whenever an Election Committee was appointed he had always heard hon. Members ask who was to be the Chairman, and according to the Chairman they at once inferred what the decision of the Committee would be. Now, his impression was that the Committee which had been already moved for, selected, he believed, by the Government, was as impartial a tribunal as the case could be submitted to. Inasmuch as it was a public question, and not one with regard to the character of individuals, he thought it should be submitted to a large and numerous Committee of the House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I will detain the House but a few moments. The speech of my right hon. Friend the Member for Kilmarnock (Mr. Bouverie) has introduced a new element into the subject. Undoubtedly, while it was felt on the one hand in the former discussion that there would be a considerable advantage in referring the matter to a Committee of five, it was felt on the other hand, and it was strongly urged, that there was this disadvantage, that among the five Members could not be included those who were best acquainted with the case, and most competent to conduct it. Now, the proposal of my right hon. Friend entirely removes that difficulty; and, on the part of Her Majesty's Government, I have to say that we are willing to refer the matter to a Committee formed upon the suggestion of my right hon. Friend the Member for Kilmarnock. [*Cries of* What is it?] The proposal is this, that a Committee of five should be appointed by the Committee of Selection, but together with those five, who alone should have a deliberative vote, there should be joined two Gentlemen, whose functions—following the precedent set upon former occasions—would be to act as assessors, and to assist the Committee, while not at all professing to be judges or perfectly impartial, like the five Members of the Committee. I confess I think that the fairest and most impartial mode of constituting the tribunal for this investigation.

MR. DISRAELI : Sir, it is very important to bear in mind, whatever decision may be come to, that we are called upon to decide, without any previous notice whatever, upon the elements of a tribunal which were not before introduced. I was not aware that the right hon. Gentleman (Mr. Bouverie) had made any suggestion for any alteration in the elements of the Committee, until I heard the interpretation which has been put upon his speech by the Chancellor of the Exchequer. Let the House consider its position. First of all, there is the leader of the House now absent proposing that there should be a regularly constituted Committee, and then an hon. Gentleman proposes by way of Amendment that there should be a Committee of five appointed by the Committee of Selection. Well, we are brought here to-night to decide that Question, and the right hon. Gentleman the Member for Kilmarnock, a high authority in matters in his line, makes a speech without moving anything, and then the Chancellor of the Exchequer gets up and says it never occurred to him before—it seemed a most admirable mode of proceeding, and he recommends it. Why, we have not the proposition before us ; we have not had any notice of it ; and I myself have not heard what the suggestion of the right hon. Gentleman is. I know there was a great objection to the Motion of the noble Lord, on the ground that all kinds of personal motives would be introduced. But now, according as I understand the Chancellor of the Exchequer, this would be entirely a personal trial ; there would be a prosecutor and a defender who would treat the whole question as if the character of an individual were involved. It is impossible to say that there are not some personal considerations involved in the matter. I only regret that the right hon. Gentleman the Member for Calne did not consent to sit in the Committee, and I have no doubt that his honour would be in safe keeping. But, though there are personal questions involved, no one will for a moment pretend to say that the political are not greater than the personal considerations. The argument used by the right hon. Gentleman the Member for Kilmarnock strikes at the very existence of the Committees of this House, and if the House does not defend them it will lose all the powers and privileges which characterize Parliament. I cannot say I entertain the same opinion of Election Committees as my hon. Friend the Member for Inverness-shire (Mr. Baillie). I think, on the whole, the decisions of those Committees are influenced by a sense of justice, but if you lay down as a principle that no Committee can be trusted if men of decided political opinions on either side of the House are Members of it, that is opposed to the whole tendency and genius of Parliament ; by acting upon it you will debar yourselves of the services of your ablest men, and you will end by striving, as you are now doing, to frame an institution which is not in harmony with the general tenour of your rule. My own opinion is that it is the best to follow the proposal of the leader of the House. The noble Lord, who is unfortunately absent, is not only from his position, but from his experience, of the highest authority. No doubt he consulted with his Colleagues before he made his proposal, and I have no doubt that it was the decided opinion of his Colleagues that a Committee, as usually constituted, was the fairest tribunal. Let us pay to the noble Lord in his absence the respect which we pay him in his presence. The noble Lord is now absent receiving a high distinction at the hands of an ancient University, and when in his absence the Chancellor of the Exchequer turns round and says that he prefers the raw suggestion of the right hon. Gentleman on the fourth bench to the deliberate and mature advice of his leader, I do not hesitate to say that that is a decision in which I, though an opponent of the noble Lord, am not prepared to share, and I shall, therefore, support the original Resolution.

SIR FRANCIS BARING said, that the reduction which, in recent years, had taken place in the number of members on Election Committees was a great improvement, and he approved in the present instance the proposition to constitute the Committee of five Members only. Some hon. Gentlemen might call that a political question, but there was a great deal of personal consideration mixed up with it, and out of doors no one heard of the Resolution condemning the practice of the Education Department without feeling that it was either nothing at all or else a personal implication. There must be some one responsible for the Department, if it had broken faith with the House of Commons, and acted so discreditably as to deserve censure, and that somebody had a fair right to defend himself. His impression was, that the best plan would be to have five fair and candid men, selected by the Committee of General Elections, to form the Committee. Nevertheless, in such a Committee, there would still be wanting the element necessary to bring out the case of the parties interested on the one side and on the other; but in many instances that difficulty had been met by the appointment of what were called assessors, having no vote, but being well acquainted with the case and acting as counsel. In that way he believed that as honest a decision was arrived at as it was possible to obtain under the circumstances; and he would appeal to hon. Members opposite to bear in mind that even the subordinates in the Education Office, who possessed no advocates in that House, had a right to a fair trial before the Committee, and ought not to be condemned without inquiry.

MR. LEVESON-GOWER said, he very much regretted that the right hon. Member for Buckinghamshire was not present on the evening when the Question was discussed, for if he had been he would not have supposed that the noble Lord at the head of the Government had not adopted the Amendment proposed by the hon. Member for Hull. The noble Lord gave that proposition his cordial support; and, probably, if the right hon. Gentleman had been present he might have come to the same conclusion. The right hon. Gentleman described the proposition of the right hon. Member for Kilmarnock as taking the House by surprise; but any man of his experience might have known that the plan there suggested was constantly adopted in respect to Committees like that under discussion, and the Chairman of Ways and Means the other night distinctly pointed out that mode of proceeding, which seemed to meet with the approval of the House. He dissented from the statement of the right hon. Member for Buckinghamshire, that the question of policy in that instance was of more importance than the personal question, for he thought that the personal honour of a Member of that House and of the servants of the Crown was certainly of greater importance than the question whether the Reports of the School Inspectors should be curtailed or not. Hon. Gentlemen seemed to think that the individual expression of opinion which had taken place was a complete vindication of the right hon. Member for Calne, but he could still understand the right hon. Gentleman desired to obtain a more formal recognition of the accuracy of his statements. It should also be remembered that many of those hon. Members who exonerated him still maintained that the Resolution of the 12th of April was true. If so, somebody had been guilty of the grossest misconduct; and he claimed, on behalf of the servants of the Department, that a tribunal might be constituted which would carry out the principles of equity and justice. On the ground of fair play, he did not think that hon. Gentlemen opposite would deny that a Committee of five men selected for their impartiality and calm and dispassionate judgment would be a more satisfactory tribunal than a larger Committee composed in some measure of partisans. He, therefore, trusted that the Amendment of the hon. Member for Hull would not be opposed.

MR. BRIGHT: Sir, I think the difficulty the House is in is that it has attempted to do something which everybody feels is unnecessary. I understand the noble Lord (Lord Robert Cecil) makes no imputation upon the right hon. Member for Calne, and I heard my hon. Friend the Member for Bradford (Mr. W. E. Forster) on one occasion say the same thing. I believe that the impression made upon the House when the right hon. Gentleman made his explanation was such that every Member of the House—I believe without an exception at that moment—wished that the Resolution of the 12th of April had not been passed. I think the general opinion of the House was, as regards him, that if that Resolution was an imputation on his character it was unfortunate and unjust. Well, I think the right hon. Gentleman is highly unfortunate, too, in the way he has been treated by the Government. I do not know how many weeks—some five or six at least—have passed since this unfortunate matter occurred, and the proper course for a powerful Minister defending a Colleague, whom he believed and knew to be innocent, would have been to ask the House to rescind the Resolution. The Government, however, did not take that course for reasons of its own, and after the Question is dragged on week after week in this manner, and in a way which must be excessively unpleasant to the right hon. Gentleman most concerned, there is now a question—What kind of Committee shall be formed? We all know that a Committee of fifteen is a most unsatisfactory tribunal in a matter of this kind—I think for the reason just stated. If hon. Gentlemen opposite will only try to put themselves into the position of the right hon. Member for Calne, there is not one of them who will go out of the House and vote against the proposition of the hon. Member for Hull. I have had no communication with the right hon. Member for Calne; but I have heard from those who are likely to know his views in this case—in which, to some extent, his character and reputation are involved—that the matter will be much better and more justly tried, and tried more to the satisfaction of himself and all those who feel an interest in what may become of him, by a Committee of five members than one of fifteen. Now, I believe that there is not an hon. Member on the opposite side of the House who, if he were placed in the position of the right hon. Member for Calne, would not feel when there is a proposition on the one hand to nominate a Committee of fifteen, and on the other to name a Committee of five, that the House would do him great injustice, if it refuses to appoint that tribunal which would be satisfactory to himself and his friends, and which has been appointed on many former occasions. I believe there is no necessity for a Committee, but if the House is to divide between the two propositions, I shall give my vote in favour of the hon. Member for Hull.

Question put, and *negatived.*

Question proposed,

"That the words 'the Select Committee do consist of five Members, to be nominated by the General Committee of Elections,' be added,"—instead thereof.

Lord ROBERT CECIL said, he wished to know from the Chancellor of the Exchequer how he proposed to carry out the suggestion of the right hon. Member for Kilmarnock. He might be wrong, but he certainly did not understand that suggestion had been made the other evening by the hon. Member for Hull (Mr. Clay); for, speaking after him, one objection he took to his proposal was, that in a Committee of five chosen by the Committee of Selection no one would be present to act the part of counsel, and considerable difficulty might therefore occur. Although he still thought that a Committee of fifteen would be the most just, yet after what he had just heard from the hon. Member for Birmingham he thought it would be hardly fair to the right hon. Member for Calne to insist on his own opinion.

Mr. Bright

Mr. CLAY said, the noble Lord was right in stating he did not absolutely make the suggestion that assessors should be appointed. He took it for granted, from the instances he had named, that as a matter of course two assessors would be named, one, the gentleman most interested in the attack, so far as it was an attack; and the other, probably, the Vice President of the Committee of Council on Education. The practice was to move for a Committee of five; and two assessors were afterwards added. In the case of Earl Granville, on whom an attack was made, only one assessor was appointed, that noble Lord declining to have one.

Mr. H. BAILLIE remarked that the position of prosecutor in such a case would be a very invidious one, whoever might be appointed.

Mr. E. P. BOUVERIE said, he proposed to follow the course adopted in the case of Mr. Stonor some ten years ago. He should, therefore, now move That two other Members of the House be named by the General Committee of Elections, and appointed to serve on the Select Committee, to examine Witnesses, without the power of voting.

Amendment proposed,

To the said proposed Amendment, by adding, at the end thereof, the words "and that two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of voting."—(*Mr. Edward Pleydell Bouverie.*)

Sir JOHN PAKINGTON said, he was aware there had been instances of the kind; but he wished to know whether Gentlemen so named to serve in the capacity of assessors would have an option, or would be compelled to serve on being appointed.

Sir GEORGE GREY said, he believed the two assessors would be appointed only after communication was had with them.

Question, "That those words be there added," put, and *agreed to.*

Amendment, as amended, *agreed to.*

Main Question, as amended, put, and *agreed to.*

Ordered,

That the Select Committee do consist of five Members, to be nominated by the General Committee of Elections, and that two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of voting:—Power to send for persons, papers, and records.

And, on June 7, Committee *nominated* as follows:—

John George Dodson, Esq., Sir Philip de Malpas Grey Egerton, Bart., Lord Hotham, the Hon. Charles Howard, Edward Howes, Esq.

Also, The Lord Advocate, and Lord Robert Cecil, but without the power of voting.

COURT OF CHANCERY, IRELAND.

[BILL 78.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Hagan.*)

MR. LONGFIELD said, he did not think the measure before the House, however important, was calculated to benefit the suitors in the Court of Chancery in Ireland. On the contrary, it would be attended with great expense, which was wholly unnecessary. Its introduction was altogether premature, and was founded on evidence not calculated to sustain such a measure. From the statement of his right hon. and learned Friend it might be supposed that his was the first effort that had been made to reform the Court of Chancery in Ireland; but such was by no means the case. Chancery reform was taken up in Ireland before it was discussed in this country. In 1850 great reforms were introduced. The Masters' Office had been for many years a reproach, not because Masters presided there, or on account of the mode of procedure, but because the Government of the day wished to make the courts self-supporting. Stamps were required at every stage of a suit, and, in fact, a system of abuse grew up, not so much from the mode of administering justice itself, as from the endeavour to sell justice and make the court self-supporting—an idea as absurd as it would be to attempt to make the police of London self-supporting. Well, an Act was passed by which the old practice of bills and answers was entirely discontinued, and a short and simple proceeding, by petition to the Chancellor and informal answer through affidavits, was substituted. By that measure the proceedings in administration suits, mortgage suits, trust suits, suits relating to the guardianship of infants, partnership suits, and some other cases, were greatly simplified and taken out of the general jurisdiction of the Chancellor. By the 15th section of the Act, immediate, absolute, and full jurisdiction was given to the Masters of the Irish Court of Chancery. It became no longer necessary to file a Bill and have an answer in these suits. A short petition was presented to the Chancellor, on which he made a summary order referring everything to the Master, who was made a complete judge of everything connected with the matter. The result of that was a general improvement in, and a great cheapening and facilitating of, Chancery procedure. From that time forward the Masters in Chancery in Ireland were, in truth, as much Vice Chancellors as the Vice Chancellors in England, with this difference, that a short and inexpensive proceeding was necessary to initiate their jurisdiction and give them possession of the whole suit. In 1854, after this great change had been effected in the Irish Court of Chancery, a Royal Commission was issued to inquire into the practice of the Landed Estates Court in Ireland. The Commissioners appointed were Mr. Brady, now Lord Chancellor of Ireland, Sir John Romilly, Chief Justice Monahan, Mr. Blackburn, Mr. Brewster, Sir Richard Bethell, Mr. Justice Fitzgerald, and Sir Hugh Cairns. In 1855 the Commission made a Report, and recommended the project of abolishing the Incumbered Estates Court and the Masters' Offices in Chancery, and appointing two Vice Chancellors, who should do the work in accordance with the English practice. The Report was received with much dissatisfaction, and although he had given evidence in favour of their project, he confessed that his first opinion was rather crude and premature, and had been corrected by subsequent experience. In Ireland the Report received the just condemnation which it afterwards received from the public, the profession, and a Committee of that House. A flight of competing Bills then made their appearance in that House, the professed object of some of them being to carry out the recommendations of the Royal Commissioners. Others, introduced by the right hon. Member for Dublin University, aimed at simplifying the procedure of the Court of Chancery, correcting abuses, remedying defects, utilizing the existing staff, and improving the machinery generally. The advantages of the right hon. Member's (Mr. Whiteside's) plan were that it exonerated the public purse from the burden of new officers; that it introduced a new and amended code of procedure, to be carried out by men well accustomed to the improved machinery, who knew its defects, and were willing to do everything in their power to improve the administration of the law. The ability, integrity, and zeal of these men were well known; and although Vice Chancellors might have higher rank, what was wanted was men not above their business, and accessible to the practitioners with whom they are daily brought into contact. Moreover, men with the rank, the salary, and the unapproachable dignity of Vice Chancellors might be tempted to job to find situations for their sons and sons-in-law. However, the competing Bills to which he referred were all sent before a Select Committee of that House, as able as ever sat for such a purpose. That Committee included among its members the Solicitor General, Sir James Graham, Mr. Ellice, Mr. Henley, Mr. Walpole, Mr. Herbert, Mr. Seymour FitzGerald, Mr. De Vere, and Sir Erskine Perry. The Committee took *vivâ voce* evidence as to the working of the Court of Chancery jurisdiction. Mr. Gibson, a gentleman of great ability and experience, stated that in the opinion of the Council of Attorneys in Ireland the existing system at the Masters' Office was nearly perfect; but he pointed out one or two small defects which might easily be removed. He also expressed his conviction that if Vice Chancellors were appointed the business would in effect be mainly conducted by clerks, and that the Vice Chancellors would be a sort of unapproachable personages. The Committee acted upon the evidence they received, and an Act was passed, under which, if a single abuse still remained in the Court of Chancery, it was not the fault of the system, but of the men. Saving and except the power of creating new offices, the jurisdiction of the Court was as large as that possessed by Parliament itself, and improvements were almost of daily occurrence in the procedure of the Court. The Lord Chancellor had never complained to the Government of the want of power, nor had any memorial been presented by the Bar or the Society of Solicitors. Moreover, the public were perfectly satisfied, and, on the whole, he had no hesitation in saying that the Chancery system was now in Ireland what it was intended to be in England, but what it certainly was not. It so happened, however, that in 1852 the Masters in England were abolished, and the Vice Chancellors got power to appoint chief clerks. Those chief clerks were simply Masters under another name, and the old system of references and reports still continued. Nevertheless, as it was believed that nothing Irish could be right, it was determined that the Chancery system in Ireland should be assimilated to that in England. In 1861 the Marquess of Clanricarde complained in another place of the continued waste of money and time to suitors in Ireland, and also of the extravagant expenditure of public funds for the Irish judicial establishment, which was out of all proportion, he said, to the work it had to perform. The objects of the noble Marquess were good objects, but, unfortunately, the noble Marquess did not state a single fact to show that his complaint was well founded. Yet, in the absence of everything like proof, the House of Lords yielded to the wish expressed by so ardent a supporter of the Government, and a Commission was issued. It was to be regretted that the Commissioners, led away by too great zeal, forgot altogether the main object for which they were appointed. The theoretical value of an assimilation between the English and Irish systems was quite a secondary matter. The main point to be considered was the public advantage. He could not help thinking that the choice of Commissioners was very unfortunate. Six of them, and those the highest in rank, were members of the Commission of 1854, and were pledged to the opinion that the Vice Chancellor system ought to be introduced into Ireland. To this view they clung all the more obstinately and passionately because it had already been universally condemned by the people of Ireland. Moreover, other members of the Commission were personally interested in the recommendations which they made. A body thus constituted must in the very nature of it be very far from a fair and impartial tribunal. Now, it seemed to him that it had always been the rule of the House to disregard the representations of Committees or Commissions which were known to have approached a subject with preconceived views. A Royal Commission was appointed under the government of the Earl of Derby to inquire into the subject of harbours of refuge. It so happened that some Gentlemen were on it who had previously made strong recommendations in favour of certain harbours of refuge. The House peremptorily refused to adopt the recommendations of that Commission in consequence of the preconceived opinions of certain Gentlemen upon it. For the same reason the House ought not to attach weight to the recommendations of the Commission on the question now before them. The English Commissioners knew nothing of the Irish law system, and the Irish members knew nothing of the English system; the Secretary, no doubt, possessed the same acquaintance with both. Finding themselves in the difficulty, they thought the better way to proceed was to get two essays written, and a barrister of each country was instructed to draw up elaborate reports upon the practice of the Irish and English superior courts; and then a series of interrogatories was circulated among selected members of the Irish bar. One gentleman to whom these queries were sent, was a man of truth and sagacity, and in extensive practice in the Masters' Courts in Ireland, and in replying he said that he would assume that the Masters were to be abolished, and one or more Vice Chancellors to be appointed in their stead. He stated it was rumoured that the Commissioners had already determined to advise the appointment of only one Judge in addition to one master and the Master of the Rolls—an arrangement which, in his opinion, would prove wholly insufficient, the object of it being to give more power and patronage into the hands of the Government. Throughout the whole of the inquiry of the Commission, there was not a single question asked any man as to what would be the effect of the projected change in regard to the expenditure of the public money and the cost to the suitor. That was either quite beneath the notice of the Commissioners, or else they discreetly avoided it, because they knew that their recommendations would involve an increase in the costs of suitors, and in the public expenditure for the sake of a new theoretical advantage. It was manifest from their first Report, that they had not considered the all-important question, whether the system they recommended would lead to a saving of money; neither had they asked any English gentleman how the system of chief clerk was working here, so that the Commissioners had left the House and the profession in darkness on that point. But it so happened that they had information on the subject from another source. Mr. Maul, a gentleman who had come into that paradise of suitors, the English Court of Chancery, had published the result of his experience. This gentleman said that in that *camera obscura* the chief clerk's chamber, which might be considered the very opposite of the *camera lucida*, the open Court of Chancery, property to an enormous amount was dealt with by the chief clerks, unknown to any one except to the parties interested, who might be unable to defend themselves, and who might be reduced to ruin and destitution as a result of the litigation carried on in that way. So much for the superior advantages of the procedure in the English Court. The recommendation of the Commissioners was not to distribute the business among the Judges now in Ireland — not to improve the Masters' officers or utilize them, but at once, contrary to the chief reason for which they had been appointed Commissioners, to create an enormous expenditure for the purpose of maintaining a Vice Chancellor and a chief clerk. The judicial staff in Ireland was twenty-two; the Commissioners wanted to make a grand jury of it by increasing it to twenty-three. The Vice Chancellor was to take rank after the Chief Baron, and thus have precedence over a number of eminent men now Judges on the Irish bench, and according to the evidence of Mr. Gibson and other attorneys of experience, that functionary would be unapproachable by solicitors for the transaction of business as they now discharged it with the Masters. The Irish Masters were most able and excellent men with salaries of £2,500 a year each. The Vice Chancellors were to have £4,000 a year. Now the present Master of the Rolls in Ireland was a most able and upright Judge, but it was utterly impossible that he should be able to discharge the additional duties that would be thrown upon him by the proposed change. According to the recommendations of the Commissioners, there would be an addition made to the already large judicial staff of Ireland of at least ten officers, and an augmentation of the public expenditure of £12,000 a year. It was also calculated by the best legal authorities in the country, that there would be at least 33 per cent additional cost to the suitors. The whole project was premature; it was the result of an investigation most inefficiently conducted, it was quite unnecessary, and would lead to increased expense both to the suitors and the public. For these reasons he moved that the Bill be read a second time that day three months.

MR. VANCE, in seconding the Amendment, pointed out that no complaint against the present system had been made by the Bar or the suitors. The Masters in Chancery were four of the ablest men in the legal profession in Ireland. Their tribunal was approachable by the junior Bar, by the solicitors, and by the suitors themselves, and in their place it was proposed to substitute a tribunal of greater dignity — of greater ability was not possible — which could only be approached by the senior Bar, of course at a much greater cost to the public. That was in direct opposition to the recommendation of a Committee, on which were men like Mr. Henley, Mr. Walpole, Mr. Ellice, and Sir James Graham, who all highly approved the jurisdiction of the Masters in original suits. Justice at present was efficiently administered, and at a small expense, and no portion of the Irish public required the change.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Longfield.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. O'HAGAN (THE ATTORNEY GENERAL FOR IRELAND) said, that having on a previous occasion entered into an elaborate statement of the character of the measure, he thought he should not be justified now in going through the whole question at the same length. There were, however, a few observations, some of a general and some of a particular character, which he wished to address to the House. He would, however, remark that the speech of the hon. and learned Member for Mallow was not a discussion of the question before the House, or a criticism of the principles of the Bill, but an indulgence in suggestions with reference to persons whose characters did not render them proper subjects for such imputations. He rejoiced to find so long a time had elapsed between the introduction of the Bill and its second reading, because it had given an opportunity for considering and examining its details, and the result had been the adoption of the principles of the Bill by the incorporated solicitors of Ireland, and by the great majority of persons in that country who were most competent to give an opinion. From the Incorporated Society of Solicitors of Ireland he had received suggestions upon details which they opposed; and as to those details, he believed that he should have very little difficulty in meeting all the views presented by this very important and influential body. He was not aware that there had been any expression of opinion in Ireland against the Bill; and, taking that fact in connection with the evidence on which the measure was founded, he thought he might say that it came before the House very much the reverse of discredited by the opinion of the country. It had been said that the Bill would involve much expense to the country, that it was wholly unnecessary, and that it would be very mischievous. Now, considering that the Bill was in all its parts sustained by the solemn recommendations of a Commission of the very highest authority, that it was a consolidation of statutes framed in England upon the authority of successive Commissions from 1824 downwards, and that the Acts thus consolidated were at the present moment in operation in England, to the satisfaction of the Bar and of the public, he felt some surprise that such a statement should be ventured upon in this House. It was represented as a conflict between the recommendations of the Royal Commission and the Report of a former Committee of that House. He could not deny that there was a material difference between the opinions expressed by the Committee and the Royal Commissioners. The Committee, however, was formed with a special object at a particular time, and the question merely left to them was, whether the Encumbered Estates Court should be abolished, whereas the Royal Commissioners were directed to address themselves to a consideration of the benefit and advantage of assimilating the law of the two countries. They would find that on almost every particular point the Committee were divided, and the matter was agreed to by a narrow majority only; whereas he presented a Bill to the House, founded upon the unanimous opinion of the two Royal Commissions which sat in 1856 and 1861, composed of men as able, learned, and honest as ever sat on a Commission or a Committee. Even in the Committee some Resolutions were proposed by his right hon. Friend opposite which really embodied the principle of the Bill before the House — namely, that it was of the last importance that a Judge in equity who heard a cause should hear it to its conclusion, and should not make references to Masters, thus introducing confusion and causing delay and expense. The right hon. Gentleman was, therefore, a most persuasive witness in defence of the measure which he came there that night to oppose. It was said that the Commission issued questions for the purpose of obtaining answers in accordance with preconceived notions. Now, it was only necessary to read the questions in order to be assured of the injustice of such a charge, for which, indeed, there was not a shadow of foundation. He denied also the allegation that the object of the Commissioners was by jobbing to create a place which might be useful for a friend. That was not the way to argue such a question, and the names of the Commissioners were alone an answer to the charge. The Commission originated upon an address of the House of Lords, moved by the Marquess of Clanricarde, in opposition to the wish of the Government. The Commissioners were the Master of the Rolls in England and Vice Chancellor Page Wood, two of the most distinguished Judges who ever adorned the equity bench ; Mr. Justice Willes ; the Attorney General, of whom he could not say in his presence what he might have said if he had been absent; the late Attorney General for Ireland, the late Solicitor General, Mr. Giffard, Mr. Follett, the Judge of Appeal in Ireland, a most distinguished man, far advanced in years, who had held with honour many high offices, Mr. Napier, Chief Justice Monahan, Baron Hughes, and Mr. Brewster. Could men have been selected by the Government who were more competent, more trustworthy, or less open to such imputations as had been made against them? There were, it was true, two Members whom the hon. and learned Gentleman said ought not to have been upon the Commission—himself and his Colleague, the Solicitor General. The reason that the hon. and learned Member urged against their being Members of the Commission was that they were interested in its result. All he would say in answer to that suggestion was, that no man who was worthy to fill the post which he now occupied could for a moment be influenced towards a conclusion by a consideration of that kind, and that this was a suggestion which ought not to have been made, at all events, by a member of his own profession. In the appointment of the Committee upon which such reliance was placed by his hon. and learned Friend and by the right hon. Gentleman opposite (Mr. Whiteside) the very same course was taken by that House. His two predecessors in office were both Members of that Committee. There was also added to the Commission the head of the Incorporated Law Society of Ireland, Mr. Orpen. A Commission so constituted was certainly not likely to depart from their duty to serve their friends, or to manipulate a question with the miserable object of maintaining a foregone conclusion. The hon. and learned Gentleman complained that this Commission had not thoroughly investigated the question which was submitted to their decision. Why, the Members of the Commission were themselves the most competent persons to decide as to the value of the English and Irish systems respectively. If witnesses had been examined they would have been the persons who could have given the best evidence. Never, however, did a Commission proceed more cautiously, carefully, and temperately than did this one. Notwithstanding the knowledge which the Commissioners themselves possessed upon the subject, they selected two well qualified barristers from England and two from Ireland to inform them upon the details and differences of the laws of the two countries. His hon. and learned Friend had quoted a letter in support of his views, but he did not regard its contents as any material substantiation of his hon. and learned Friend's arguments, because he himself had received letter after letter from disappointed suitors, each of whom represented his own case as having been treated in a more shameful manner than any other. His hon. and learned Friend had urged upon the House that the effect of the measure would be to increase expense, and that the number of Judges would be as great as in England, with far less work to be performed. The statement was entirely without foundation. On the contrary, both the expenses and the number of Judges would be reduced. He did not believe that so useful and comprehensive a reform, involving at the same time so great a reduction in expenditure, had been passed for some time. Of the four Masters of Chancery at present in Ireland the Bill proposed to retain but one, a single Vice Chancellor being appointed in place of the remaining three. The only new offices contemplated were those of the Vice Chancellor and two chief clerks, although his hon. and learned Friend had stated that there would be ten new offices created. The Bill provided that there should be no superannuation of men who were still competent for the performance of their duties, and that every single individual at present engaged in the Masters' Office should be employed in the new courts to be created by the measure. He had made a calculation as to the pecuniary results of the Act. One Master had been in his office about twenty-four years, and two others about eighteen or nineteen years, and these gentlemen could, of course, retire on their superannuation allowance. The saving to the country, however, when all the proposed changes were carried out, would be about £4,500 a year. His hon. and learned Friend had complained that the Vice Chancellor was to be an officer of high rank; but it was right that such should be the case, because the salary of the English Vice Chancellors was £5,000 a year, and the duties attached to the Vice Chancellorships of England and Ireland were identical. They would not, therefore, be able to obtain the services of an officer of sufficient ability unless his salary were made proportionate to the responsibility which he incurred. It had been urged that the choice of the chief clerk ought not to be placed in the hands of the Judge, but if his hon. and learned Friend would take the trouble of reading the Report of the Committee, he would find that all the witnesses whose opinion was of the smallest value had concurred in the desirability of that arrangement. It would be difficult to conceive how the Judge and the chief clerk would be able to work harmoniously together unless that arrangement were adopted. The Bill might be divided into five parts:—1. It created a Vice Chancellor. 2. It abolished the Masters. 3. It changed the procedure. 4. It turned fees into stamps. 5. It arranged various matters respecting fees which were at present derelict and useless to the public. As regarded procedure, the system was practically the same in the two countries till 1850, when an alteration was made in the Irish practice by the introduction of the cause petition system, with regard to which they had a great deal of evidence in the Report of the Committee. By that system the parties went on piling affidavit upon affidavit up to the hearing of the cause, the consequences being looseness and disorder of pleading, very great expense, and much injury to the morals of the community. The Master of the Rolls in Ireland was not examined before the Committee, but he sent in a statement of his opinion in regard to the affidavit system prevailing in Ireland. He described its manifold evils and its tendency to cause each party to try and outswear the other. The learned Judge concluded by expressing himself strongly in favour of an uniform system between the two countries. Very high authorities might also be quoted in favour of the proposal to abolish the Masters of the Court, who now acted as Vice Chancellors. Great delay and expense were thereby occasioned, and proceedings were pending in their offices for a number of years which would soon be decided if they could be dealt with by a Judge sitting in chambers. Master Murphy, who had been eighteen or nineteen years in his office, stated that he approved the proposal to substitute for the Masters a Vice Chancellor and his clerks, as the plan had worked well in England. He added that they were quite at sea in Ireland at present, for want of uniformity in the practice of the law. The system of Masters had been condemned by the Bar of Ireland, and there was the very highest English authority for saying that the English system had realized the highest hopes that had been entertained of it. The whole of the provisions of the Bill, except twenty or thirty clauses, were in operation in England to the satisfaction of the profession and the public. He trusted that the House would adopt a measure which, instead of causing additional expense, would be attended with a substantial annual saving, which would effect a reform of the greatest value and importance in the law of Ireland, and which would be a great boon to the people of that country.

MR. WHITESIDE said, that his right hon. and learned Friend the Attorney General for Ireland had one advantage over Members like himself. He came to that discussion fresh and young, whereas he and others around him had been poring for the last fourteen or fifteen years over matters which had been considered and dealt with by the foremost men within those walls. The right hon. and learned Gentleman talked a great deal of the blessings which the Bill would confer upon the people of Ireland, but, speaking in their name, he (Mr. Whiteside) would say they had to thank him for very little. There was no redeeming point in this Bill either as regards the public money or the private suitor. A great deal was said of assimilation; but it filled him with surprise that learned persons in this country, such as the Lord Chancellor, did not deem the legal institutions of Ireland worthy of notice. What the Lord Chancellor had proposed in his Bill with regard to the arrest of the suitor in the County Courts had been the law in Ireland for many years, but such was official vanity that persons in high position never condescended to look into the laws of any other than their own country, or to take notice of them. Then it was said that County Courts should have the power of winding up small estates, to the extent of £400 or £500 ; but many years ago that power was given to the County Courts in Ireland to the extent of £200. He would, however, proceed to consider this ponderous Bill of 170 clauses. Its objects were three. The first, and most material, related to the demolition of useful offices and the creation of new ones. That was perfectly intelligible. The second part of the Bill related to procedure, and that part of the Bill had been drawn, in his opinion, clumsily and carelessly. The third part related to costs, which, as the right hon. Gentleman who moved the second reading of the Bill said, was untouched by the Commissioners, there not being a word from beginning to end of their judgment relating to the subject. The history of the Commissions relating to law in Ireland was remarkable. Long before an attempt was made in this country to facilitate the transfer of land cheaply with a secure title, the Encumbered Estates Court had been established in Ireland. An attempt was however made to undo the good work which Parliament had effected. The period of the Act for the Encumbered Estates Court was about to expire, and after the usual manner a Commission was issued to several most respectable gentlemen—he had not one word to say against any one who signed that or any other Report which had not been acted on. There was, for instance, the Commission on the Dublin Society, on which sat the Lord Justice of Appeal ; but his recommendations were set aside when it suited the purpose of the Government, and adopted on the other Commission when it answered their purposes. It would be infinitely better to postpone the present Bill. The Master of the Rolls did not approve this Bill as it was drawn, and he might venture to say he never would. In 1854 what happened? Here was a curious lesson in legislation. A Commission was issued to inform Parliament what was to be done as to the Parliamentary title for the transfer of land in Ireland, and they made their Report. There were 900 suits clogging the court, and the Commission recommended that the whole of these should be preserved for the Court of Chancery. A tribunal had been established which was effectual, short, cheap, approved and satisfactory to the public, and that was to be got rid of — how? They were to remove all the Masters in Chancery, and give to the Judge the entire conduct of the case. The former Commissioners recommended that the jurisdiction relating to the Landed Estates Court should be vested in the Court of Chancery, and that all business then pending should be plunged into Chancery ; but nobody complained of the existing tribunals of the country ; every one, as as far he could discover, was satisfied with them, and for this very obvious reason—they were cheap, quick, and good. It was also remarkable that, at that time, it was proposed to create a Vice Chancellor—the very thing that was proposed to be done under the present Bill ; and this was in order to give the Judge the entire control of the case in all its stages. Hon. Members must not suppose that Masters in Chancery in Ireland were in the same position as the Masters in England. Ten Masters in England formerly sat in Southampton Buildings, in the dark, and never proceeded promptly with anything. They were very old and very odd personages. He (Mr. Whiteside) had occasion to visit the office of Master Fitzgibbon, in Dublin lately, and found him in a comfortable court, with barristers arguing and conducting their suits in full day light. He regretted to see the name of Mr. Brewster appended to this Commission, because if justice had prevailed in the legal promotions in Ireland that eminent barrister would, fifteen years ago, have been upon the Bench. He (Mr. Whiteside) had suggested that they should have a Committee of the longest-headed men in Parliament, and try what they thought of the Report of that Commission. The Committee was appointed, and the fate of the Commission was precisely what he thought it would be. The Committee summoned two of the Masters before them, and many eminent and competent witnesses ; and when a mass of evidence had been taken, the Committee refused to recommend the abolition of the Masters. There was a total delusion on the subject of the Masters in Ireland, as if they resembled the same officials in England ; and he remembered that Mr. Ellice and Sir Erskine Perry, who, with Sir James Graham and others, sat upon that Committee, having heard the evidence, remarked that the system in England should be abolished, and the Irish system adopted in its stead. The vote was taken upon the direct point whether all those officers should be abolished and Vice Chancellors appointed or not; and the Committee decided, not that they should be abolished, but that they should have original jurisdiction and all the powers of a Court of Equity over foreclosure suits, administration suits, and other matters, under the 15th section of Sir John Romilly's Act. With regard to the mode of taking evidence, the recommendation of the Committee was that *vivâ voce* testimony was to be encouraged and maintained in the Court of Chancery; but the present Bill enacted at section 93, except as thereinafter provided, that the examinations to be taken for the purpose of being used in the hearing of a case should be taken *ex parte*, and that no person should have a right to be present except the party who produced the witness, his counsel, solicitor, and agents. The right hon. and learned Gentleman the Attorney General for Ireland had quoted the opinion of the Master of the Rolls, but he could inform him that the Master of the Rolls had the very strongest objection to this kind of written evidence. To attempt to force upon the Irish courts against their will a bad system of taking evidence—a system condemned by the Committee, by learned authorities in Ireland, and by common sense and experience—was a thing which he hoped his right hon. and learned Friend the Attorney General for England would not sanction. The Committee referred to also directed that a Bill should be brought in, and it was brought in, by the predecessor of the present Attorney General for Ireland, giving power to the Chancery Judges to make general orders for the regulation of the procedure of their courts; and the right hon. and learned Gentleman in bringing in the Bill stated, as an apology for introducing clause after clause of general orders, that these Judges in Ireland would not agree about them, but the real reason was that it was necessary that the Lord Chancellor should be one of the three Judges. And what did the Attorney General for England think of a scheme which ignored the existence of the Lord Chancellor of Ireland? The Lord Chancellor had not introduced those orders, because he conscientiously believed that many of them would not be applicable to Ireland. Neither was he on the Commission. It was a censure on the Commission, on the Bill, on the Attorney General himself, if the procedure proposed was so inapplicable that the Lord Chancellor would not introduce it. The head of the law in Ireland was not supposed to be in favour of the measure, and would the House at that period of the Session rashly adopt it? When he (Mr. Whiteside) asked the Master of the Rolls in Dublin, where were his chambers, where were his chambers for carrying out the provisions of the Bill, he said he had none, and it would be difficult to find space to build them. He (Mr. Whiteside) asked, then, whether the criticism of his hon. and learned Friend was not just, that the real reason for introducing the Bill at that period of the year was—and he did not say it unkindly — because the Ministry was not strong. On a similar occasion the late Sir Robert Peel had said the same, and that for many reasons he said he would make them name the Vice Chancellors before they passed the Bill. He (Mr. Whiteside) did not go on that principle, but they could not remove the Masters until the Lord Chancellor was satisfied they ought to be dismissed, and until a new court was built for the new officials. The building clause was, in fact, fatal to the scheme. They refused ten years ago to abolish those four Masters and their staffs, the expense of which was about £15,000 a year, thereby saving £150,000 to the country. All but one of those gentlemen were now alive and full of work, having done it perfectly well from that day to this, and therefore he called upon the Attorney General for Ireland to say who were to be the new Judges who would do the work as well. The Attorney General knew that he would find the names of those Masters in almost all the difficult cases that occurred in their time at the Irish Bar—the names of Master Litton and Master Brooke—and that they were perfectly competent to their work. What was done with these officials in 1850? Sir John Romilly gave them at that time some powers, but not full powers. They were to have all powers in certain classes of suits except that of paying out money. The Attorney General for Ireland had referred to the evidence of the Master of the Rolls, who said that the decrees of the Masters came before him in order that he might direct payment of the monies. By one of the Resolutions of the Committee that proceeding was changed, and those gentlemen obtained complete power over the monies involved in the suits before them. The mode of conducting business before the Masters might appear to be rather loose, but it was simple. There was in a large class of cases no bill or answer but simply a short petition asking a reference to the Master. Supposing the case of a small farmer who died leaving a property of £400 involved under an obscure will, a short petition was presented and the Master heard a junior counsel once on each side, placed his own construction on the will, and handed over the fund. Now, it was proposed to abolish that simple mode of procedure and to begin every suit by a bill and answer, and after hearing two silk gowns the balance remaining to be handed over in such a case as he had instanced would be very small indeed. He had recently inquired of an experienced officer of the Court of Chancery what additional expense would be cast upon suitors by the proposed scheme, and the answer was that the expense would be increased by one-third or one-half. The most triumphant vindication of the recommendations of the Committee was to be found in the labours of the Masters. He found from the Return that had been made to the House, that from the 1st of January, 1851, when the existing system commenced, to the 8th of May, 1864, Master Litton had heard 6,133 short and long causes, had heard 31,508 motions and meetings in short causes, and 7,932 in long causes. In Master Brooke's office, during a similar period, there had been 7,124 long and short cause proceedings, 430 decrees and decretal orders made final, and 3,118 interlocutory orders. Master Murphy, in the same period, had heard upwards of 30,000 applications, and Master Lyle 22,020 motions and short causes and 5,025 long causes. Then as to reversals, he found that from 1851 to the 1st of April, 1864, there had been a total of 134 appeals from the Masters, and only forty-two reversals. It was well known that the Master of the Rolls in Ireland was most critical in reviewing the decisions of the Masters, and yet that almost hypercritical Judge, out of eleven appeals in 1863, only found cause to reverse the decisions in two of them. He, therefore, asked with confidence whether there was any other tribunal in the country which could show such a result of their labours, and whether it was possible that the House would sanction the doing away with the services of these gentlemen? After the Committee of 1856 had concluded its labours, it had fallen to his lot to carry out the scheme of the Landed Estates Court, and he thought that it ought to be a self-supporting establishment, with which view he proposed to exact a small poundage upon the properties brought into Court. The very plan by which the Judges of the Landed Estates Court had distributed about twenty-eight millions of money, the plan of a permanent amicable tribunal, was that which it was now sought to get rid of, and to substitute chief clerks to do work which individual Judges now performed without such assistance. Would any one say that an attorney, with a salary of £800, in company with two other attorneys, would form a better tribunal than that which now existed? In the Landed Estates Court there were Judges, examiners, and all necessary officials. He wanted to see the Irish system of the Masters' office and the Landed Estates Court introduced into England. The examiner was not allowed to summon any witness, but a schedule was placed before the Judge, and each claimant stated his case —one person, perhaps, claiming £1,000 on mortgage. The examiner had merely to see that all that was stated in the schedule was true, and on the day appointed the case went before the Judge, who decided every question, even summed up the interest, and fixed the day up to which the interest was due, and so he went through the schedule. Would the chief clerk proposed by the Bill be found to perform the work in the same satisfactory manner, and was the Attorney General serious in thinking that he could pass the Bill? One claimant, for example, No. 3, said that he ought to be No. 1, because the first claimant was a judgment creditor, claiming by a judgment improperly registered. Was a chief clerk to decide on that nice question? The Estates Court decided on it there and then, but was it to be supposed that an attorney, appointed as chief clerk with a salary of £800 or £900, sitting in his chamber and prohibited from hearing counsel, would be superior to one of those learned and competent Judges? He impeached the whole principle of the Bill in reference to the introduction into Ireland of the system of chief clerks, for he thought it was the duty of the Government rather to incorporate the Irish system on the English system. He again called on the Attorney General to convince the House that the dear mode of proceeding was more advantageous than the cheap; and that the short and inexpensive process by summary petition was inferior to that by bill and answer. He should like to be told where there was in the Report a particle of evidence that one Vice Chancellor would do the work now done by the four Masters. Nobody believed that one Vice Chancellor could do it, and the only proper course to pursue would be, when one Master died, to see whether three could do the work, and when another died to see whether two could do it, or if the Government wanted an additional Chancery Judge let them try and seduce into the Court of Chancery one of the Judges of the Landed Estates Court, who were now lightly worked, and so save the money of the country. With respect to the cost of the proposed scheme, he begged to tell the Attorney General for Ireland that he thoroughly knew that part of the question. The right hon. and learned Gentleman said the places would be properly filled. Assuredly other places might be filled. Certainly every place that could be filled would be filled. If the present Secretary for the Colonies were in office in Ireland he would, without doubt, be called upon to fill up every place. The recommendation that the office of Masters in Chancery in Ireland should be abolished had already been twice negatived by the House. Then there was another recommendation, that the existing Masters should be retained as long as might be found necessary, which, he supposed, meant that they were to continue to do the work while the new officials played. He hoped the House would also observe that power was taken to double the staff of clerks at any future time. His estimate of the bill which the country would have to pay for these very questionable reforms was as follows:—The salary of one Vice Chancellor would be £4,000; chief clerk, £1,000; two junior clerks, £700; tipstaff, £100; crier, £120; total, £5,920. Then there would be the assistant registrar, £1,250; and the staff of clerks of the Master of the Rolls would bring the amount up to £8,870. That calculation proceeded on the assumption that one set of clerks would be sufficient, and if they were doubled, which the Bill contemplated as a possible necessity, that would involve an additional £5,000, giving a total of £13,870. That was, it must be owned, a very fair, respectable beginning; and it was more than probable that the Chancellor, who was not favourable to the Bill, would, if it were carried, be loth to lose the services of the good old working hands, trained by many years' experience, and would retain the Masters to save his court from falling into confusion. What security was there that it would be possible for one Vice Chancellor, even with a double staff of clerks, to get through the work of the four Masters? Further aid might be necessary, and thus there was the prospect of a possible addition to the expenses, which would bring them up to nearly £22,000. He had observed this curious fact, that in Ireland persons who were pensioned off never died. There were some who got pensions at the time of the Union, and who were alive and hearty still, although that was sixty-four years since. It was certain that when the Masters got retiring allowances the last thing they would ever think of doing would be to die. Then, there were claims for compensations from the other officials, who refused to serve except in their present capacity, and maintained that they were engaged during good behaviour. The proposal to make the young gentlemen who were now examiners chief clerks was preposterous, and he did not suppose it was seriously intended. He had no objection to attorneys getting places for which they were qualified; but he was satisfied they would not get men in that profession of high attainments and experience to accept the situations under this Bill at the salaries proposed. However, all the Government wanted was to have the Bill passed, and then they would come to the House in a year or two and ask that the salaries should be doubled. Although the title of Vice Chancellors had been refused to the Masters, they exercised complete jurisdiction on every question save one, and the Chancellor sent them very difficult cases to try. They performed their work admirably; and there were no other Judges in either country from whose decisions there were so few appeals. But because Masters had been abolished in England for the sake of uniformity, it was proposed by the Bill to abolish them in Ireland. He submitted that the eminent men who had signed the Commission rested their arguments on a mistake—a mistake arising altogether from the fact that they examined no person in this country to prove what was the working of the system of chief clerks. Sir James Graham had stated that that was a system which ought to be watched with the greatest carefulness, otherwise the evils of the old system under another name would spring up. On those grounds he hoped the House would not allow the Report of their Committee to be overthrown by the opinion of those gentlemen—however respectable they were—who had signed this Commission. He hoped the Bill would be withdrawn, and that the Attorney General for Ireland would send the Bill to those persons who had not seen it, and allow the general orders of this country to be considered by the Judges during the long vacation, so as to ascertain whether they were applicable to Ireland. If they were, he had no doubt the Lord Chancellor would adopt them without the formality of legislation. He hoped, therefore, that the right hon. and learned Gentleman would be of opinion that it was not advisable to proceed with that ponderous Bill during the Session.

THE ATTORNEY GENERAL said, he thought that the manner in which the right hon. Gentleman who had just sat down had mixed up almost everything in the world in his speech must have rendered many of his remarks unintelligible to everybody but himself. The way in which he had jumbled together clauses and details of this Bill and that Bill, with recommendations of one Commission and recommendations of another Commission, interspersing the whole with comments on the practice and procedure of the Court of Chancery, had produced on his own mind only one impression, namely, admiration at the right hon. Gentleman's extraordinary skill in mystifying a very simple subject. The course taken by the right hon. Gentleman reminded him of the custom adopted in another country on the canonization of saints. One advocate pleaded elaborately all the virtues of the person to be canonized, and on another devolved the less agreeable and more invidious office of putting forward all his vices and faults. The right hon. Gentleman undertook the more agreeable of these tasks. There was no legal institution in regard to which any alteration or improvement was recommended but he was sure to be found its most able and courageous champion. Under his magic touch it assumed the aspect and wore the colours of the most delightful perfection. It was the model for all the world, and the astonishing thing was that anybody could think it capable of the least improvement. Even the right hon. Gentleman's former opinions were sacrificed upon the altar of his country. He had gone into the proceedings that were adopted on this subject in 1856, and certainly his remarks were comforting and encouraging. As the right hon. Gentleman had yielded to the opinions of others on that occasion, and now came forward as the champion of the opinions which then prevailed over his own, so they might venture to hope that when his present opinions should have been overruled and this measure had taken root and worked successfully, no one would be found more forward to stand up in that House as its champion than the right hon. Gentleman. In the month of February, 1856, two Bills were introduced, on the back of which were the names of Mr. Whiteside and Mr. Napier. One of them sought to make provision for the more speedy and effectual despatch of business in the Irish Court of Chancery. And this was the description of the procedure of that Court contained in the preamble of the right hon. Gentleman's Bill—

> "Whereas the present mode of proceeding in the High Court of Chancery in Ireland, by orders of reference, reports, and exceptions, is attended with delay, expense, and other inconvenience, and it is expedient that every cause or matter should be prosecuted through all its stages before and under the direction of the same Judge or judicial officer, &c."

And what did the right hon. Gentleman then propose to enact? Why, the abolition of those Masters in Chancery of whom he was now the strenuous advocate, and the substitution for men with salaries of some £500 a year of three Vice Chancellors with £3,500 a year each, and each with a chief clerk at £800 a year and two junior clerks at a somewhat smaller salary. Then, by the right hon. Gentleman's other Bill, the English chief clerk's practice in chambers was sought to be introduced in all respects. [Mr. WHITESIDE: These were Bills that went before a Committee.] He was aware of that, and the right hon. Gentleman was a Member of that Committee, which sat taking evidence from the 6th of March to the 22nd of May. On the 5th of June, 1856, the right hon. Gentleman, after brooding over the subject and giving his best energies to it during the labours of the Committee, proposed Resolutions stating, among other things, that it was expedient that the High Court of Chancery in Ireland should undergo a thorough revision both in its constitution and procedure; that the constitution of the Court should be altered by the abolition of the office of Master in Ordinary with the present system of references and reports, and by the appointment of Vice Chancellors, who, with the Master of the Rolls, should severally hear cases and matters which should eventuate in further inquiries, so that the same Judge should conduct the entire proceedings from their commencement to their termination. It was true the right hon. Gentleman proposed also that the first Vice Chancellors should be appointed from the existing Masters. The Committee adopted in preference a plan recommended by Sir E. Perry, retaining the name of Masters, but giving them the functions of Vice Chancellors. He was aware that the right hon. Gentleman acquiesced, without dividing in favour of his own plan, in the views of the majority of that Committee; but it was somewhat too much for the right hon. Gentleman to come forward now, and eloquently denounce, as a thing unheard of and utterly subversive of the proper administration of justice in Ireland, the plan which he himself recommended and persevered in so late as the 5th of June, in 1856. Did the right hon. Gentleman mean to say that an assimilation of practice between the two countries was not to be desired, as recommended by the Commissioners? Such an assimilation was the principle of the Bill, and to that principle the right hon. Gentleman had not addressed one word of his speech. The evidence given by the Masters themselves supported the principle of this measure. Master Murphy stated that the most valuable of all reforms would be the adoption of the practice of the English Court of Chancery. He would not trouble the House with figures, but he could produce in detail proofs of the extraordinary diminution of expense and acceleration of business which had resulted from the new system in England. Very large estates were now distributed at an almost nominal cost in comparison with that which was incurred before. Lord St. Leonards speaking in 1858 said that he had personally examined into the system of the chief clerks' offices, and he declared that, with the exception of one or two suggestions he had made, which were adopted, the system was as nearly perfect as possible. The right hon. and learned Member for Dublin University was wrong in supposing that the present Bill would compel suitors in the Irish Court of Chancery to commence the simplest administration suits concerning the most trifling estates by the expensive process of bills and answers. If the right hon. and learned Gentleman had read the Bill, he would have seen that it introduced into Ireland the short, inexpensive, and summary method of taking out summonses in chambers in administration suits. Chief clerks, it had been said, would not be competent to determine important questions of law. They never did so in England, except when the parties were perfectly satisfied with their decision, and at any time such questions might be readily brought before the Judge himself. He trusted the House would not be led away by the eloquence of the right hon. and learned Member for Dublin University, but would remember that they were now engaged only in considering whether they should give a second reading to a Bill which was the result of the recommendations of a highly competent Commission, and which aimed at the assimilation of the practice in England and Ireland. Objections to clauses would doubtless be fully and fairly discussed in Committee; but the Amendment to the second reading of the Bill simply meant that the system of the Court of Chancery in Ireland was so perfect that it should not be altered at all.

MR. GEORGE said, that the hon. and learned Gentleman the Attorney General, had endeavoured to divert attention from the real arguments used by the right hon. and learned Member for Dublin University, and with having unintentionally misrepresented the course taken by that Gentleman in 1856. For his own part, he was as great an advocate for the assimilation of the practice of England and Ireland as any man living. He hoped, indeed, the time would soon come when no Act would be passed for one country that would not be binding on the other. What he complained of in the present Bill was that it carried out only a portion of the recommendations which had been made, and that it left untouched many differences between the two countries. A mixed Commission of English and Irish barristers might be able to prepare the heads of a real assimilation Bill, but it was a perfect mockery to call the measure now under discussion by that name. The right hon. and learned Member for Dublin University had pursued a consistent course, and if defects still existed in the system of the Irish Court of Chancery, it was not his fault or that of the Legislature. It was remarkable that throughout the whole Report of 1860 no reference was made to the Report of 1856, and in many of the most important points the two Reports were quite opposed to each other. When a Bill of this kind was brought forward, it was incumbent upon the House to consider how the Masters in Chancery had conducted themselves. It was an extraordinary fact that during the last fourteen years the four Masters had made 14,400 decretal orders, and only 137 appeals took place out of that number. Then, again, out of these 137 appeals, only forty of these orders were reversed! And that was the jurisdiction which it was now proposed to abolish. If they abolished those Masters and appointed one Vice Chancellor, the result would be that next year they would have to come down and appoint one or two more Vice Chancellors, and additional chief and under clerks. From statements made on good authority, it would seem that in this country the system which it was proposed to extend to Ireland had produced confusion and disorder, which never could have arisen if a competent authority had decided on the judicial and legal difficulties as they arose. He thought it would be legal suicide to destroy a system which had worked so well in Ireland, and on those grounds he should vote against the second reading.

MR. SCULLY said, it had at one time been his misfortune to practise in the High Court of Chancery in Ireland; and he must say that though the right hon. and learned Gentleman the Member for the University of Dublin and the hon. and learned Gentleman the Member for Wexford (Mr. George) were very high authorities in the Courts of Common Law, he had never met either of them in the High Court of Chancery. The Bill the House had to consider that night contained only 192 clauses, with attendant schedules; but he hoped they would not go into those clauses on that occasion, for he really did not know but that he would be compelled to oppose every single one of them. All that they ought to do at that late hour was to discuss the principle of the measure only. The Report which had been so much condemned that evening was signed by Mr. Napier, the hon. and learned Member for Belfast (Sir Hugh Cairns), and other eminent Chancery barristers. The Commissioners were unanimously in favour of assimilation, and their authority ought to have great weight with hon. Gentlemen opposite. He did not undertake to support the Bill in all its details, but to the principle of the Bill he did give his support.

MR. SEYMOUR FITZGERALD said, that having been a Member of the Select Committee, he naturally took a great interest in this subject. It was one on which laymen might be permitted to express their opinions, and, in fact, the Report of the Commission lost much of its value in his estimation by the fact that it was composed of professional men. Remembering the part which the late Sir James Graham took in those proceedings he could only say that if Sir James Graham had been amongst them during this discussion they would not have heard many of the arguments that had been advanced that evening. Many legal reforms had been carried in opposition to the profession. The Attorney General had entirely mistaken the position of his right hon. Friend the Member for Dublin University. His right hon. Friend might at one time have been all in favour of Vice Chancellors, but he had changed his opinion, seeing how well the present system of Masters worked in Ireland. He should suggest that his hon. and learned Friend behind him should allow the Bill to be read a second time, and that he should afterwards move that it be referred to a Select Committee.

MR. MALINS said, the opponents of the Bill had failed in satisfying him that the Bill ought to be opposed at this stage. He had practised in the English Court of Chancery under the old and new systems, and the result of the new system was that suits which before 1852 would have lasted five years were disposed of in twelve or eighteen months. The Masters under the Irish system were totally different from what they were in England; for in this country there never was known such a thing as a cause originated before a Master; whereas in Ireland a suit went at once before the Master on a cause petition; he pronounced a decision upon it, and then worked out his own decree. That system he (Mr. Malins) regarded as very objectionable. He thought the Government had done right in introducing a Bill for assimilating the laws of Chancery of the two countries, and he approved of the principles of the measure. No doubt some of the details of the measure were open to objection, but the best way of meeting them would be by referring it to a Select Committee. The English system was by no means perfect, and what required alteration in this country might be guarded against with regard to Ireland. Instead of abolishing the Masters and substituting a Vice Chancellor and a chief clerk, he thought the Masters might be retained to act with the Vice Chancellor with great advantage to the suitors. He recommended the hon. and learned Gentleman not to persevere with his Amendment.

MR. LONGFIELD said, that after the expression of opinion of the hon. Member for Horsham, he would not press the Motion to a division, but at the proper time he should move to refer the Bill to a Select Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday* next.

FISH (FRESHWATER STREAMS) BILL.

On Motion of Mr. NEATE, Bill for the better preservation of Fish in Freshwater Streams in England, *ordered* to be brought in by Mr. NEATE and Mr. MALINS.

Bill *presented*, and read 1°. [Bill 130.]

PILOTAGE ORDER CONFIRMATION BILL.

Bill for confirming a Provisional Order concerning Pilotage made by the Board of Trade, under "The Merchant Shipping Act Amendment Act, 1862," relating to Hartlepool, *presented*, and read 1°. [Bill 131.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 3, 1864.

MINUTES.]—PUBLIC BILLS—SELECT COMMITTEE—*Report*—Insane Prisoners Act Amendment* (Nos. 110 & 111).

Committee — Chimney Sweepers and Chimneys Regulation (No. 76); Naval Prize Acts Repeal* (No. 78); Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87).

Report — Naval Prize Acts Repeal* (No. 78); Divorce and Matrimonial Causes (Amendment)* (No. 103).

Third Reading — Scots Episcopal Fund*, and *passed.*

JAMAICA.

MOTION FOR PAPERS.

LORD DUNSANY, who had given notice of a Motion for Papers respecting the Government and internal affairs of Jamaica, said, that he was induced to bring forward this subject at the present time owing to the very grave and very unsatisfactory state of affairs existing in the Islands. Perhaps the House would understand better what this state of things was if he read a Resolution passed by the House of Assembly—

> "That this House cannot, consistently with a due regard to the maintenance of its prescriptive rights and privileges, which are the firmest bulwarks of the liberties, franchises, and immunities of the people, proceed to any further business with his Excellency Lieutenant Governor Eyre, for the reasons set forth in the foregoing Resolutions."

In bringing the subject before their Lordships he did not mean to express any opinion as to who was right and who was wrong, but he could assure their Lordships that the Government and affairs of Jamaica had arrived at a dead lock. There were no less than twelve Acts of the Colonial Parliament which would expire in the course of the present year, and there was no intention on the part of the Assembly to renew them, although some of that number related to the audit of the public accounts, the militia, the new Import Duties, the Stamp Act, and many important subjects. He knew that it was always invidious to speak of absent persons, and his purpose in rising was not so much to make any complaint about an absent and meritorious servant of the Crown as to urge upon the House the fact that something was due to the Assembly and Colonists of Jamaica. Nor was it his intention to cast any reflection upon the noble Duke the late Secretary of the Colonies (the Duke of Newcastle), whom he believed to have been most conscientious and painstaking in the performance of his duties. Until the arrival of Governor Darling in the Island, things had gone on very smoothly; but the Governor, contrary to the counsel of his official advisers, had determined to introduce party or responsible Government. His official advisers knew that the elements for such a Government did not exist in the Island, and they consequently resigned. That circumstance might be considered as the commencement of the disagreements which had arisen between the Governor and the Colonists. The Governor did not get on well either with the Colonial Secretary or the Assembly, and he came home. On his return to this country, Her Majesty's Government thought fit to reward him with the highest colonial appointment in the hands of the Crown—they appointed him Governor of Victoria, and this act was regarded by the people of Jamaica as a slight upon themselves. The care of the Island was intrusted to a Lieutenant Governor. During his tenure of office the construction of a tramway between Spanish Town and Porus was determined on, and this undertaking, if properly carried out, would have been of great public benefit. The financial guardian of the colony was naturally the island engineer, whose duty it was, therefore, to see that the work was honestly performed. Instead of doing so, he himself and another person became the contractors for the work. He was tried before the Privy Council for this job, and dismissed from his office; and this circumstance had brought not only upon the contractors, but all connected with the matter, to say the least, a great deal of unpopularity. This job could have been prevented by the Lieutenant Governor, as the *ex officio* Chairman of the Board of Main Roads, and it was his duty to have done so. In spite, however, of representations made to him upon the subject, he neglected to take any precautions, and he did not even attend a single meeting of the Board. The Assembly exhibiting symptoms of an unruly spirit, the Governor entered into correspondence upon the subject with the Colonial Office, and it was proposed that the power of the Lieutenant Governor should be increased. With that view, a most extraordinary step was taken, and it was announced that all members of the Assembly who held office under the Crown would be required to vote with the Government. It happened that there were two gentlemen having seats in the Assembly who held offices under the Government. One of them, Mr. Espeut, a district official assignee of the Insolvent Court, was informed that he must either resign his seat or vote with the Government. That gentleman was not convinced that if he declined to take either of the courses which were suggested to him, the Government had power to dismiss him from his office, or to remove him except for misconduct, and in that view he was supported by the opinion of counsel. In consequence of the differences that had arisen between the Lieutenant Governor and the Assembly, all legislative business was suspended. It had been declared that the Government intended to suspend the Constitution, but whatever course might be intended to be taken it was desirable that the least irritating and unpopular should be adopted. He did not intend to make any charge against Governor Darling, who was an experienced and valuable public servant, but he did not consider that he was the right man for an office which had been filled in past times with great ability and success by such men as the late Marquess of Normanby, Lord Elgin, and Lord Metcalfe. He hoped that some official person would be sent out to inquire into the grievances alleged by the Jamaica Assembly. The noble Lord concluded by moving that an humble Address be presented to Her Majesty for—

1. Copy of all Correspondence between the Secretary of State for the Colonies and the late Governor and late Lieutenant Governor of Jamaica respecting the Establishment of Party Government or Responsible Government in that Island:

2. Copy of a Report presented to the House of Assembly of Jamaica by a Committee appointed to consider and report to the House on certain Points connected with the proposed Tramway between Spanish Town and Porus:

3. Correspondence between Lieutenant Governor Eyre and the Secretary of State for the Colonies relative to that Tramway from June 1862 to the present Time:

4. Copy of that Part of Lieutenant Governor Eyre's Speech in the Assembly on 4th November 1862 which relates to that Tramway:

5. Copy of all Correspondence between the Lieutenant Governor of Jamaica and Mr. Espeut, a Member of the House of Assembly in Jamaica, relative to the Option allowed to that Gentleman either to support the Lieutenant Governor in the Assembly or resign his Seat therein, under the Threat of Dismissal from his Office of District Official Assignee of the Insolvent Court; also all Correspondence between the Secretary of State for the Colonies and the Lieutenant Governor of Jamaica or between the Secretary of State for the Colonies and any other Person upon the same Subject:

6. Copy of a Memorial lately sent to Her Majesty by the House of Assembly of Jamaica, and Reply of the Secretary of State for the Colonies thereto:

7. Copy of all Correspondence between the Lieutenant Governor of Jamaica and the Secretary of State for the Colonies relating to such Memorial.

LORD STANLEY OF ALDERLEY said, he had already informed the noble Lord that there would be no objection on the part of the Crown to give the Returns for which he had moved, if he would consent after the word "copy" to the addition of the words "or Extracts." There might be some parts of the despatches which ought not to be produced.

LORD BROUGHAM said, he desired to take that opportunity of bearing testimony to the great ability, spirit, and discretion with which the late Marquess of Normanby had in the most difficult circumstances performed the duties of Governor of Jamaica. To his skill, courage, and discretion in a great degree was owing the success of the great measure of negro emancipation.

Motion amended, by inserting the words "or Extracts;" and *agreed to*.

CHIMNEY-SWEEPERS AND CHIMNEYS REGULATION BILL (No. 76).

COMMITTEE.

Order of the day for the House to be put into Committee read.

THE EARL OF SHAFTESBURY: My Lords, I had hoped I should have been saved the necessity of troubling your Lordships at any length on this Bill, but having heard that some objections are entertained to its provisions, I feel it to be my duty to state the principles of the existing law, the necessity for it, and the provisions I consider necessary for carrying that law more effectually into operation. The Bill which I have laid on the table does not contain any new principle. It contains only provisions to give effect to the law already existing. In 1840 a Committee was appointed by this House, out of which came a Bill which prohibited the system of climbing boys altogether; and if that law had been observed there would have been no necessity for the present Bill. In 1853 I introduced a Bill for the purpose of rendering the previous Bill more operative. The Bill was referred to a Select Committee upstairs, and although we examined thirteen witnesses, every one of whom bore testimony to the necessity of the law, and to the necessity for strengthening it, yet the Bill was not allowed to proceed any further, the Committee simply declaring that it was not expedient. Now, both these Bills—the Bills and the evidence before the Committee—set forth in the clearest manner the enormity of the system and the great degradation and cruelty inflicted on children engaged under it. They also set forth the sufficiency of the remedy and the entire safety of it. In 1862 a Commission was appointed to inquire into the various trades in which children were engaged. The Commission, amongst many other matters, took evidence on the state of climbing boys, which confirmed everything that had gone before, only that the evils were greater in amount and intensity than existed in former times. It is the evidence that was then adduced I am now about to bring before your Lordships, in order to show the absolute necessity of the provisions I propose;—and let me say that, revolting and disgusting as the evidence in the Report is, the facts stated in the Appendix are ten times more so. To give your Lordships a picture of the entire system I will first state the age at which these children are generally forced into this work. The concurrent testimony of all is that the usual age is from 6 to 8; but there are many instances of 5, and even 4½ years. The hours of working in the smaller towns are 8 and 9, in the larger towns 12 to 16; and for the greater part the work begins at 4, 3, and even 2 o'clock in the morning. This shows the cruelty of the system as affecting children of such tender years and such delicate frames engaged in this disgusting and revolting employment. Sixty-three witnesses were examined by the Commissioners. They came from all parts of England, and thirty-three of them were master sweeps. Let me give your Lordships some examples of the evidence they adduced to show the extreme cruelty of the system and the abominations to which these poor children are subjected. The first evidence I shall quote comes from a master sweep in Nottingham—Mr. Ruff; and his testimony may be taken, the Commissioners state, and so says Mr. Ruff himself, from great experience, as a very fair sample of what is going on in various parts of the country. He says—

> "No one knows the cruelty which a boy has to undergo in learning. The flesh must be hardened. This is done by rubbing it, chiefly on the elbows and knees, with the strongest brine, close by a hot fire. You must stand over them with a cane, or coax them by the promise of a halfpenny, &c., if they will stand a few more rubs. At first they will come back from their work with their arms and knees streaming with blood, and the knees looking as if the caps had been pulled off; then they must be rubbed with brine again."

This painful description, the Commissioners observe, they would have hesitated to record, but that it was so amply confirmed by the testimony of many practical witnesses from all parts of the country. Mr. Clark, another master sweep, says—

> "If, as often happens, a boy is gloomy, or sleepy, or anywise 'linty' [I do not know the meaning of this expression], and you have other jobs on at the same time, though I should be as kind as I could, you must ill-treat him somehow, either with the hand, or brush, or something. It is remembering the cruelty which I have suffered which makes me so strong against boys being employed. I have the marks of it on my body now, and I believe the biggest part of the sweeps in the town have the same; that (showing a deep scar across the bottom of the calf of the leg) was made by a blow from my master with an ash plant—*i.e.* a young ash tree that is supple and will not break—when I was six years old; it was cut to the bone, which had to be scraped to heal the wound; I have marks of nailed boots, &c. on other parts. It was a common thing with sweeps

> to speak of 'breaking in a boy.' If he was hard, like a ground road or a stone, they gave it up. The other sweeps and I do not like to think of our children growing up to such a business. I believe that in every respect, except the sleeping department and washing, the condition of the boys is now as bad as ever as to treatment, perhaps worse, as the men who have boys are only the least respectable."

The evidence of Mr. Elton, a chimney sweeper at Basingstoke, is to the same effect. He says—

> "Some boys are more awkward and suffer more; but all are scarred and wounded."

James Brown, a journeyman at Winchester, says—

> "Some chimneys are rough, and, of course, that skins you on the elbows and back; some put pads on the knees if you are very bad; saltpetre, what they call brine, is the only way of getting over it; I remember very well having that rubbed on every morning and night."

Mr. P. Hall mentions a child not more than seven or eight years old, at Birmingham, who could scarcely walk from sores and bruises received in climbing. But the treatment they receive in the course of their training is not the only hardship these young children have to endure. Let us look at what they have to undergo in the process of their work. They are subjected to cruel usage from their masters, and it is a remarkable fact that all the witnesses concur in stating that it is the most cruel masters who persist in refusing to use the sweeping machines. Many of the children are seriously burnt in consequence of being compelled to ascend the flues on fire, and others are killed or maimed. One case occurred at Ashton-under-Lyne, where a child of seven was burnt badly, and at Preston a boy was severely flogged by his master for refusing to go a second time into a hot boiler flue. Mr. Michael Brown, coroner for the borough of Nottingham, states that he held two inquests on climbing boys; in one case the fire was burning, and something was put over the still hot fireplace to enable the boy to rest his feet on at starting. In this case Mr. Brown attributed the death partly to the air in the chimney not being fit for breathing. A hole was broken in the wall to get the boy out. In the other case the master had lit straw under the chimney to bring the boy down, as it was supposed he was asleep, when in reality he was dead. Even within the last two years (the Commissioners say) a child lost his life in the West End of London having "stuck" in the chimney. According to Mr. Peacock, of Burslem, Mr. Herries of Leicester has collected twenty-three cases of boys who have been killed in chimneys by being stifled since the Act of 1840 was passed. I am sorry to detain your Lordships with these details, but it is essentially necessary that I should give you the authority on which I make these statements; and I beg of you to recollect for whom I am now pleading. Mr. Richard Stansfield, a master sweep at Manchester, says—

> "Why, I myself have kept a lad four hours up a chimney, when he was so sore that he could scarcely move; but I wouldn't let him come down till he had finished; it has often made my heart ache to hear them wail, even when I was what you may call a party to it. In learning a child you can't be soft with him—you must use violence. I shudder now when I think of it. I have gone to bed with my knee and elbow scabbed and raw, and the inside of my thighs all scarified; we slept five and six boys together in a sort of cellar with the soot bags over us, sticking in the wound sometimes; that and some straw were all our bed and bedclothes; they were the same bags we had used in the day, wet or dry."

Some are burnt, some suffocated, some tortured and half killed, or quite killed, when stuck in a chimney, by the very means used to extricate them. Some are drawn out at the top and some at the bottom of the chimney, and a case is mentioned by Mr. Ruff of Nottingham, in which a boy was smothered in a chimney there; and the doctor (he added) who opened his body (naming him) said that they had pulled the boy's heart and liver all out of place in dragging him down. So much for their hours of work. What for their hours of so-called repose? A large proportion of them are lodged in low, ill-drained, ill-ventilated and noisome cellars. They "sleep black"—that is, they lie unwashed for the whole week, perhaps for many weeks. Hence that most frightful disorder called the chimney sweep's cancer—a disease which I will not seek to describe to your lordships further than to say that, having witnessed it, I have never seen a more terrible form of physical suffering. It almost always proves fatal. I come now to the moral condition of these children. On Sundays, in a great many instances, they are shut up altogether, that their neighbours may not see their miserable plight. The moral and intellectual state of boys so trained and treated must necessarily be degraded to the lowest possible point. Out of 384 boys examined by Mr. P. Hall, that witness says he found "only six who could write, and twenty-six who could read, most of them very imperfectly." "They never go even to Sunday School," says one; "they do not get a chance," says another. There may be an exception here and there; but what more striking estimate could we have of the low, despised, brute condition in which these children are kept, or of how completely they are overlooked and degraded by the community, and regarded as mere pariahs for administering to the wants and comforts of the wealthier classes, than that furnished by the remark of a lady to Mr. Ruff:—

> "Formerly," says Mr. Ruff, "the sweeps, as they said themselves, had three washes a year—namely, at Whitsuntide, Goose Fair (October), and Christmas; but now they are quite different. This is owing a great deal, I think, to a rule which we brought about of taking no orders after twelve midday, and washing then. The object of this was to let the boys go to school in the afternoon. At first most did, but they do not now. A lady complained of this to me, because she could not get her chimney done, and said, 'A chimney-sweep, indeed, wanting education! what next?'"

Good Heavens! my Lords, I say that the woman who could speak in that way of a human being with reference to his temporal and eternal interests is a woman who would cut up a child for dogs' meat or for making manure. In the worst days of slavery a more disgusting sentiment, or one more offensive both to God and man, could hardly have been uttered than that implied in this woman's "What next?" There is also a regular traffic in these children. They are constantly bought and sold. Mr. Jones, of the Midland Association, read a paper before a meeting on Social Science, in which he stated that—

> "In the country young children are bargained for by their parents and master sweeps; they are bought and sold; and the more tender their age the more valuable they are considered."

Mr. E. S. Ellis, a magistrate of Leicester, says—

> "I am satisfied that great numbers of children are bought and sold, and that, practically, they are as much slaves as any negro children in South Carolina."

Mr. Francis Peacock, of Burslem, says—

> "I have bought lads myself. I used to give the parents so much a year for them. In Liverpool, where there are lots of bad women, you can get any quantity you want."

This system in the provinces generally, with some exceptions, is very largely on the increase. And here I may pause for a moment to ask your Lordships by what social right or by what law of God you take these children of such tender years, who can have no will of their own, and who derive no benefit from the trade, because they receive no wages — their clothing does not deserve the name, and their food is of the scantiest character — and compel them to enter upon a career the most filthy and the most degrading, physically and morally, it is possible to conceive. In that career they suffer during all their tenderest years, and when they emerge into manhood — I mean, of course, those of them who survive so long—they find themselves crippled in body and mind, and without knowledge or ability of any kind. Under such circumstances can you wonder that a large proportion of them, when they arrive at manhood, are found either in gaol or upon the gibbet? If when taken possession of they had reached their riper years, and were able to judge for themselves, they might have made their own bargain, and entered upon the career with a full knowledge of what was before them; but I ask you, in the name of God, what right you have to impose upon human beings, as good and as responsible as yourselves, having the same rights, the same hopes, and the same destinies, so degrading, so filthy, and so disgusting an occupation? This is mere wanton cruelty, for, as the evidence proves, it is totally unnecessary. I should have thought that the evidence taken before the Commission of 1840 would have satisfied every one of the efficacy of the machine if properly used. Before the Committee of 1853, when my Bill was on the table, thirteen witnesses deposed to that fact without a single dissentient voice. Even that Committee of 1853, which declared that it was not expedient my Bill should be proceeded with, gave it as their opinion that the machine was capable of doing the work assigned to it, and was even safer than the climbing boys. The present evidence proves the same thing at great length. The universal testimony is that every chimney, however angular or tortuous, can be swept by the machine, provided occasionally that, at a very small expense, apertures called soot-doors are opened at certain places. It is obvious, indeed, that the machine must do the work better than a boy. A boy avoids every hole and corner he can, and gets through the business as speedily as possible, whereas the machine goes into every nook and does the work thoroughly and well. But the masters do not like the machine, because it imposes upon them a certain amount of labour, whereas, under the climbing system, the poor boy has to go through all the toil. In this metropolis itself you have two remarkable instances of the efficacy of the machine—in the Athenæum and the Bank of England. The chimney of the Bank of England is a most peculiar structure; it has six different angles, and yet it is swept effectually by the machine. So also with the chimney of the Athenæum. But I am now speaking after an experience of twenty-one years, and I have further proofs to submit to your Lordships. The climbing system has been suppressed altogether in Edinburgh for thirty years by the action of by-laws, and it has also been totally suppressed in Glasgow. In Bath, with its thousands of tall chimneys, it is extinct, and it no longer exists in the town of Leicester or in the Potteries. There is an enormous population among whom it has been suppressed without any injurious consequences whatever; but I have a stronger proof still. In this huge metropolis the machine has been used for twenty-one years. The Commissioners say—

> "As the experience of London is so important in the solution of this question, the number of houses being about one-tenth of those in England and Wales, it appears desirable briefly to explain the facts of this case. According to the census of 1861 the total number of houses in the metropolis was 379,222, and in 1851 it was 327,391, thus showing an annual increase in the number of houses of 5,183. Allowing on an average six chimneys to a house, the total number of chimneys may be estimated at 2,375,332, all of which, with some few exceptions, are swept by the machine."

Is it necessary to ask for more proof? Everybody in London is satisfied with the work the machine does. But we have also the testimony of the late Mr. Braidwood, Superintendent of the London Fire-engine Establishment, who said that no risk whatever would attend the discontinuance of the use of boys for sweeping chimneys provided where the machine could not sweep them there were doors made by which they could be swept. Captain Shaw, the present Superintendent of the Fire-engine Establishment, was likewise requested to give the result of his experience. The Commissioners say—

> "We are indebted to Captain Shaw for a very instructive table, showing the total number of fires from all causes, and the number caused by flues, in each year from 1833 to 1862. From this document it appears that while the total number of fires has increased with the increase of new houses, the proportion of fires caused by flues to the total number has considerably diminished, the average percentage in the ten years previous to the application of the Act (namely, 1833-42) amounted to 11·8, while the average percentage of the twenty years subsequently (1843-62) was only 8·6; the highest percentage in any one year being 15·5—namely, in 1833, and the lowest, 6·4, in 1861. We have received similar information from the surveyors of some of the principal London Assurance Companies; and we are therefore satisfied that all fears of the increased risk of fire from the abolition of climbing-boys are entirely without foundation."

That being the state of things, every one being satisfied that the machine could be used with safety, it is desirable to inquire into the causes and modes of the violation of the Act. I am bound to say, at the outset, that the master sweeps are not principally to blame. No doubt there are some who dislike the trouble of the machine, but the vast majority, go where you will, are most anxious to get rid of the climbing system. It is the householders, and especially the great people, who keep it up, declaring that no power on earth would induce them to allow a machine to enter their premises. These are the persons who, in spite of the law, will have children to go up their chimneys. Everywhere you have one and the same testimony. One master says:—

> "The use of boys is much encouraged by the fact that many householders will have their chimneys swept by boys instead of machines. I have myself lost a good deal of custom which I should otherwise have, and some which I formerly had, at large houses and public establishments, because I will not use boys. That reason was not given, but I was not employed after I refused. I have been sent away even from magistrates' houses, and in some cases even by ladies, who have professed to pity the boys, for refusing to use them."

Many householders refuse to alter their flues, or to incur the smallest expense for putting in soot doors, and persist in setting the law at defiance. The whole burden of the evidence of the Committee of 1853 and of this Commission goes to prove the determination of the magistrates, with some exceptions, not to carry the law into effect. They may not go the length of saying that they will not convict, although it is reported they have done even that in some instances; but they take good care to prevent convictions by demanding evidence of such a kind that it is next to impossible it should be produced, and dismissing cases with rebuke and even insult to the prosecutors. Even where there is a grave charge, it is too often treated with lightness, and acquittals are granted in the face of the most conclusive testimony the other way. Thus it happens that of the hundreds of cases which are annually brought before the magistrates, only a small percentage result in convictions. Then, again, we have also, I think, reason to complain of the builders of houses. By a section of the Act of 1840, it was ordered that flues should be constructed in such a manner that machinery could be used, and the services of climbing boys dispensed with. As far as we can learn, however, the builders have pertinaciously refused to obey that provision of the Statute. Scarcely any chimneys have been constructed as directed, and the consequence is that this pretext still remains for the employment of climbers. One builder, indeed, Mr. Cubitt, of Belgravia, deserves to be mentioned as a noble exception, for he strictly carried out the Act, and built all his chimneys in such a way that the occupants of the houses to which they are attached never think of sending up boys, for they know the work can be done more speedily, effectually, and conveniently by machinery. Not only, my Lords, is this a matter of very serious importance, involving the temporal, and I may say the eternal, condition of these youths; but it is one that really concerns the political character of the country. These things of which I have been speaking are done, in the main, for the use and comfort of the wealthier classes, and you may depend upon it that a rankling feeling is kept up in the mind of the people by the thought of a system which is a scandal to a civilized country. If your Lordships reject the proposal I have now the honour to submit, you will be perpetrating a system more cruel and disgraceful than almost anything I know of—a system which, however it may be connived at, and however it may be palliated, cannot be justified—a system which day by day and week by week leads persons of all conditions to violate the law and outrage their sense of humanity. Your Lordships must remember that I am not seeking to establish any new principle. I am asking only for the means of giving effect to a principle which has already been affirmed, and which is quite in accordance with the spirit of modern legislation, in alleviating toil and suffering. I well recollect how, when I was engaged in carrying my measure of factory reform, the most terrible predictions were uttered as to the ruin alike of employers, parents, and children which must befall them. Now I hear nothing but praise on all sides; and I cannot express the joy I felt when a master manufacturer said to me, "I opposed you tooth and nail as long as I could; but now the law is passed, take my advice, for God's sake, and do not part with a hair's breadth of it, for it is a measure which must do great good to the people, and can do no harm to the employers." I appeal to you now on behalf of another class of weak and suffering humanity. I ask you to protect, not adults, who can take care of themselves, but the helpless young, many of them orphans, and some the offspring of cruel and unnatural parents. The other evening your Lordships were engaged in discussing the intellectual progress of the children of the upper classes—a very right and proper subject of debate. But now you have to consider whether a small and humble ray of light shall be allowed to fall on the children of the poorest and most unhappy in the land. I pray you, my Lords, not to reject this Bill. I entreat you to show your goodness and consideration for these unfortunate children by granting them the repose, leisure, and opportunity necessary to enable them by the blessing of God to acquire such secular learning as may give them the possibility of a life of industry, honesty, and comfort in this world, and above all to attain that religious knowledge which alone can make a man wise and just.

Moved, "That the House do now resolve itself into a Committee on the said Bill."

LORD REDESDALE said, he doubted whether some of the provisions of the Bill were absolutely necessary or desirable. Clause 9, for instance, provided that any constable or other peace officer might

> "Take into custody, without warrant, any chimney-sweeper believed by such constable or officers to be committing any such offence as aforesaid, within the view of such constable or officer; and might secure him until he could be brought before the justices, or be bailed."

A chimney sweep was not a vagrant, he was always known, and if he had committed an offence, surely he might be apprehended on a warrant. Again, by Clause 10, a constable might detain

> "Any person apparently under the age of sixteen years or of ten years (as the case may be), who is caused or allowed to enter a house,"

in contravention of the Bill. Surely this was going rather further than was necessary.

Motion *agreed to:* House in Committee accordingly.

Clauses 1 to 5 agreed to, with Amendments.

Clause 6 (Restriction on Employment of Children under Ten).

The Marquess of BATH pointed out that under the Bill a master chimney-sweep would be liable to penalties if even he employed a child to drive the donkey-cart in which he carried his soot.

Clause *agreed to.*

Clause 7 (Chimney Sweeper entering House to sweep Chimney, &c., not to bring with him Person under Sixteen).

Lord PORTMAN said, he thought the clause too stringent.

The Earl of SHAFTESBURY said, if the boys were allowed to go into the house with their masters, the offence would certainly be committed. The clause was stringent, but the only way of preventing this intolerable abuse was by interdicting boys from entering the house on any pretence whatever.

Lord CRANWORTH proposed to leave out the words "or for extinguishing fire in any such chimney or flue." Every facility should be given to extinguish fires, and it might happen that the only person at hand was a boy under sixteen.

Earl GREY said, the great cruelty complained of was that of forcing boys to go up chimneys which were on fire.

Clause *agreed to.*

Clause 8 (Penalties for these Offences).

Earl GREY moved to add the words—

> "If any occupier of a house shall knowingly allow any person under sixteen years of age to be sent up a chimney in the house he occupies, he shall be liable to a penalty not exceeding £10.

Lord PORTMAN said, it would not be right to subject householders to such a penalty; at all events, he objected to the Amendment being considered without notice.

The Earl of DONOUGHMORE said, it was only proposed to punish the *particeps criminis.* Of course there must be some proof to satisfy a magistrate that the occupier had knowingly allowed an infraction of the Act.

The Marquess of BATH opposed the Amendment upon the ground that the occupier of a house could not tell whether a boy were under sixteen, though his master might know it perfectly well.

Earl GREY said, this objection might show the difficulty of convicting the occupier, but it did not show that the occupier who knowingly allowed the offence to be committed was not equally liable with the master-sweep.

Amendment *withdrawn:* Clause *agreed to.*

Clause 9 (Power for Constable to arrest Offender), and Clause 10 (Power for Constable to detain Person employed) *struck out.*

Clause 12 (Burden of Proof of Age to lie on Chimney Sweeper).

The Marquess of BATH desired an explanation.

The Earl of SHAFTESBURY said, that the provision was inserted, because to necessitate the production of proof on the part of the prosecutor would be to insure a constant failure of justice. The defendant always had the opportunity of ascertaining the child's age from the register when he engaged him; but it would be impossible for the prosecutor to do the same, because a boy might have been born in Dublin, and might be employed at the Land's End.

Clause *agreed to.*

The Report of the Amendment to be received on *Thursday* next, and Bill to be printed as amended. (No. 112.)

Preamble *agreed to,* with an Amendment: and Title amended by striking out the words "and Chimneys."

House adjourned at a quarter past
Seven o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 3, 1864.

MINUTES.]—Select Committee — On Bankruptcy Act, Mr. George Carr Glyn *discharged,* Mr. Taverner John Miller *added.*

Supply—*considered in Committee*—Committee, R.P.

Public Bills—*Ordered*—Accidents' Compensation Act Amendment *.

Second Reading — Burials Registration * [Bill 126].

Considered as amended—Life Annuities and Life Assurances * [Bill 56]; Chief Rents (Ireland) (*Lords*)* [Bill 117].

Third Reading — Banking Co-Partnerships * [Bill 118]; College of Physicians * [Bill 98], and *passed.*

PRIVATE BILLS.

Standing Order (No. 142) read.

Lord STANLEY said, he rose to move that the Standing Order, which limited the owning or using by Railway Companies of steam-vessels, harbours, and docks, be repealed. By that order Railway Companies were prohibited from holding the description of property to which it referred, except on special grounds and in special cases, of which the Select Committee on the particular private Bill was to be practically the sole judge, being however required to make a Report to the House of the reasons on which it acted. When the order was agreed to by the House there might have been good grounds for passing it, inasmuch as Railway Companies possessed what was then the exceptional privilege of limited liability, which Shipping Companies and private owners had not: that state of things had passed away with the change in the law. It had been thought, too, that the rule would be acted upon, and that the exceptions would only be few in number; but during the last seven or eight years the exceptions had been more frequent than the cases in which the rule was observed. Many thought that what he proposed was to grant to Railway Companies power to hold this description of property without Parliamentary sanction; but it was not so. All the change he proposed was this—that the question, whether they should hold it or not, should go to the Committee upstairs unfettered by any previous declaration or rule of the House. In the early part of the present Session a Committee was appointed to look into the matter; and the Resolution which he submitted to the House was an embodiment of that Committee's Report. As the Standing Order related to little else than the prohibition, he believed the simplest course would be to repeal the whole of that order. The question really was whether Parliament should protect private owners against the superior wealth of Railway Companies. He did not see that it was their duty to do so. It might as well protect a private owner against a Ship Company, or a small Ship Company against a great Navigation Company. But it would not pay Railway Companies to interfere with the business of Ship Companies. No one could suppose that a Railway Company would think of putting on a line of steamers between Liverpool and New York, or between any English port and a port in the Mediterranean. The only kind of sea traffic into which they were likely to enter was that of conveying goods and passengers across a short sea, situated between two long continuous lines of land transit. They embarked in that sort of sea traffic in order to obtain greater facilities for through booking. But it was said that a Railway Company might obtain a monopoly as against a Ship Company by one of two means—either by refusing facilities, or by running steamers at a loss. At the present day the contest could hardly be one between a Ship Company and one Railway Company. Ten years ago it might have been, but now there was no important centre of trade in England which was not in possession of at least two Railway Companies. If there was, he could answer for it that it would not be in that position much longer. Besides, the refusal of facilities was a matter with which Parliament could deal. It was not a thing which could be carried on privately. As for running steamers at a loss, any capitalist who wished to put down a competitor, and was willing to sustain a temporary loss in so doing, could do that already; but it would not be done, because the moment a monopolist attempted to profit by a monopoly obtained in that way, he was met by a new competitor. He could only make up for loss previously incurred by imposing high rates, and the moment he did so, he lost his monopoly. He believed that no injustice would be done by his proposition, and as he thought the Standing Order was not in accordance with sound principles of political economy, he begged to move its repeal.

Motion made, and Question proposed, "That the said Standing Order be repealed."—(*Lord Stanley.*)

Mr. BARROW said, he was afraid that the small interest the claims of which he was desirous of advocating was very much in the position of the little kingdom of Denmark in the grasp of Austria and Prussia. The monopoly of railways was becoming something gigantic, and no doubt the influence they possessed in that House was a great advantage to railway proprietors. Having had something to do with the drawing up of the Standing Order, he was very unwilling to see it repealed. The object of this Standing Order was to prevent the large capitals overpowering the small capitals, and to preserve to the public that competition which was necessary to secure them due accommodation. As matters stood at present, if a Committee before whom a Railway Company made application for powers, should report to the House that the Company was entitled to them, the House had opportunities to decide whether those powers should be conceded; but if the Order should be annulled there would then be no appeal. The application for the repeal of the Standing Order he believed proceeded from the extravagant ambition of railway directors, and he also objected to the proposal on the ground that it would give Railway Companies power to employ their capital for purposes different from those for which it was subscribed. He felt very strongly on the subject, and should certainly oppose the Motion.

Mr. CLAY said, he could not agree with the noble Lord that the practical effect of the repeal of the Standing Order would be very small; for, under a very modest title, he believed the House had rarely had to discuss a matter of greater national importance. The Standing Order imposed no prohibition on Railway Companies obtaining these powers; it simply threw on them the onus of proving a case of public convenience, and wherever such a case was made out those powers were ordinarily granted under this Standing Order. If he felt certain that its repeal would do nothing more than it professed to do, he should have no fear of it; but he was afraid it would be taken as an invitation to Railway Companies to ask for these powers, and as an injunction to Committees to grant them. At least it threw on the shipowning interest the onus of proving that they ought not to be granted, instead of leaving it to Railway Companies to prove the necessity of them. The world was very much governed by phrases, and he believed that the noble Lord, and opinion generally, had been very much influenced by a phrase in a Report of the Board of Trade, to the effect that it was difficult to see how the great principle of competition could be advanced by the exclusion from competition of the largest capitals in the country. Yet this was easily seen. The railways, by their command of the land traffic, their power of juggling with fares, and their ownership, in many cases, of docks, piers, &c., had the power of placing obstacles so insurmountable in the way of their rivals, as to make competition practically impossible, and to create a monopoly for themselves. If it could be shown that public convenience required it, he was perfectly willing that the proposed change should take place. He would, however, defy any one who looked through the evidence which had been taken before the Committee to arrive at the conclusion that by giving to the Railway Companies increased powers that object would be attained. So far as he could understand, there were only two cases of public convenience which could be made out for acceding to the repeal of this Order. One was, where there was a large passenger traffic such as that between Dover, Folkestone, and Boulogne and Calais, Brighton and Dieppe, Southampton and Havre, and Kingstown and Holyhead, as to the last of which, although a Railway Company had the power now sought for it had never been exercised. The traffic between the places he had mentioned was carried on by independent Companies; and the other case was where, owing to some unusual state of things, as in the traffic between Harwich and Rotterdam, a special power was given to a Railway Company because the shipping interest had not supplied the accommodation which the public required. Some absurd and well-worn stories, repeated to half-a-dozen Committees of the House, had been told of the inconvenience caused by separate management; but all this evil was to be remedied by a system of through booking. On the other hand, he would ask whether hon. Members had never heard of inconvenience inflicted on the public by the Railway Companies themselves? Had they never heard of trains which took passengers booked for a particular place further than they wanted, and allowed them to get back again in the best way they could? It would be as unfair to use these instances as arguments against railways, as it was to quote the former exceptional cases against the shipping interest. And no case of public inconvenience having been made out, was it, he should wish to know, right to inflict on the shipping interest of the country a blow so great as that which was now levelled at them? Let the business in question be taken away from them, and one of the most paying portions of their trade would be destroyed. He thought that the repeal of the Standing Order would be taken as a distinct intimation that these powers should be granted to Railway Companies whenever they were asked, and they ought to be careful how they enlarged the great powers possessed by the large Railway Companies. In many parts of the country they influenced Parliamentary elections, and the House of Commons contained many Members returned by the Railway interest and the Railway interest alone. Several years ago, when the East India Company had about as many seats in Parliament as the Railway interest had then, the circumstance was complained of as a great abuse; and he, at all events, was opposed to giving increased powers to these companies, to the prejudice of the shipowners of the country.

MR. RICHARD HODGSON said, that if he apprehended that the removal of the Standing Order would injure the shipping interests, he would be one of the last to advocate the Motion of the noble Lord. So far as his experience went, he might add that Railway Companies were not anxious, under any circumstances, to obtain these powers to work steamboats if any other body of shipowners would conduct the necessary traffic to their satisfaction. His objection to the Standing Order was that it threw the onus of proof on the wrong party—upon those who brought forward the measure, instead of upon those who opposed it. While he wished the Standing Order to be expunged, he thought that whenever Railway Companies were about to ask powers to run steamboats the matter should be brought before the shareholders in the same way as extensions were dealt with. He thought the House should impose such restrictions as would ensure equality of treatment to persons on both sides of the passage. He should support the Motion of the noble Lord.

SIR HUGH CAIRNS said, that the hon. Member for Tynemouth had given a very good reason why the House should not assent to the Motion. He told the House that Railway Companies were not particularly anxious to possess steamboat powers. They would as a rule only ask for them in cases in which they could induce no one to perform the sea service from their ports; but in such cases as that Companies might obtain these powers under the Order as it stood. If any Railway Company came before a Committee and gave good reasons why the powers should be granted, the restriction would be removed. It was only last year that three Railway Companies came before the Committee for these steamboat powers, and they were granted to them on the ground that it was wholly unlikely that any private Companies would perform the service. The hon. Gentleman had also recommended the House to agree to the Motion because Railway Companies were now doing that which was illegal. He hoped that the House would not give any weight to such reason. The Committee, for the Members of which, especially the noble Lord the Member for King's Lynn, who presided, he had great respect, were by no means unanimous in their recommendations, inasmuch as six members voted for the Report and four against it. They were entirely wrong when they represented that the main arguments which were employed against the proposition were that Railway Companies had the advantage of limited liability, and that they had a greater capital than was possessed by steamboat owners. He never heard any such arguments used in that House, nor were they employed by the witnesses who were examined before the Committee. The real argument, one with which the Committee had not dealt, was that a Railway Company which also had steamboats had, by virtue of its monopoly of the road, such a control of the traffic both in passengers and goods, that it could put it all into its own steamboats and prevent any portion of it going into the boats of an independent trader. His noble Friend said that he had heard evidence which satisfied him that the possession of these powers by Railway Companies would not injure private steamboat owners. That was a point which was easily settled. Of the four witnesses who gave evidence in favour of conferring these powers upon Railway Companies three were railway officials—secretaries or traffic managers—Mr. Forbes, of the London, and Chatham, and Dover; the manager of the Midland, and Mr. Eborall, the manager of the South Eastern. The fourth was an independent witness—Mr. Booth, the secretary of the Board of Trade. Mr. Booth admitted that if a Railway Company ran steamboats it would be able to drive, and probably would drive, every other company or owner of steamboats off the sea; but he said that he thought that the public convenience would thereby be promoted. When asked for an instance in which the public interest had been served by such a result, he referred to the case of the possession of the Holyhead steamers by the London and North Western Railway Company; but being, of course, at once reminded by a member of the Committee that those boats belonged, not to the London and North Western Company, but to the City of Dublin Steam-packet

Company, he said that he had not looked into the matter and he was not aware of that fact. How did the Committee deal with that grave question, the really serious one in the case? They said that there would not be such a monopoly as was supposed, because there were very few towns to which there was only one railway; that if Railway Companies ran steamers at a loss for a certain time, the loss and inconvenience which would result to individuals was only an incident of unrestricted competition, and they suggested that security might be provided against the abuse of these powers by provisions that the fares should not exceed a certain amount, and that the Railway Companies should give facilities to traffic not intended for their own steamboats. There were, however, many ports to which there was only one railway, and even where there were two they would soon come to an arrangement between themselves as to the charge for and direction of the traffic; the word "competition" was entirely inapplicable to a contest between a private individual and a Railway Company, which could direct every single item of traffic to its own boats, and prevent any of it going to its rivals; and the suggested restrictions and provisions as to facilities would be wholly inoperative. And as to the passenger fares it was not high fares that the House was apprehensive of, as Parliament had already taken precautions to prevent that; and Railway Companies had the right of distributing the amount of their fares over the whole journey. It might therefore happen, that while their fares by sea were extremely low they made up the difference by increasing them on the railway part of the journey. In that way they might render it impossible for individual enterprise to compete with them by sea, while at the same time they re-imbursed themselves for any loss they sustained in that direction by increased fares in the other direction. The chambers of commerce, town councils, or corporations of almost every town in England and Ireland had petitioned against the alteration of this Standing Order, and he trusted that the House would maintain it in its present form, and require all Railway Companies who asked for steamboat powers to show good reasons why they should be exempted.

MR. MILNER GIBSON said, the position in which the House was placed was this. Last year considerable complaint was made by hon. Members representing shipping constituencies, that the practice of Parliament, and the spirit of the Standing Order in reference to the question whether Railway Companies were to be owners of steamboats or not, did not accord. In consequence of that complaint a Select Committee was appointed to inquire into the question. The noble Lord the Member for King's Lynn (Lord Stanley) was appointed Chairman of that Committee, and, after hearing evidence, they made a Report recommending the House to repeal the Standing Order. They were now asked to disregard that recommendation, and to leave the matter precisely as it was before the complaints were made. If they did nothing, as the hon. and learned Gentleman (Sir Hugh Cairns) recommended, they would still be in this position—that their practice would be one way and their declared policy another. Since the year 1848 they had frequently granted to Railway Companies the powers in question. [SIR HUGH CAIRNS: And they had sometimes refused them.] Sometimes they had refused them. What the noble Lord proposed was that the Committee should be left to deal with parties asking for those powers according to the merits of their proposals. He did not ask the House to declare that in every case a Railway Company that came to Parliament seeking steamboat powers should have them. Nothing of the kind. What he said was this—Do not put any restrictions upon Committees; leave them to decide whether a case had been made out for granting the powers. Seeing that the Standing Order tended to mislead, the noble Lord asked them to repeal what seemed to give a direction to Committees which was not followed, leaving the matter to the free decision of the Committees, who could certainly decide whether it was for the public advantage or not that a particular Railway Company should have steamboat powers. He, for one, therefore, thought the noble Lord was right in his proposal. It must be remembered that if a Railway Company had a steam communication under its control it offered the public very great advantages. It gave the passengers the advantage of an undivided management from the commencement of their journey to the end, whether by land or by sea; and he contended that a person going from London to Paris, or to any port on the Continent, was in a better position if he were carried under such circumstances than if he had to pass through the hands of several Companies. If it were true that the independent steamboat was driven off the line by the steamboat of the Railway Company, it would be only driven away because greater advantages were offered by the latter. He did not see what there was to prevent competition between independent steamboat Companies and Railway Companies. The Railway Companies could be prevented from giving preferences over their own line, and could also be prevented having fares unduly high. If they were to incur the risk of monopoly, it should be recollected that steam navigation Companies could establish a monopoly as well as Railway Companies. But steamboat Companies could charge their passengers what they pleased, whereas Railway Companies were restricted by their Acts in respect to their fares. Under these circumstances, he should give his support o the proposition of the noble Lord.

Sir JAMES FERGUSSON said, if he had not been a member of the Committee in question he should not have troubled the House with any observations after the able speech of his hon. and learned Friend the Member for Belfast; but he could not allow the President of the Board of Trade to impress the House with the notion that the Committee were unanimous upon the question. The Committee had had a division, and although the opinion of the noble Lord had always great weight, nevertheless four members of that Committee differed from him upon the matter. The balance of evidence was in his (Sir James Fergusson's) judgment quite the other way—that being four witnesses in favour of the proposed change and nine against it. The main point to consider was whether the Standing Order did shut the door against the proposition, inasmuch as it gave the Committee authority to grant the powers asked for in case necessity was shown for the exemption of the particular company from the Standing Orders. There were several instances in which those steamboat powers were refused on the ground that no case had been made out to show that the public would reap advantage from the conferring of those powers upon Railway Companies.

Mr. HORSFALL said, he was anxious that the House should not be led away by the observations made by the President of the Board of Trade when he said that the practice of the House was different from its Standing Order. The Standing Order gave the Committee full authority to exempt a Railway Company from its operation if they made out a satisfactory case showing the public necessity of granting these steamboat powers. But the noble Lord now proposed to take away from Committees those powers which they possessed, and to throw upon the public the onus of showing that the powers were not required, instead of leaving Railway Companies under the obligation of showing that they were required. Now, what was everybody's business was nobody's business. The Railway Companies might, in that way, get the powers as often as they were asked for, even though the granting of them might prove detrimental to the public interests.

Captain JERVIS said, he wished to remind the House that every member of a Committee before whom a case of this kind came, had to declare that he was neither directly nor indirectly concerned in the matter, and that he would give his verdict fairly; but when the question was brought before that House, as they found by their experience of last year, there was a mercantile bias operating to induce their decision upon the point whether those powers should or should not be granted. When the Company with which he was connected applied for steamboat powers they first asked the Steam Navigation Company whether they would place steamboats upon the proposed line of communication, but they refused to do so. Even after they had obtained those powers they gave the Steam Navigation Company the option of placing their boats upon the station, when they again declined to do so. They subsequently informed the Steam Navigation Company, that if they sent into their harbours any boats they should have the same facilities and rights as the railway vessels possessed. He hoped that the House would not allow any mercantile feeling to influence their decision in the consideration of this question.

Viscount GALWAY said, the hon. and gallant Member who had just sat down was the last person who should have objected to these powers being given. The Bill he introduced was referred back to the Committee, and they unanimously decided that the Railway Company might have these boats, and they had the power of running steamboats.

Colonel WILSON PATTEN said, nothing could be fairer or more clear than the statement of the noble Lord the Member for King's Lynn. If the matter was really as he had put it he should have supported the noble Lord, but he did not look at it in the same light as the noble Lord. That was only one of a great number of Standing Orders which the House had adopted for the purpose of taking care that the reasons which had influenced the decision of the Committee on particular subjects which the House considered of great importance, should be especially reported to them. The very next order was one which negatived the power of the Committee to sanction a railway crossing on the level, unless it reported its reasons to the House for so doing. It was quite clear from the interest taken in the matter, that the subject was of too great importance to be lightly dealt with by the House, and without expressing an opinion upon the particular question as to whether Railway Companies should have steamboat powers, and having to a certain extent the charge of the Standing Orders of the House, he ventured to suggest that the House should not part with the power of enforcing on Committees the duty of giving the reasons on which they recommended legislation on certain points.

Question put, and *negatived.*

TREATMENT OF THE BRITISH CONSUL IN ABYSSINIA.—QUESTION.

MR. HENRY SEYMOUR said, he wished to ask the Under Secretary of State for Foreign Affairs, What information Her Majesty's Government has received relating to the ill-treatment of Missionaries in Abyssinia, and the imprisonment of Her Majesty's Consul there by King Theodorus; and what steps Her Majesty's Government have taken in consequence?

MR. LAYARD, in reply, said, Her Majesty's Government had received indirect information that the King of Abyssinia had placed in confinement Her Majesty's Consul and several Missionaries established there, and also the French Consul; but according to the last information the French Consul had been released. The information, however, might be very incorrect, as the King took care that no information should leave his country, and the facts were difficult to get at, but Her Majesty's Government would do all in their power to obtain the release of Captain Cameron and the Missionaries. The most natural step would be to send some person there to demand their release, but Her Majesty's Government were rather afraid that he would share the same fate as the Consul and the Missionaries. The question was how to get at the King without endangering the liberty of others. He trusted, however, that means would soon be found of communicating with the King, and the subject was under the serious consideration of the noble Lord at the head of the Foreign Office.

INDIAN FINANCE.—QUESTION.

MR. J. B. SMITH said, he would beg to ask the Secretary of State for India, When the Financial Accounts of India, which ought by law to have been laid upon the table of the House last month, will be presented to the House; and whether he will also present the Speech of the Finance Minister of India along with the Accounts; and when he intends to bring forward the Indian Budget?

SIR CHARLES WOOD said, he laid the financial accounts on the table about three weeks since—on the 13th of May. [MR. J. B. SMITH: Are they printed?] He did not know, but he laid them on the table at the proper time. They were long and elaborate accounts, and they always took about a month to print. With regard to the Speech of the Finance Minister of India, he could not lay it on the table of the House, any more than he could lay on the table the Speech of his right hon. Friend the Chancellor of the Exchequer. It was impossible for him to say, seeing so many Motions that were put down every day on the Motion for going into Supply —it was impossible for the Government to say—when the Estimates would be finished, and, until they had been voted, or were nearly completed, he could not name a day for bringing on the Indian Budget.

MR. HENRY SEYMOUR said, he would beg to ask the right hon. Gentleman if he has any notion when the Accounts will be laid on the table?

SIR CHARLES WOOD said, he had already answered that question. He had already stated they were laid on the table three weeks ago.

MR. HENRY SEYMOUR said, he wished to know when they would be in the hands of hon. Members, and whether the right hon. Baronet has given orders for their being printed?

SIR CHARLES WOOD said, the hon. Member must be aware that this was a point over which he had no sort of authority. All he could do was to lay the papers on the table of the House, and move that they be printed. That had been done, and they were in the hands of the printer, but as he was neither the printer nor the printer's master he could not say when they would be ready.

AFFAIRS OF THE IONIAN ISLANDS.

QUESTION.

MR. BAILLIE COCHRANE said, he wished to put a Question to the Under Secretary of State for Foreign Affairs with regard to an extraordinary statement which has appeared in the daily papers—whether it is correct that

> "The British Consulates have been informed that, in compliance with the wish of Greece, England will extend her protection over the Ionian inhabitants in their relations with the Turkish authorities for another year;"

and, if so, whether he will lay on the table a Copy of the Despatch in which the Greek Government ask for that favour, and the Reply thereto?

MR. LAYARD said, in reply, that the paragraph which the hon. Member had read was not strictly correct. As the hon. Gentleman was aware, there were in the East Consular Courts which had hitherto dealt with cases arising amongst Ionians. Many of these cases were still in litigation; in some the terms of imprisonment had not yet elapsed, and in others judgment had been given, but execution had not been carried out. All the Government had done was to signify its readiness, if the Turkish and Greek Governments should agree, to extend their protection; or, as the case might be, to carry out the judgments in the case of Ionians, so as to avoid the great inconvenience that otherwise might arise in suits that were pending. There was no general protection extended to Ionians for any specified period. He did not think there would be any objection to the production of the despatch; but if his hon. Friend would move for it he would see if it could be given.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

GREENWICH HOSPITAL.—RESOLUTION.

SIR JOHN HAY said, he rose to move the Resolution of which he had given notice, with respect to the recommendation of the Royal Commission of 1860, confirmed by the Report of Sir Richard

Bromley, one of the present Commissioners, and by the letter of Admiral Sir James Gordon, the Governor of Greenwich Hospital, that the present system of double government be abolished. It had been long acknowledged by every one capable of forming an opinion, that the existing system of government of Greenwich Hospital ought to be remodelled. In the first year of the present Parliament the late Sir Charles Napier called attention to the condition of the Hospital, and in consequence a Royal Commission was appointed in 1859 to inquire into its management. That Commission sat for six months, and was attended, he believed, on every occasion by all its Members; it was presided over by the Vice President of the Board of Control, and the hon. Member for South Shields (Mr. Ingham) and himself were the other Members. The Commission reported in May, 1860. They found that that great institution, which had been founded for the support of aged and disabled seamen, their wives, widows, and children, was no longer popular among the seamen of the navy, and that the wives and widows were totally neglected. They also found that the Hospital, which was calculated to maintain 2,300 pensioners, had at the time of their inquiry only about 1,500 inmates. They found, also, that there were 1,100 seamen in the workhouses of England alone (besides those in Scotland and Ireland of whom they had no return) who were proper objects of this charity. They found further that the cost of the administration for the 1,600 inmates was above £47,000 a year. They found that of the whole £155,000 a year belonging to the Hospital less than a third was spent on the charity. The Royal Commission went carefully into that matter, and they found that without injury to any of the interests which appeared to have been involved in the mismanagement, the administration of the Hospital might be reduced to £26,000 or £27,000 a year. They found that the misgovernment was attributable principally to the existence of a double government establishment in 1829. In that year the civil affairs of the Hospital were confided to certain civil Commissioners, who were called Commissioners of Greenwich Hospital, and the military administration as it was called, the internal management of the Hospital, was confided to a military governor and his subordinates, who generally were naval officers of distinction. After that double government was established, the civil government was filled by the political adherents of the party in power, and that continued to 1842. The consequence was that the funds of the Hospital were diverted to the payment of what must be called political sinecures, and the Commissioners did not interfere with or attend to the management. One civil commissioner, the late Lord Auckland, and the governor, Sir Richard Keates, were on excellent terms with each other, and they contrived to manage the affairs of the Hospital in harmony. In 1842 the late Sir Robert Peel thought it was not proper that the funds of such an institution as Greenwich Hospital should be used for the payment of political sinecures. When vacancies occurred from death, since that date, the post of Commissioner had usually been filled by officers of the navy, appointed in consequence of their services. These Commissioners had attended actively to the affairs of the Hospital, but the Royal Commission found that their management was far from beneficial. It was true that in the management of the property they had exercised a due discretion; but in every relation which they bore to the military governor there had been a clashing of interests, and the quarrels between the two governors had resulted in great injury to the Hospital. He would call the attention of the House to the evidence adduced before the Royal Commission by witnesses whose names carried with them great weight. The late Sir James Graham came before the Royal Commission, and in his evidence stated—

> "I think, upon the whole, a re-construction of the governing body is necessary; I see no necessity for more than one civil Commissioner."

The right hon. Baronet then stated to the Commissioners facts in support of his view, that the existing system was a most disadvantageous one, and he added—

> "I should say the Governor for the time being should be chairman of the Commission."

Sir John Liddell, who for many years had been the principal medical officer of the establishment, and owing to whose exertions many ameliorations had taken place in the condition of the pensioners, was asked this question—

> "Do you think that the Governor might with advantage be united to the Commissioners?"

And he answered—

> "Yes; I think it would put an end to all those differences if he was chairman of the board."

In fact, the whole of the evidence taken by the Commissioners went to show the great disadvantage of the double government. As he had said, the Royal Commission presented their Report in 1860; and it was then believed that the Admiralty approved of the suggestions it contained, and were prepared to carry them out. His noble Friend the Secretary to the Admiralty stated in March, 1861, what all the world knew, that the government of Greenwich Hospital was extremely defective; and in the same year the noble Duke at the head of the Admiralty, in another place, on introducing a Bill for abolishing the double government, and carrying out other recommendations of the Royal Commission, made a similar declaration. For some reason or other that Bill was withdrawn, and from that day no steps had been taken by the Admiralty to alter the system of government of Greenwich Hospital. He must do the Admiralty the justice to say that many of the minor recommendations of the Royal Commission had been carried out to the advantage of the Hospital; but the flagrant evil of the two governments continually clashing together, and costing twice the sum for administration that was necessary, had not been taken in hand by the Admiralty. During the course of last Session, the hon. Member for Halifax (Mr. Stansfeld) who was then a Lord of the Admiralty, gave the House to understand that he had inquired into the matter, and he gave the assurance that, in consequence, a well known public servant, Sir Richard Bromley, had been appointed Commissioner of the Hospital, with a view of reporting on the Report of the Royal Commission, and of suggesting to the Admiralty what portion of their Report was worthy of adoption. In consequence, nothing further was done in the course of last Session. The Report of Sir Richard Bromley was in the hands of hon. Members; and although in some minute details he did not entirely coincide with the Royal Commissioners, yet he fully bore them out in the opinion that the system of double government was faulty, and that most of the abuses of the Hospital were to be traced to the want of harmony between the two governing bodies. Lastly, he would draw attention to the fact that the military governor of the Hospital, Sir James Gordon—a most able and distinguished officer, who had been both governor and lieutenant governor of the Hospital—had, in a letter dated 11th

April, 1864, confirmed the evidence which he gave before the Royal Commission, that the double system of government in existence at Greenwich was extremely detrimental to the public service and very much to the disadvantage of the pensioners for whom the Hospital was originally created. In consequence of this—in consequence of the fact that the Royal Commission had urged very strongly on the Admiralty the change in the system of government—in consequence of the Report of the Commissioner appointed by the Admiralty coinciding in that opinion—in consequence of the Report of the Governor of Greenwich Hospital, himself no mean authority in this matter, that the Report of the Royal Commissioners and the Report of the Commissioner to whom their Report was referred, that their recommendations ought to be carried out to promote harmony in the management of the Hospital—and in consequence of the saving that would be gained by the adoption of those recommendations, he thought it desirable that the Admiralty adopt the recommendation of the Royal Commission of 1860.

Mr. LIDDELL said, he rose to second the Motion. He earnestly hoped that the House would join his hon. and gallant Friend in endeavouring to obtain from the Admiralty, or those who represented the Admiralty in that House, some explanation of what, to his mind, was the inexplicable tardiness which had been shown in dealing with the affairs of Greenwich Hospital. He supposed that no public question ever stood in so remarkable a position. A Royal Commission on the Hospital made recommendations; a Commissioner was appointed expressly to inquire into the merits of those recommendations; he approved them; and another set of Commissioners were directed to inquire into his Report. There were a multiplication of Reports all concurring, and yet nothing had been done to remove the evil, which was inseparable from the existing system, and which had been on all hands pointed out as a great abuse of administration and a great waste of funds. He would venture to remind the House that last year, when the Question was brought before the consideration of Parliament, it was predicted — and the prediction required no large amount of foresight—that the appointment of Sir Richard Bromley would create an antagonism within the walls of Greenwich Hospital greater than ever existed before. The

double government, however, was not changed. At that time of day it seemed to be a work of supererogation to prove the obstacles and the utter absurdity of a double government. A double government did exist at Greenwich in spite of all the recommendations which had been made against it. In spite of Sir Richard Bromley's appointment for the express purpose of instituting reform nothing had been done. He never could understand why Greenwich Hospital should not be governed at Greenwich. Instead of that there was a body of military officers entirely controlled by a body of Civil Commissioners, of late years appointed from the ranks of naval officers. So that they had a man of the highest rank in the navy supported by a man of equal weight as his lieutenant governor, presiding over the establishment, and passing rules for the maintenance of discipline and the regulation of the inmates; and yet they were entirely controlled by subordinate officers of the same profession as civil officers. Such a system was certain to produce rivalry and antagonism, as they saw existing. When the Commissioners, in reply to Sir Richard Bromley's Report, stated that the funds of the Hospital had been managed with great care, and that no absolute case of peculation could be proved to have existed, they used that fact in support of their statement that the constitution had worked successfully for thirty years. No doubt, with men of the high position and integrity of the Civil Commissioners no case of peculation had arisen. But what he complained of was this—that a mode of management had been in practice which had entailed enormous unnecessary expenditure upon the Hospital, and that during the whole of that time no effort whatever had been made to curtail that expenditure, which had been proved to be absurdly large; and, more than that, that all the improvements which had been of late introduced had been forced upon them by pressure from without. If it could be shown by the careful observations conducted by Sir Richard Bromley that no less a sum than £8,000 a year had been expended in the civil administration of that Hospital, it followed that had a proper system of management been adopted a saving of £8,000 a year would have been the result. That was a matter of great importance, for it must be remembered that if we were unhappily involved in a war, a naval engagement might at any time throw

300 or 400 additional inmates on the resources of the Hospital. Each inmate, Sir Richard Bromley calculated, cost altogether about £60 a year; therefore 400 new pensioners would represent an additional charge of £24,000 a year. It was thus of great importance to husband the resources of the Hospital in time of peace, and if it could be shown that a consolidation of authority would lead to a great saving, there could not be a stronger argument in its favour. One single word on another point. At various times, and in various quarters, the idea had been broached, that Greenwich Hospital ought to be transferred from its present condition to that of a simple infirmary for the reception of the disabled, and sick, and aged. He was far from saying that that idea was not well worthy the consideration of the House, but he thought its present adoption would be premature. Successful efforts had been made recently to ameliorate by a great expenditure the condition of the pensioner. Only last year a Bill was brought into that House to do that, the want of which ever since its foundation had been a crying evil — namely, a provision for the widows, the wives, and the children. In addition, the first-class men were last year allowed an increased allowance of 2*s.* a week for improved lodgings. He, therefore, asked the House before turning the Hospital into an infirmary, to wait and see what would be the effect on the pensioners and on the whole tone of the service generally, of these recent changes. What was asked that night was simply that the Government should be true to themselves so to speak, and consent to the course recommended—namely, an amalgamation of the civil and military authorities of Greenwich Hospital, by which the whole might be blended into one harmonious operation.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable that the Admiralty adopt the recommendation of the Royal Commission of 1860, confirmed by the Report of Sir Richard Bromley, one of the present Commissioners, and by the letter of Admiral Sir James Gordon, the Governor of Greenwich Hospital, that the present system of double government be abolished,"—(*Sir John Hay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ADAM said, he, for one, thanked the hon. and gallant Member for Wakefield for bringing forward the question, which he was glad to see was put upon its proper footing. It was no use to attempt to remedy the evils in the management of Greenwich Hospital without going to the root of the matter, which was the system of government going on there. The course which the Admiralty had pursued with respect to the question under discussion was, in his opinion, most extraordinary. They had for some reason or other put off dealing with it from year to year. They had chosen to withdraw a Bill which had been introduced on the subject a short time ago, which might have passed into a law, and by which a considerable reform might have been effected. The Admiralty then went to sleep, and were roused from their slumbers only by some letters which had appeared in *The Times*, and by the speeches of the hon. Gentlemen opposite. They thereupon appointed Sir R. Bromley, and he had made a report which fell like a bomb-shell on the rest of the Commissioners. The working of the constitution of the Hospital, he might add, was not a little extraordinary also. The government had been called a double, but it was in reality a three-fold government, comprising, as it did, the Governor, the Commissioners, and the Admiralty. The Governor was responsible for the well-being of the Hospital and the comfort of its inmates; yet he was not allowed to drive a nail in any part of the building without consulting the Commissioners. In support of his statement he would read an extract from the last letter which appeared in *The Times* on the subject. It said—

> "The three Commissioners live away from the Hospital and come down once a week and spend an hour there. Their principal occupation is to quarrel with the Governor. The Governor told the Commission of 1860 that they never called upon him to consult upon the business of the Hospital, for the welfare of which they were all alike appointed. They confine themselves to rejecting, in terms of greater or less discourtesy, every application which he makes for the good of the pensioners. The office of the Admiralty at Whitehall is full of the angry correspondence which the two departments of the Hospital address to head-quarters, each complaining of the other. The civil department, apart from the house-room and repairs, cost the Hospital, in 1859, £12,635 a year, or the equivalent of the allowances recommended by the Commission of 1860 for 420 pensioners' wives and 840 pensioners' children."

The fact was that all reforms were first recommended by the Governor, that he applied to the Commissioners, and that they invariably refused to sanction his recommendations. He then appealed to the Admiralty, and they, having something else to do, said as much as that they wished he would not bother them. The Governor thereupon usually went back to the Commissioners, who again received him with a refusal, and he had to return time after time to the Admiralty, until at last the proposed reforms were carried into effect. Such was the way in which the business of Greenwich Hospital was managed, and it was to the credit of the Admiralty that, although somewhat slow in their action, they had in the end carried out many of the details of those reforms which were considered necessary. The manner which he described was not, however, that in which such an institution as Greenwich Hospital ought to be governed. It was an establishment which was of great importance, not only to the men who were kept there in their old age, but also as holding out a certain prospect to the young who were likely to enter the navy. The Admiralty did not, in his opinion, give sufficient facilities for men in the country to apply to get into the Hospital. There were, he thought, two ways in which the present state of things might be remedied. The one was by such a change in the government as was proposed by his hon. and gallant Friend opposite; the other was by the mode shadowed forth by the hon. Member for Northumberland (Mr. Liddell) — by reducing the institution from the position which it held, and making it somewhat more of an infirmary. Before adopting the latter alternative, however, he would impress on the Admiralty the expediency of trying what good the change proposed by his hon. and gallant Friend would effect before converting into a mere infirmary a great national institution.

Mr. CHILDERS said, he thought the observations which had been made by his hon. and gallant Friend who had proposed the Amendment before the House must have been sufficient to satisfy all who heard him that the question of Greenwich Hospital was not one which could be dealt with in a few moments, but that there were grave considerations at stake, requiring the most serious deliberation. He could not help feeling, at the same time, that there was no disposition on the part of hon. Gentlemen on either side to take up the subject in a party spirit, but to deal with it simply in its bearing upon the welfare of our seamen, and with a view to discovering to what extent that most noble institution could be applied to their advantage, and through them to the advantage of the State. His hon. Friend who had first spoken had, he might add, great claims to address the House upon the Question. He was a member of a Commission which took great pains to inquire into it, and whose Report was very properly described by his hon. Friend the Member for Halifax as eminently suggestive. It was a Report which was suggestive to the House and to the Admiralty, and it was satisfactory to find that his hon. Friend had been followed in the discussion on the present occasion by one who, as connected with one of the best and greatest governors of the Hospital, was well entitled to advise the House upon the Question. He need hardly add that ever since the Report to which he alluded had appeared, the Government had held much the same views which his hon. and gallant Friend who opened the discussion advocated, and that they had in 1861 brought in a Bill to carry out those views. That measure failed, and he need not point out the reasons why. It was in some respects not quite matured, and he, for one, was not sorry that more time had been given for the discussion of the subject. He hoped the House would allow him shortly to review the present position of the Hospital, and to state the general view of the Government with respect to the arrangements in its regard which ought in future to be carried out. A statement of the present condition of that institution would, he could not help thinking, somewhat startle those hon. Gentlemen whose idea of it was that it was a place solely devoted to the relief of a number of old and infirm seamen and marines, after they could no longer serve the public. Those who looked on Greenwich Hospital as a receptacle for such men, of course expected that their number bore a fair proportion to the entire revenue and expenditure of the institution, and would, therefore, be surprised to learn that there were at the present moment no more than 1,500 seamen and marines in the institution, while its entire revenue was a little over £150,000; that, in other words, for every £100 of revenue there was only one seaman or marine within its walls. That alone was a matter which deserved very serious attention. The property of the Hospital was, in round numbers, as follows:—Estates producing £43,800 per annum; capital in the funds, bank stock, &c., £2,906,324; an annual payment from the Consolidated Fund of £20,000 in lieu of what were called seamen's sixpences, and other sources, making the total income for the last year £154,000. The total expenditure was £134,000, of which £22,000 was debited to the school, £85,000 to the household, £15,000 to the infirmary, £9,000 to repairs and new works, and £1,800 to other charges. The balance last year was £20,000, out of which £2,700 — an amount which he thought excessive — was set aside for insurance, £2,000 was applied under the Act of last Session for the benefit of the widows, and £8,000 was reserved for the time when provision might be required for a larger number of seamen. The salaries and allowances of all kinds payable in the Hospital and infirmary (excluding the school) amounted to £25,100, of which nearly £5,000 was for civil officers, between £8,000 and £9,000 for military officers, between £2,000 and £3,000 for medical officers, nearly £4,000 for clerks, and £4,900 for retiring and other allowances. The expense of nurses, servants, and police amounted to £10,400; so that the entire cost of the management, including servants of every kind, amounted, according to last year's accounts, to £35,500. The cost of maintaining the pensioners, who were between 1,500 and 1,600 in number, was £63,000, or nearly as possible £40 each. Works in connection with the Hospital cost £4,400, and the allowances to widows amounted to £2,000. Exclusive of the school, about the efficiency of which there was no question, the present cost of the Hospital was £107,700 per annum, or about £70 for each pensioner maintained in it. The cost had been reduced by £3,000 or £4,000 since the Royal Commissioners reported. Those Commissioners spoke of the Hospital as requiring a very stringent reform, and said that if the measures which they recommended failed it would be the duty of the Government to introduce still more important changes. The Commissioners recommended that the number of pensioners then in the Hospital, 1,676, should be raised to 2,300, and they suggested the following financial arrangement to meet the additional charge which such an increase would occasion. They recommended that £3,175 for the half-pay of the officers, and £23,000 for the out-pensions of the men in the Hospital, instead of being stopped as at present, should be paid by the public to the Hospital funds; and that, in addition, the Hospital should receive from the admirals and captains of the Royal Navy, being the proportions of the freight of treasure now divided between those ranks, estimated at £6,000 a year. To this was to be added a small saving of £300; and thus rather more than £32,000 would be available for the maintenance of additional pensioners. At the same time, they recommended that the charge for the establishment of the Hospital should be reduced by £16,700, and that for works by £4,300, so that the total sum available would be about £53,000. The expense of maintaining the additional 624 pensioners was estimated by the Commissioners at £15,000, which he was afraid was rather below the mark; and they recommended that £10,544 should be added to the money allowances of the pensioners in the Hospital, bringing them up to something like £6 per man. The average amount now paid, however, was between £9 and £10, so that this charge would be insufficient. The Commissioners also recommended a capital expenditure of £62,000 upon buildings for the reception of the wives and children of pensioners, and an annual charge of £33,000 to be paid to them as gratuities. In other words, the recommendation was that provision should be made for 624 persons at a cost which he thought had been rather underestimated, and also that a new institution should be established for the wives and children of pensioners at an annual charge equivalent to the interest upon a million and a quarter; two-thirds of the extra expense being voted by Parliament. What had been done towards carrying into effect the Report of the Commission? The recommendations which referred to the comfort of the pensioners had, there was no question, been fairly carried out, and in regard to gratuities had been exceeded. The Commissioners recommended that gratuities should be given to the men ranging from 1*s.* 2*d.* to 3*s.* 6*d.* per week. The gratuities actually paid had varied from 3*s.* to 5*s.* Since the date of the Report eleven civil and military officers had been struck off the establishment; during the last year the offices of one captain, two lieutenants, a clerk of the check, and a clerk had been abolished, causing a saving of £1,940 a year. Since his Friend the Member for Halifax addressed the House upon the subject last year several additional advantages had been conferred upon the pensioners—2*s.* a week was now granted to each married pensioner, their wives were buried at the public expense, and a fund had been formed out of which the cost of sending the widows and children to their families would be defrayed. Except in the case of the enormous grant of nearly £40,000 a year to the wives and children of pensioners, the recommendations of the Commissioners had, as far as they affected the pensioners themselves, been fairly carried out. Notwithstanding that, however, the number of pensioners in the Hospital had fallen to 1,508—that was, the number had diminished by 168 since the date of the Commissioners' Report. That fact of itself was sufficient to show that the reforms then recommended were not sufficient, that there was something radically wrong with the Hospital, and that the time had come, not for its abolition, but for the adoption of some, not precipitate, but well considered, measures, which would cause its funds to be applied to the benefit of those for whom the foundation was designed. He did not think there was any foundation for the charge that the Government had not taken sufficient means to make the benefits of the Hospital known in the country. The real difficulty was adverted to in the Report of the Commission for Manning the Navy, and any legislation adopted by the House must be founded upon their recommendation. They pointed out that the Hospital had an available income of about £150,000, and that, under judicious arrangements, it would be found capable of meeting the wants of all worn-out and disabled seamen, whether they belonged to the Royal Navy or to the Volunteer Force. "Men," they add, "who have adequate pensions for their support, and who have families or friends to take care of them, are better in their own homes than in any establishment of this description." That went to prove that it was not desirable to attract seamen to the Hospital by giving them increased pecuniary advantages. The object of the founders of the Hospital was to find an asylum, or to make provision for those who had no families or friends able to support them, and who were not entitled to out-pensions of a sufficient amount on which to enable them to exist comfortably. It was, however, doubtful whether it was a wise policy to attract such men to Greenwich, and to spend larger sums in keeping them there than would maintain them comfortably at home. The language of the Commission of 1860 was entirely consistent with that of the Commission on Manning the Navy, although on the question of attracting the men to Greenwich they took a somewhat opposite view. They recommended that a sum of £40,000 a year should be expended on the wives and families of seamen, that they should be brought to Greenwich, and that cottages or model lodging-houses should be provided for their residences. No one could fail to see that this was an attempt to combine two inconsistent things. The seamen were to be kept together in a great monastic institution combining the advantages of numbers and efficient medical attendance, and their families were also to be concentrated at Greenwich and maintained at a far greater cost than would be sufficient to support them in their own villages. It was more than doubtful whether, if the families of seamen ought to be brought together, Greenwich was the best town for such a concentration. Let the House compare the position of seamen in the present day with their prospects 100 or even twenty or thirty years ago. What chance had they then of obtaining wages or employment in other callings? The average age of the inmates of the Hospital on admission was only fifty-four years. Every one knew that the rate of wages, the comforts of the labouring classes, and the possibility of obtaining employment had greatly increased during the last few years. It was now no longer necessary to provide for the wants of the sailor as in former times, as his character was greatly altered for the better. The sailor of a few years since was, as he is now, gallant, loyal, and worthy of his country; but he belonged to an improvident class, and possessed very little means of adapting himself to other pursuits in life. But of late years the character of the sailors had been enormously improved. They had become more domesticated, and could turn their hands more readily to other pursuits. They were far more able therefore to find employment, and to settle down in their old age among their friends in all parts of the country. Upon these grounds he thought the time had arrived when the Government might with perfect safety gradually adopt, as pointed out by the evidence taken before the Commissioners, the recommendations which were distinctly shadowed out in their Report. In stating what the Government professed to do, he wished to take no credit for himself, as he was but explaining the views of the Board of Admiralty generally; views which the noble Duke at the head of the Admiralty had proposed and embodied in a memorandum, which he would at once move for; and so far as the functions of the particular office he held were concerned, the merit was due to the hon. Member for Halifax, who had preceded him, rather than to himself. The policy of the Government, therefore, was this. At present the qualifications for admission to Greenwich Hospital were classified as follows:—In the first place every seaman, whatever his service, who was wounded or injured in the service, and was incapable to maintain himself, was admissible to the Hospital. If he had only been in the service a few days or months he was qualified, provided he had been wounded or injured and so disabled in the service. The next class were seamen having out-pensions of £9, that was 6*d.* per day, and who were incapable of maintaining themselves. The third class were seamen who had served full time, and who were unfit for further service at sea, though able to maintain themselves otherwise. The fourth class were special cases. The Government proposed to limit the admission to the Hospital in future to infirm and helpless sailors and marines who could not be maintained in comfort elsewhere. That arrangement would meet the objections that were expressed against making the Hospital a mere receptacle for the sick, while it would probably diminish the numbers of the inmates from 1,500 to 600. It was proposed to apply the saving towards increasing the out-pensions for seamen after certain ages, and providing additional retirements for the ranks of officers who now benefited by the appointments in the Hospital. With respect to the future government of the Hospital, they proposed to get rid altogether of the double government. The proposal would, in short, be this—the Hospital would be governed by some person in the position of admiral superintendent, with two or three naval officers as lieutenants for purposes of discipline, and those gentlemen would have the entire charge of the institution. There would be a sufficient number of medical officers, as at present, attached to the institution; and all the appointments should be staff appointments for five years. The government of the institution would be in fact like that of Haslar or Chelsea. With respect to those naval officers who were at present employed in the Hospital, whether in a civil or military character, it would be entirely in consonance with the views of the Government, as well as of the House, that they should be fully compensated for the loss of their position. Nor would they be disturbed in their present residences. Of course it might be possible to transfer those who held the office of clerks to positions elsewhere. With respect to the management of the funds of the institution, it might be a question in what relation they should stand to the general funds of the country —whether it would be well to keep up the form of a separate fund altogether removed from the view of that House, or whether by some arrangement they might not be combined with the funds of the nation, while a careful and separate account of them was still kept. The increased rates of out-pensions would be fixed by law. On this point he might say that the Government did not agree with the recommendation of the Commission, that the funds of the Hospital were intended to be solely for the benefit of the seamen. It was the original intention to apply a certain amount of the fund for the benefit of old officers of different ranks in the navy, and the Government would propose that such an arrangement should be continued. The whole arrangements with respect to the scale of out-pensions, the additional benefit to the different classes of officers, and the management of the institution, would become the subject of inquiry by a joint committee of the Treasury and Admiralty during the recess; the details of the scheme would be carefully matured by the officers of both Departments, and at the commencement of next Session the Government would be perfectly ready to submit the scheme itself to any investigation the House might think fit. With respect to the funds of the Hospital, the present income was £154,000, and the cost of the future establishment would be as follows: —The infirmary it was calculated would cost about £15,000, maintenance of out-pensioners £23,000, works, including those of the school, £5,500, pensions to widows £5,000, school £23,000, making a total of £71,500, which would leave a balance of above £80,000 to be dealt with partly, as now, by way of accumulation with a view to heavier charges in the event of a war, but mainly for the benefit of the old sailors and officers of the service. By the last Returns there were between 360 and 370 persons in the infirmary and helpless ward, but the future arrangements would include provision for about 600. The Government fully appreciated all that hon. Members had said as to the valuable services of Sir Richard Bromley, and he hoped in whatever arrangements would be made the services of Sir Richard Bromley would be retained for the institution. He might add that as some wings of the Hospital would not be required in the reduced plan, and as there would be sure to be a group of claimants for their use, their disposal would be matter for the most careful consideration. He had attempted to make his statement as full as he could, and to include such general explanations and important details which it might be satisfactory for the country to receive. The Admiralty were not making what could be called a romantic proposition, and he must admit that it tended to dispel some of those ideas which were attached to the Hospital. It was not their wish, however, to do away with, but to maintain the original character of the institution; and their scheme, if prosaic in some of its details, would, he was sure, be for the good of the service; and if the sailor who might then find a harbour of refuge within its walls should not by-and-by find it as open as before, he would, at all events, receive such additional advantages for his wife, his family, and himself as, he trusted, would prove by the result that the Government were justified in making the change.

Sir JOHN PAKINGTON said, after the clear and very interesting statement which the hon. Gentleman had made, and which the House on every account had heard with satisfaction, he should wish to make a few remarks. In the first place, he had to express his great gratification that the Government had decided to deal at once with the matter, for the time had arrived when something ought to be done, both with respect to the system of government and the whole mode of management of that magnificent institution. When the Royal Commission made a Report some time ago, and that was followed by another able Report by Sir R. Bromley, the Government had ample information at hand for dealing with the subject. He would not offer any opinion on the statement of the hon. Gentleman; but he would go as far as this, and say that it appeared to him that the principles on which the Board of Admiralty intended to proceed were sound. The House would receive with general satisfaction the announcement that the system of double government would be put an end to. He confessed he had been somewhat surprised at the recommendation contained in another report—namely, that the office of Governor of the Hospital should for the future be regarded as a sinecure, and be held by some gentleman who should not have any duties connected with it. He was very glad to hear that the Admiralty had decided rather to adopt the plan recommended by Sir Richard Bromley. On one point he was afraid he differed, not only from the Royal Commission and Sir Richard Bromley, but also from some Members in that House, with respect to the military officers of the Hospital. The recommendation was that the appointment of those officers should be cut down to five years. He could not but regard that with great doubt and jealousy. He believed it was a mistaken construction of the words of the original charter of the Hospital, which held that the institution was intended exclusively for seamen, and not at all for naval officers. He contended that the officers of the Royal Navy had every claim to share in its benefits as well as seamen. He did not clearly understand what were the intentions of the Admiralty on the point; he hoped, before the discussion closed, the House would receive further information on the subject. He should be very sorry to see any course taken which would operate harshly or unjustly upon officers of the Royal Navy; and he did hope, before the plans of the Admiralty were finally determined, they would give serious consideration to that part of the subject.

Mr. INGHAM said, that having been a member of the Royal Commission, he wished to express the satisfaction with which he had listened to the statement of his hon. Friend the Secretary to the Admiralty. He could not agree with some of the criticisms of the right hon. Baronet on the Report. No one who carefully read the Reports and the evidence on the point would be of the right hon. Gentleman's opinion as to the original design of the institution. The statutes, the charters, and, above all, the practice in its earliest and best days, showed that no person, unless below the rank of a warrant officer, was entitled to share in the charity. It was true that during the last two reigns the practice had been otherwise, but before that period the Hospital was exclusively for the benefit of common seamen. With respect to the remark of the right hon. Gentleman against the propriety of making the governorship a sinecure, that recommendation, it was to be remembered, was accompanied by a proviso that all the other officers were to be staff officers, and appointed only for a short time. He trusted the seamen would find even more comfort under the new arrangements, with an adequate pension, than they had enjoyed in the Hospital. He might state as an interesting fact connected with the Trinity House — a kindred institution — that some arrangements were being made by which, in lieu of certain almshouses at Deptford, which required to be rebuilt, old captains were to receive a money pension, which would be considered more valuable than an appointment to the almshouses. He repeated that he had heard the statement as to the intention of the Admiralty on this subject with very great pleasure.

Mr. ANGERSTEIN said, he thought that scant justice had been done to the Commissioners of the Hospital. In his opinion the country was indebted to them for the conduct they had pursued. If there had been any mismanagement it should be recollected that the Admiralty were the superior authority, and the whole blame ought not to be thrown on the Commissioners. He was gratified at the spirit in which the Government had taken up the subject, and he hoped any determination to which they might come would prove beneficial to that service, which had been the glory of the country.

Mr. CORRY wished to know whether it was intended that the offices of the Governor and Lieutenant Governor of the Hospital should be held for only five years. That would, he thought, be a most objectionable arrangement. For his part, he should blush to see Sir James Gordon turned out of his office at the expiration of that period. He should also be glad to know what arrangements would be made with reference to the out-pensioners.

Lord CLARENCE PAGET said, that he was glad to see the feeling which had been displayed in reference to the proposals of the Government. These proposals, which had been explained to the House, were the result of very careful consideration, and he thought that in reference to some details which had been adverted to it would be perhaps better that he should lay on the table an interesting Memorandum drawn up by the Duke of Somerset, explanatory of the disadvantages of the present government of Greenwich Hospital, and showing the necessity for a change. He would, therefore, now confine himself to giving an answer on some points which had been referred to in the course of the present discussion. With respect to the interests of officers in the navy, he was glad to hear the right hon. Member for Droitwich state in emphatic terms that they had a fair claim for their share of the advantages of Greenwich Hospital. That had been fully recognized by the fact that from the earliest period there always had been naval officers attached to the institution; and as the officers of the navy had contributed large sums towards its maintenance, it was impossible in any re-distribution that the claims of the officers should be omitted. Without going into great detail, he would state generally what was proposed. It was intended that Greenwich Hospital, like Haslar or any other naval hospital, should have a superintendent and a sufficient number of officers to maintain discipline. It was also hoped that, by means of the economies which would be effected, additional advantages might be provided for the sailors, so that they might receive a certain increase of pension after they had been pensioners for a certain number of years, and had arrived at a certain age. It was proposed to offer to the present inmates of the Hospital the option either to remain there for the rest of their days, or accept the improved pension he had just referred to. With respect to the officers, it was proposed to do away with the Governor and Lieutenant Governor, and all captains and officers beyond those who were necessary for the discipline of that Hospital. [Mr. Corry: The Governor.] With regard to that most distinguished officer the present Governor, he should be sorry for any one to suppose that any injustice would be done to him. Speaking in reference to the future, it was proposed to devote a proportion of the savings consequent on the reduction of the establishment to the purpose of giving a certain increase in the number of good service pensions to officers in the navy. It was likewise proposed that there should be an addition to the number of the Greenwich out-pensions for officers; and, lastly, with respect to the officers now occupying posts in Greenwich Hospital, among whom was that most distinguished officer Sir James Gordon, it was intended to give them for life their present residences in the Hospital, or to allow them an equivalent in lieu. He need not advert to the provisions intended to be applied to the civil servants, for his hon. Friend (Mr. Childers) had already made so clear a statement on that head; but as he had heard it stated that encouragement ought to be given to the entry of men into Greenwich Hospital, he felt it necessary to state that, in his opinion, their entry ought rather as a rule to be discouraged. He believed that it would be much better for old seamen who had wives, families, relatives, or friends in the places of their birth, to return there for the purpose of enjoying their old age, and by recounting the events of their ocean life they might, perhaps, bring up many of the young people about them with a love for the sea. If this took place, the effect would be that Greenwich Hospital would be really an hospital or infirmary for old decrepit men, whom, from the circumstance of their having no families or friends, it would be an act of charity to look after. In all other cases he would discourage old seamen from going into the Hospital, and would rather endeavour, by improving their pensions, to make their old age happy and comfortable elsewhere.

MR. LIDDELL: What about the finances?

LORD CLARENCE PAGET: The finances would be kept entirely separate from the management of the Hospital. That question would be carefully inquired into by the Treasury and the Admiralty, with a view to a proposal being submitted to Parliament next Session in reference both to the landed and the funded property.

MR. CORRY said, he wished to know how the Board of Management was to be constituted?

LORD CLARENCE PAGET said, that there would be no such Board. The management would be intrusted to a superintendent and other officers, as at Haslar and other Hospitals.

SIR JOHN HAY said, that after the satisfactory statement he had heard from the Admiralty authorities, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

ADMINISTRATION OF SCOTCH AFFAIRS.

SELECT COMMITTEE MOVED FOR.

SIR JAMES FERGUSSON, in rising to move for—

Lord Clarence Paget

"A Select Committee to inquire how far the number of the Members of the Administration charged with the conduct of the affairs of Scotland, and having seats in Parliament, is commensurate with the requirements of that part of the United Kingdom,"

said, Sir, the question which I have to bring forward this evening is not new to the House of Commons. In former years there have been constant references made to the subject. Six years ago—in 1858—it was discussed on the Motion of the hon. Member for Montrose (Mr. Baxter), who in a temperate and comprehensive speech brought the question of the administration of Scotland—so far as Members of the Administration having seats in this House are concerned—under the notice of Parliament. On that occasion my hon. Friend proposed that a Member of the Government should be appointed specially charged with the Administration of Scotch affairs—and that, possessing a seat in this House, the management of Scotch business should be intrusted to him. At that time the subject did not appear to the House to be matured for legislation. The Motion of my hon. Friend met with considerable support from the Scotch Members; but it was opposed by the leaders on both sides of the House, and rejected. It did, however, receive such a measure of countenance and support as proved its popularity in Scotland. My hon. Friend went further than I intend to do this evening, for he placed before the House a definite Motion on the subject.

Notice taken that 40 Members were not present; House counted, and 40 Members being found present—

SIR JAMES FERGUSSON proceeded. I am glad that this attempt to extinguish the debate has failed. I should have been extremely sorry if the few observations I intended to make had been suddenly curtailed without my having the opportunity of disclaiming, in the strongest manner possible, any desire on my part, in submitting this Motion, to make any imputation against the Administration of Scotch affairs by my right hon. Friend who at present holds the office of Lord Advocate. I shall be fully acquitted of any such desire by all, on both sides of the House, who have noticed the manner in which my right hon. and learned Friend has from time to time met the objections to the measures which he has introduced, and the favourable opportunities he has given for their discussion. The same compliment may be paid to his predecessors in office, who have uniformly displayed the most conspicuous ability. In point of fact, if anything could have reconciled what I consider to be the incompatible nature of the duties intrusted to the Lord Advocate of Scotland, it would be the efficient manner in which they have been performed by the right hon. and learned Gentlemen who of late years have held the office. What I contend is, that the duties which come within the province of the Lord Advocate of Scotland are so diverse, incompatible, and comprehensive, that no parallel can be found either in the Administration of England or Ireland. It seems strange that the constitution of the three portions of the United Kingdom should be so different, that while in England there are various officers of State, of various professions, each exercising his individual duties, in Scotland alone they should all be concentrated in one individual, and that the Chief Law Officer of the Crown for Scotland. Now, it is with regard specially to the management of Scotch affairs in this House, that I wish to address a few observations. It is well known to Scotch Members, and it is no imputation upon the Lord Advocate, that it is absolutely impossible that Scotch affairs, administered and represented by one Member alone, should be managed with that expedition and convenience which are necessary to ensure the proper consideration of measures which affect the welfare of the country. It must be obvious that a Member, however distinguished he may be, whose duties lie at one and the same moment at opposite ends of the United Kingdom, cannot take advantage of those opportunities which are afforded in this House of introducing his measures at a fitting time, pressing them forward when there is leisure to discuss them, and when it would save time to the country afterwards to consider them, if he has at the same moment to be discharging the duties of his profession in a distant part of the United Kingdom. I am sure the right hon. Gentleman himself is not prepared to deny that that is often the case. It must also be as well known to the right hon. Gentleman, as it is to many hon. Members of this House, that he has failed sometimes to pass measures which I, for one, have thought likely to be beneficial, because the time of the Session has passed by when due consideration could be given to them. Scotch business is generally postponed until morning sittings become the Order of the Day, or it comes on at one or two o'clock in the morning when Members who have been waiting night after night for the discussion of particular questions have left the House. Under such circumstances measures pass sometimes without proper consideration, and to the astonishment of persons out of doors. That is the state of affairs which is made a matter of yearly and daily complaint, and it is no imputation upon the right hon. Gentleman to say that it is impossible for it to be otherwise. But I intend to base my Motion upon even wider grounds than that. If it were necessary I could cite particular instances in which inconvenience has occurred. I could quote Bill after Bill in bygone years, but I will confine myself to one or two cases that have happened in the course of the present Session. A Bill was introduced before Easter which affects Scotland to a very important extent. It must be looked upon as important because a measure of a similar character has already been introduced in England, has become law, and has been found oppressive and disagreeable. Then, again, there is the High Court of Justiciary Bill. That measure was brought in early in the Session. No explanation was offered with respect to its provisions because the Lord Advocate was absent. It was not until it had attained the stage of the Committee before we were informed why it was introduced, and what it was about. We attribute that to the necessary absence of the right hon. Gentleman. There is the Writs Registration Bill — which the right hon. Gentleman himself has described as of the first importance. That Bill was not brought in until the beginning of May — a period of the Session when measures introduced into this House can no longer be expected to be considered fairly by the counties of Scotland. There is one thing which can hardly be disputed. It is a matter perfectly notorious, and a subject of considerable complaint, that persons who come from Scotland, who are interested in the business before Parliament, are never certain whether or not they will find the one official of the Government who is responsible for the Scotch business in this House at his post. I cannot possibly say more than I have already stated to disclaim any intention to reproach the right hon. Gentleman with a neglect of his duty. I do not believe that there ever was a Lord Advocate who sacrificed so much of his time, and I dare say so much of his interests, to the discharge of his public duties; but what I say is that the evils of which I complain are part of and inseparable from the system. Let me ask the House to consider on wider grounds the footing on which the administration of Scotch affairs rests, and especially the representation of Scotch affairs by the Government in this House. The Lord Advocate of Scotland virtually combines in his own person all the leading offices of the State. I am quite aware that the administration of the internal affairs of the country rests nominally in the hands of the Secretary of State for the Home Department, and that the patronage of Church and State rests ostensibly in the Crown — I suppose either in the Lord Justice General of Scotland, or in the office of the Secretary of State for Home Affairs—and that the more important patronage of Scotland rests in the Treasury. But the general impression—and I should be glad to know that the fact is not so—prevailing is, that the patronage of all the Departments is virtually vested in the Lord Advocate of Scotland, for it is not to be supposed that any important appointment is ever made without his concurrence and advice. Then in matters of administration, it will not be denied that no action of the Home Office in any important matter ever takes place without his co-operation and concurrence—if, indeed, he be not the actual Executive officer by whose *ipse dixit* it is made. In point of fact, he discharges the duty of Secretary of State and of Privy Councillor. I take it that he is mainly responsible for the administration of the police, so far as the supervision of the Government goes; for I am glad to say that the local magistracy have still the direct control of the police body. But the Lord Advocate controls, and virtually presides over all those matters of general administration which in other parts of the kingdom are placed in the hands of the great Departments of the State. There are duties which peculiarly rest with the Lord Advocate of Scotland, and which are unknown to the rest of the United Kingdom. In England and Ireland, in cases of sudden death, there is an inquest held by the coroner. The proceedings are notorious and open, the evidence is known and published, and the decision is openly rendered. Then, again, in England and Ireland the examination of criminals in the first instance is in the hands of the local magistracy, and the proceedings are open to the public, and well known. Prisoners are committed for trial, and before they can be brought before the court of assize, a true bill must be found by the grand jury. In a word, it is impossible that any criminal procedure can take place without being open and known. In Scotland, the state of things is very different. The inquiries in cases of sudden death are made only by order of the Lord Advocate or his subordinates. In case the subordinate — the deputy of the Lord Advocate in that part of the country—considers an inquiry unnecessary, no further notice is taken. It is the same in a case of arrest. If the deputy of the Lord Advocate commence a prosecution, an arrest may be made, but a quarter of a year may elapse before the prisoner is tried; and in the meanwhile the public know nothing of the charge preferred against the prisoner, or, at all events, of the evidence on which it is based. But the evil may go much further. A man may be accused of murder —I take the highest charge known on the criminal law—he may be imprisoned for murder — such cases have occurred; he may then plead guilty to culpable homicide; his plea may be accepted by the Crown prosecutor; and he may be sentenced for such culpable homicide without the public knowing on what ground this has been done, except from common rumour. The Lord Advocate of Scotland and his subordinates possess a power which is unknown in any other part of the United Kingdom. They may arrest any individual upon a charge which may or may not be subsequently established, and the prisoner may be released from custody and re-arrested without any information being given to the public as to the charge against him, or the evidence by which it is supported. This is a terrible and enormous power to wield, and I think the office of the Lord Advocate is responsible enough without his being burdened with the sole conduct of the affairs of Scotland in the House of Commons. If the power I have described have been exercised without abuse, and with so little oppression that no great complaint has been made, that only shows how fortunate Scotland has been in the selection of the persons to whom the duty of administering the law has been intrusted. But that does not in any way prove that the law is not inconsistent with free institutions; nor does it prove that similar laws and procedure are known in any other part of the kingdom; or that a system by which some official has the sole conduct of Parliamentary business and is intrusted with the making of laws, with the rectifying of our course of procedure, and with the power of confirming or remitting sentences, is a system which ought or ought not to be maintained. I have already reminded the House that in 1858 this matter was discussed in this House, on the Motion of my hon. Friend the Member for Montrose (Mr. Baxter). That Motion was opposed by the Lord Advocate of that day; who urged as the advantage accruing from the office of Lord Advocate the very acts of which I complain. The Lord Advocate of that day (the present learned and respected Lord Justice Clerk) argued that the possession of such powers, coupled with such administrative duties in this House, was wholesome, because he was possessed of that machinery which enabled him to communicate at any moment most readily with any portion of the United Kingdom. I say it is precisely for that reason that these combined offices and powers should not be vested in the same person. The Lord Advocate further denied that there was any such complaint with regard to delay in the prosecution of Scotch business as was represented. I must appeal to the experience of other hon. Members to disprove that assertion, and also the statement which was made by the leaders on both sides of the House, that the Scotch business was so well conducted that it ought to serve as a model for the conduct of English business. Now, in my humble opinion, the present mode of conducting Scotch business is not favourable to its fair consideration. It is no doubt the practice for Scotch Members to meet and consider public questions without the House at large being put to the trouble of considering them; but I venture to think that that very practice operates to prevent other Members from taking that interest in Scotch affairs which they take in the affairs of other parts of the kingdom. When it is known that the affairs of Scotland are habitually discussed elsewhere, it can hardly be expected that they should excite in this House the same interest and attention which the affairs of Ireland excite in the House generally. We have one proof of that to-night. The empty benches which I see before me sufficiently establish that assertion. But this is the place in which our affairs ought to be considered and our grievances redressed, and it only shows the disadvantages of the system under which we labour. I do not ask the House to come to any decision upon the matter in a hurry, and I cannot anticipate that I shall be supported in the Motion I am about to make by those who now enjoy, or who have enjoyed, the distinguished position of Lord Advocate. No doubt they consider the system a most superior one, offering as it does to their profession a prize so high and a position so dignified. Nor do I expect that the House will come to an affirmative decision upon the question which I have placed before them; but what I am entitled to ask is a full and fair inquiry, the necessity for which has been conceded again and again, into the affairs of Scotland. I simply ask that a Select Committee should be appointed to receive evidence upon the subject and report to the House.

Notice taken that 40 Members were not present; House counted, and 40 Members being present,

SIR JAMES FERGUSSON resumed. I have very few more words to say. I have shown that in my opinion the duties of the Lord Advocate are incompatible. He is charged with the formation of laws, with the appointment of Judges, or those who practically exercise the power, with the revision of their proceedings, with the consideration of the remission of the sentence of death imposed by these very Judges, and he ought not at the same time to be charged with the administration of Scotch business generally. All I ask the House to do is to sanction the appointment of a Committee, which shall have the power of taking evidence as to the manner in which the affairs of no unimportant part of the United Kingdom are conducted, and I trust that the inquiry which I propose will be assented to.

MR. CAIRD seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire how far the number of the Members of the Administration, charged with the conduct of the affairs of Scotland, and having Seats in Parliament, is commensurate with the requirements of that part of the United Kingdom,"—(*Sir James Fergusson,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Major **HAMILTON**: I cordially agree with the proposition of my hon. and gallant Friend the Member for Ayrshire (Sir James Fergusson), and I cannot help observing with satisfaction that, for the first time during many years, Scotch business has been brought forward at a reasonable hour, and that, to use a sporting phrase, we have the opportunity of having "a good innings." It is not my intention to trouble the House for many minutes, and I hope that other Scotch Members will show their sense of the indulgence of the House by making short speeches. The question submitted to the House by my hon. and gallant Friend is one of the Scottish rights which excited so much attention north of the Tweed a few years since, which if heard of in England at all were chiefly known through the animadversions of *The Times.* This was a point much urged; but I did not at the time approve of it. I am glad to say that we succeeded in carrying the question relative to the repairs of national buildings in Scotland, and, having accomplished that object, many of us were satisfied. I can only say, with regard to having a Secretary of State for Scotland in this House, that I have very great doubts whether such an appointment would be advantageous or not. But I am certain that, if the Lord Advocate were to devote the whole of his time to Scotch business, he would be able to undertake it, and I wish on those occasions when he is unavoidably absent he had a secondary in the House. I look upon that as one of our principal grievances, because I find that, although in Scotland it is generally understood the Scotch Lord of the Treasury is a gentleman who is paid and kept for the purpose of attending to Scotch business, yet in the present case, being Secretary to the Duchy of Cornwall, it is said that he has nothing to do with questions affecting Scotland. I thoroughly believe what he says, and that we have not any Secretary for Scotland, who ought to have the management of the affairs of that country. It is a great pity that we have not an officer of that kind, and I fully approve of the proposition of my hon. and gallant Friend. But if I were asked at this moment to vote whether I would have a Secretary of State for Scotland or not, I should be inclined to reflect on the old fable, and ask whether King Stork would be better than King Log. I certainly think I should not vote for such a measure; but I have no hesitation in giving my support to the present Motion for the appointment of a Committee to inquire into our alleged grievances, in order that, if they really exist, they may obtain that redress to which they are entitled.

Mr. **E. P. BOUVERIE**: The Motion submitted to the House by the hon. and gallant Member for Ayrshire, implies either that there is some particular defect in the present administration of Scotch affairs, or that those affairs are generally maladministered. I listened very attentively to his speech, expecting to hear some proof that such is the case, because in bringing forward a Motion, which implies dissatisfaction with the administration of Scotch affairs, he was bound to adduce some facts to justify his proposition. I do not know whether other hon. Gentlemen who have listened to his remarks entertain the same opinion, but I must say that to my mind he did not adduce facts sufficient to justify the inquiry for which he asks. I imagine it to be a totally new thing, on a question relating to the administration of the affairs of a great section of the United Kingdom, to move for the appointment of a fishing Committee to find out something to substantiate the general statement that he and some of his friends are dissatisfied with the present administration of Scotch affairs. I am certainly not aware that any such dissatisfaction as that which is alleged exists in Scotland, or in this House. The hon. and gallant Gentleman expatiated at considerable length on the duties of the office of Lord Advocate, and said that it was quite impossible in the nature of things that any Lord Advocate could discharge in a satisfactory manner the numerous and responsible duties which are cast upon him. The hon. and gallant Gentleman did justice to my right hon. and learned Friend when he spoke so highly of the manner in which his duties are performed; but he justified his Motion on this ground, that such is the constitution of the office of Lord Advocate that Scotch affairs must necessarily be indifferently administered. The answer to that is experience. For many years Scotch affairs have been most ably administered by successive Lord Advocates, men of first-class reputation and ability, and I believe they have been administered well, and to the satisfaction of the country. But not only was the hon. and gallant Gentleman bound to show the House some ground whereon to rest his Motion, but, as it seems to me, he ought to have suggested some remedy for the grievance of which he complains; but I did not hear him suggest a remedy of any kind. If the House should think proper to grant a Committee, I think it is entitled to know what remedy the hon. and gallant Gentleman proposes. The Lord Advocate has two important functions to discharge—legal functions and administrative functions. I will first take his legal functions. He is the public prosecutor for Scotland. Under his superintendence his subordinate officers have to direct and conduct criminal prosecutions on the part of the Crown throughout Scotland. He has also functions to discharge very much like those which are discharged in this country by the Magistracy and the Coroner, the inquiry into supposed crimes that have been committed. The performance of such duties must necessarily devolve upon a high legal functionary—a man of high character and position — possessing such legal standing as to give importance and weight to the decisions at which he may arrive. The Lord Advocate, then, must be a lawyer. With regard to his administrative functions, they divide themselves into two different branches. He has to advise the Home Secretary with regard to the distribution of a large portion of the patronage of Scotland, the principal portion of that patronage being legal patronage, such as Sheriffships and Clerkships, filled by legal gentlemen. The person having to deal with these matters ought to have a general knowledge of the characters and professional qualifications of the persons to be appointed to these offices. In the discharge of this portion of the administrative duties, therefore, the services of a lawyer are indispensable, and no one is so capable of discharging them, from his practical experience, as the Lord Advocate. The other branch of a Lord Advocate's duty—the legislative branch—can only be properly discharged by a distinguished Scotch lawyer. The hon. Member for Dumbartonshire (Mr. Smollett) the other night made some vigorous remarks about the jargon of the Scotch law, and the complication, defective character, and incomprehensibility of that law. Now, how is it possible for any but a Scotch lawyer to deal satisfactorily with legislation for Scotland, to propose measures calculated to amend the laws of that country, to improve the administration of those laws, to effect all such reforms as are required by the country. If these be the functions and duties of the administration of Scotch affairs in ordinary times, the conclusion is that the proper person to discharge these functions and duties is the Lord Advocate, and it is the Lord Advocate who has discharged them for so many years to the general satisfaction of the country. The hon. and gallant Gentleman forgets that the Lord Advocate is not solely responsible for the conduct of Scotch business. The Home Secretary is as much Secretary of State for Scotland as he is Secretary of State for England. But the question which appears to possess the mind of the hon. Member for Linlithgowshire (Major Hamilton) is that there ought to be some officer in this House specially connected with Scotland, who shall always be fishing about trying to discover something by way of improvement—a sort of *dilettante* legal reformer, whose sole employment shall be fishing for changes in the Scotch law. Now, I think that would be anything but an improvement on the present system. One of the advantages of the present system is that Scotland is not plagued with those constant meddlings and interferences and changes which are constantly going on in England. And I should greatly deprecate any recommendation for the appointment of an officer of State, who would have nothing to do but interfere in Scotch affairs, and endeavour to make himself a name by keeping Scotch affairs and Scotch Members in continual hot water. In this matter I am content to declare myself a Conservative. I think that at present we have a good and satisfactory arrangement. When any necessity arises for legislation, I do not find that there is any difficulty in dealing with it. It has been my pride and glory to have identified myself with Scotchmen, and to continue to act in entire harmony and good feeling with those I represent in that country; and the result of my experience is, that wherever there has been a real want in Scotland, the public voice of the people of that country has made itself heard, and has had little difficulty making the change that was considered necessary. With regard to the mode in which we conduct our Scotch legislative business, the Scotch Mem-

(Lord Elcho), carried through the House after ample discussion, and is now in full and useful operation. The other was the Valuation Act, which is one of some moment, for reforms of much importance have already been engrafted on it, and it may still lead to more. In 1855 no measures of any great consequence were passed. It has been said that measures have failed in consequence of the absence of the Lord Advocate, and of their having been introduced too late to receive proper consideration. Does my hon. and gallant Friend remember the Education Bill of 1855? I am indebted to my hon. Friend for a most fair and liberal consideration of that proposal; but was it lost because the Lord Advocate did not introduce it in time? It was introduced on the 23rd of March, and was read a third time on the 12th of July, after many discussions, various Amendments, and keen opposition. That Bill was passed in this House, not in the indolent and slovenly manner in which some hon. Members choose to represent that Scotch business was conducted, but after long, severe, and searching criticism; and all I can say is, that if the same liberal spirit had prevailed in another place that was displayed here, the measure might have been passed that Session, and we should have been relieved at this day of a great many of the difficulties which now impede the course of Education in Scotland. In 1856, the first Bill we passed is one to which I am entitled to refer with gratification—the Bill for the reform of the Bankruptcy Law of Scotland. For the first time in the legislation of the country, a Bankruptcy Act was obtained, which gave substantially general, I may say universal, satisfaction. Another of the measures of 1856 had for its object the reform of the Court of Exchequer in Scotland. That was a very technical matter; but those who recollect what the old Court of Exchequer was must admit that the reform was very necessary and useful. The Session of 1857 was marked by the passing of the Bills for establishment of County Police and for regulating Lunacy. I remember the hon. Member for Montrose (Mr. Baxter), remarking of these two Bills that they were specimens of hasty legislation. I can only say that the County Police Act has been very successful in its operation, and has led to the establishment of a very efficient force. In regard to the Lunacy Act, I own it was passed with rapidity, and required to undergo amendment afterwards; but it has proved a measure of great social benefit. In 1858, when the right hon. Gentlemen opposite were in office, my right hon. Friend the Lord Justice Clerk in that year carried that great measure of University reform after considerable discussion, but substantially with the support of all sides of the House. The country is greatly indebted to my right hon. Friend for that measure, and not less for his able and laborious discharge of the less prominent but almost more important functions of Chairman of the Commission. I really do not think it is necessary to weary the patience of the House by going further into our legislative performances. I have said enough to show that we have not shirked or slurred over our work. I have produced a catalogue of measures passed between 1853 and 1858, which will contrast favourably with those passed for England or Ireland during the same period. I may remind the House that in 1861 there was a measure of considerable importance, for we again put an end to a long and weary controversy, and succeeded at last, after many, many years of discussion, in abolishing the tests taken by parochial schoolmasters. In that measure we laid a foundation on which a great work may yet be raised. I believe that as surely as the abolition of the tests in the Universities paved the way for the reform of those institutions, so the Bill passed in 1861 for the abolition of the tests to parochial schoolmasters is destined to become the basis and ground work of a large and comprehensive national system of education. There was one Session in the ten years of which I have been speaking when we did not do much. We spent the Session of 1861, with the exception I have mentioned, substantially in doing nothing. We commenced this arduous task on the 15th March, and ended it on the 19th July. The two questions on which our energies were expended were a Salmon and a Road Bill. None who took part in the discussions of that year will be likely to forget them. The Salmon Bill was brought in on the 15th March, and the Road Bill on the 28th, and we had a Select Committee on each, which sat for many days. We took a great deal of pains and trouble with both Bills; but I am sorry to say that the result was that the Road Bill was withdrawn on the 15th July, and that we were "counted out" on the Salmon Bill by my hon. Friend the Member for Berwickshire (Mr. Robertson) on the

19th of the same month. The failure of the Salmon Bill was certainly not owing to the absence of the Lord Advocate, or to any want of energy on the part of its supporters. It was one of those accidents inherent to the nature of legislation in this House. There were interests which required to be conciliated, and it was found impossible at that time to come to a settlement with them. Next year, however, a Salmon Bill was carried, which, I believe, has been productive of advantage. In regard to the Road Bill, although lost in 1861, we have since seen county after county come to Parliament for private Bills at their own private expense, to do the very things we proposed to do in that Bill. That, then, is my reply to the charge that we do not introduce important measures, and that sufficient time and attention is not given to the consideration of Scotch business. During the ten years which I have been reviewing, over a hundred Bills have been passed into law, so that it is perfectly plain that the allegation that Scotch business is neglected, and that Scotch legislation is not carried to a successful issue, is contradicted by the facts. Then it is said that the Bills are imperfect, and that they are passed in a state which amazed the people of Scotland. Are those measures which I have been enumerating, the Valuation, the Bankruptcy, the Registration of Births, Deaths, and Marriages, the Sheriff Courts, and other Acts, open to that criticism? I say No. The true test was what amount of litigation had arisen on them. Comparing them with other measures of the same magnitude passed for other divisions of the empire, a very small proportion indeed of questions have arisen for the adjudication of the courts of law in connection with these Scotch Acts. There were some persons who delighted to detect errors in an Act of Parliament, and to trumpet forth the discovery by way of showing how critical they were and how faulty was the legislation. The proper way, however, of judging laws was to look to their effect. Do they benefit the class on whose behalf they have been passed? Do they remedy the evils at which they have been aimed? On the whole, I contend that the measures we have carried will stand that test. No doubt the Bankruptcy Act was not the most careful or perfect specimen of legislation; but it was quickly amended, and its operation has been completely successful. If Bills are sometimes passed which are not exactly models of composition, you must remember what sort of a manufactory of statutes this House is. One cannot sit down and write off an Act like an essay. It is subject to all sorts of alterations during its passage through the House; and it is impossible in every case to prevent errors and perhaps some slight inconsistencies from creeping in. If the machinery furnished by the House of Commons for framing laws is not scientifically precise in its working, that is the price we have to pay for Constitutional Government, and we must just make the best of it. To illustrate the system, let me just take the Education Bill to which I have already adverted. I introduced it about the middle of March, but I was asked to defer the second reading for a considerable period in order that the country might have an opportunity of expressing an opinion with regard to its provisions. I was, of course, obliged to comply with that request. The second reading having been fixed for the 15th April, a further postponement was desired, because the Commissioners of Supply were shortly to meet, and it would be well to hear what they had to say. Again I was obliged to yield, because I knew the force of opposition, and the Bill was put off till the 18th May. When that day arrived, another hon. Member got up and said, You will not surely think of going on with this Bill until you learn the opinion of the General Assembly of the Church of Scotland, which has charge of the schools, and which is just about to meet; so the measure has again to be postponed, but at length comes on for a second reading in the second week in June. We go into Committee, and the paper is crowded with Amendments. I know that a Standing Order has been passed in another place not to take the second reading of any Bill after the 30th June. Consequently I am pushed for time. I am obliged to accept Amendments, for the sake of progress, without having a fair opportunity of considering them. Well, we get through Committee, and then more Amendments are brought up on the Report. I have no alternative except to agree to them or lose the Bill. It is wonderful then, if, under such circumstances, a Bill sometimes gets passed which is not a model of grammatical accuracy? When errors thus creep into Acts, all we can do is to introduce an amending Bill in the succeeding year; and I cannot admit that necessity for such rectification involves any slur on the proceedings of the previous Session.

The last objection which is made is that the Lord Advocate, being a practising lawyer, has too many functions to perform. It is quite true that his office does embrace a variety of functions which in England are divided; but Scotland is not such a very large country, and, after some considerable experience of the office, I can say that the duties are not so numerous, responsible, or important as to be beyond the power of one man, with reasonable attention and diligence, to discharge. If the assistance tendered to me were given, I should really not know what use to make of it. A large portion of the duties of the Lord Advocate, including all relating to the Home Office and legal questions, could not be transfered to an assistant. The necessity of having a separate official for Scotland is due to the existence of a different legal system in that country. That distinction goes to the root of the whole civil and religious system of Scotland. There is hardly a part of that system which you can touch without an acquaintance with the law of Scotland. The hon. Member for Dumbartonshire (Mr. Smollett) seems to think that the reform of the Marriage Law should be intrusted to some one who is not a lawyer. But that is just an instance of the danger of proceeding in that way. It may be true that the Marriage Law of Scotland requires reform; but the people of Scotland have not yet demanded any change, and a few sensation cases or sensation articles happening not so much in as out of the country, do not afford sufficient ground for new legislation on so important a subject. Moreover, my right hon. Friend the Lord Justice Clerk on a former occasion showed very clearly that it is not only not undesirable that the Lord Advocate should be intrusted substantially with the charge of Scotch business in the House, but that he has peculiar facilities for it which no other person possesses, and which arise from his position as public prosecutor. My hon. Friend, who appears to be but imperfectly informed upon the subject of the criminal law of Scotland, has declared that it is defective, and that the powers of the public prosecutor are contrary to the principles of the constitution. I entirely demur to that. I am satisfied that under the criminal system of Scotland the liberty of the subject is perfectly secure, and that it works admirably both for the discovery of crime and—what is certainly not less important — the protection of innocence. My hon. Friend has referred to coroners' inquests and grand juries; but I have heard the utility of both these tribunals gravely questioned in England. A system under which inquiry is made into criminal charges without unnecessary publicity tends, I am convinced, very much to the detection of the guilty, and to preventing charges reaching the public ear against persons who turn out in the end to be completely innocent. But the question is as to the position of the Lord Advocate. He is an officer of State in Scotland; and has under his command the staff, not only of advocate deputies, but of procurator-fiscals throughout the country, by means of whom he can, on the shortest notice, collect information on all subjects. If there were a Secretary of State for Scotland in London, he would have to apply to the Lord Advocate for information at every turn, and do at second-hand what the Lord Advocate now does at first-hand. He would have to seek facts as well as law from the Lord Advocate, and the consequence would be that the latter would continue to exercise the same power as now, only with diminished responsibility. My hon. and gallant Friend says that this office is the great prize to which the Bar of Scotland look forward. In one sense it can scarcely be so described, for unquestionably, in point of emolument or prospects, it does not hold out any very golden or glittering temptation. A counsel in large practice is not a gainer by accepting the position I have now the honour to hold; and there is no prospect opening beyond it. There is no promotion, no peerage to look forward to. There are none of those prizes which are within the reach of the Law Officers of England and Ireland. Yet the office has one recommendation, and it is a great one to a generous mind. It has the recommendation that it affords the means of doing much good to the country. It holds out that most honourable object of ambition—the opportunity of using power for its only true and legitimate end, the advantage of the nation. It offers the highest and purest reward of patriotism—the consciousness that one is placed in a position where, by diligence and assiduity, one may be of use in one's day and generation.

Mr. SMOLLETT: Sir, I did not intend to address the House, but I have been so much referred to by the right hon. and learned Lord, I hope the House will allow me to make a few remarks. A few nights ago, when, for the first time this Session, a Motion was brought forward connected with Scotch business, I ventured to say that the business of Scotland was conducted in a very unsatisfactory manner. That observation seems to have excited the anger of the right hon. and learned Gentleman, and he seems to think that I have personally attacked him. He has charged me with libelling all the great institutions of Scotland. Now, my observations were meant to refer to the system which prevails in Scotland of placing the legislative authority in the hands of a practising barrister. That, I think, is a very erroneous system. I did not mean to make a personal attack upon the learned Lord, whose abilities and kindness are recognized by both sides of the House. What I did say was, that the present system was defective, and that there was no part of the kingdom where larger legal reforms were required than in Scotland; and that we could not get them. On the occasion to which I have referred, I observed that the Court of Session in Scotland were so strangely constituted as to be obstructions to justice — that they could hardly be called courts of justice—and I now repeat that observation. Last Session the right hon. and learned Gentleman brought in a Bill to amend the procedure of the Courts of Session — the Court of Session Procedure Bill. Well, after it was introduced, it was not pressed with any great alacrity, and it was eventually withdrawn. That Bill, I understand, has since been referred to the Faculty of Advocates, to the Writers to the Signet, and to the Solicitors of the Supreme Courts, and it has been torn to tatters by these learned bodies. I am not aware that it has been introduced again this Session, nor do I know that it will be introduced. In the course of the last autumn, a practising barrister in Edinburgh—a friend of the Lord Advocate—sent me a pamphlet in favour of the Court of Session Procedure Bill. The writer states that the population of Scotland has greatly increased within the last forty or fifty years, if it has not actually doubled, and that its wealth is five or six times as great as it was at the commencement of that period; but that, notwithstanding this, the business of the Court of Session has absolutely decreased—that it is gradually becoming less and less, and that some reform must take place before litigants will be induced to come to it. The writer goes on to say that the English Courts have been reformed; that the Court of Chancery in England is very different from what it was in the glorious days of Lord Eldon; that the procedure in the Court of Queen's Bench, the Court of Common Pleas, and other law courts has been amended, both with regard to the litigants and the legal gentlemen practising in these Courts. These changes, he says, have been attended with great success; whilst the practice in the Scotch Courts is departing from them on account of their forms being so abominable and detestable, and their expense so enormous. Now, I think we ought to have a thorough reform in these Courts. I believe the Bill of last year was a tolerably good one. My only objection to it is, that it does not go far enough—that it does not put an end to that abominable jargon with which the proceedings of the Courts are disguised, such as the word "multiplepoinding" and many others even worse, which even the practising barristers themselves do not understand. The Bill does not abolish what is called the Outer House. Perhaps some English and Irish Members may not know anything about the meaning of that term. If so, I will inform them that it consists of five Scotch Judges, who sit outside obstructing the portals of the Court of Session. They sit separately, and every person who wishes to obtain justice must undergo the ordeal of having his case sifted by one of these Judges. The case is heard, discussed, answered, and a variety of other processes are gone through, and then it is permitted to enter the Inner House. In fact, the case has to be tried two or three times over at a most intolerable expense. No reform of these courts of justice will be worth a straw unless the Outer House be abolished. But you will have to wait a hundred years, and more than that, before you will find any Lord Advocate trying to abolish these Judges. Reference has been made to the Sheriff's Court Act of 1853-4. Now, I think the Sheriffs' Courts require a great deal of reform. The Bill which the hon. and learned Gentleman congratulates himself on having passed doubled and trebled the pay of the sheriffs. These courts do not work badly, but they are most anomalous courts. A sheriff is appointed a County Court Judge. He is appointed by the Crown, but he is not allowed to reside within his sheriffship. The law provides that he shall be a practising barrister, and he must live in Edinburgh. He must walk the courts there whether he has any practice or not. A person may very naturally ask—How then is justice administered in these courts? It is done in this sort of way. The sheriff, who is called a sheriff-depute, appoints a substitute. If he paid that substitute it would be all very well. But he is paid by the country. He sits *de diem in diem* to transact the business of the Court in the county town, whilst the sheriff, who lives in Edinburgh, comes out in the vacation, hears appeals, obstructs the business, and by the delay incurred he makes the law more expensive than it would otherwise be. The substitute is paid £700 or £800 a year. He is not supposed to be a servant of the Crown; the Lord Advocate holds him responsible to the sheriff who appointed him. Such a system ought to be abolished at once. But, I ask, will any Lord Advocate bring in a Bill to abolish the office of sheriff's substitute? No such thing; for a change of that kind would interfere too much with the patronage of the Crown. The Court of Session is so bereft of business that the Bar would not get sufficient practice to keep themselves were it not for some twenty-five or thirty offices which, when they get hold of them, they can hold with great advantages to themselves. With the exception, perhaps, of Glasgow and Lanark, there ought to be one sheriff in each county capable of performing the duty without having another sheriff to look after him. I intimated the other night that other reforms are required, and said that we need a reform of the law of marriage, a reform of the law of succession, and a reform of the law of domicile. And what sort of reply did I receive? Why, "You are an independent Member, and had better bring in such Bills yourself." I will tell the hon. and learned Gentleman my opinion on these subjects. It is this. The Scotch people want to have the law changed on these points — they want to have it assimilated to the law of England. ["No!"] Now, I think this should be done. If the Motion of my hon. and gallant Friend should be carried, and Her Majesty should be pleased to appoint a Secretary of State for Scotland, that Secretary of State might introduce the measures required of him, and, with the assistance of the Lord Advocate, carry them through Parliament. Instead of bringing in good social measures, what kind of Bills have been recently introduced? We had a Salmon Fisheries Bill, which was counted out by the hon. Member for Berwickshire. Then we had a Herring Fishery Bill. We have had a Bill to put down trawling. This year we have had a Rivers Pollution Bill, which I believe has come to a sudden death. Fish are certainly well taken care of in Scotland, but Scotchmen are not so well attended to. I believe that so long as we have the Parliamentary duties of Scotland intrusted to a Lord Advocate, a practising barrister—so long as he has a host of retainers to serve about the Parliament House, we shall not obtain those legal reforms which the country requires. Every Scotch Bill is canvassed in Edinburgh, and the first consideration is, how will it affect the interests of the Parliament House —how will it affect the interests of gentlemen connected with the Scottish Bar? Scotland is loaded with legal sinecures, and so long as the present system continues, we shall never get rid of them. Whether the Lord Advocate is a Conservative, or whether he sits amongst those who call themselves Liberals, the evils which are complained of will never be removed until a change is made in the system. If my hon. and gallant Friend takes the sense of the House on his Motion, I shall certainly give him my support.

Mr CARNEGIE: I trust the hon. and gallant Gentleman will not press his Motion to a division, but will be satisfied with the expression of opinion which has taken place. It would be very inconvenient for many hon. Members to have the matter pressed upon them, and I think it would also be undesirable to have a division on a Scotch question unless it should be supported by a very large number of Members. If Scotland is not nearly agreed that a change ought to take place, it would be a great pity to unsettle the present state of affairs by referring the matter now under consideration to a Select Committee. I think the Lord Advocate has made out an excellent case as to the general practical efficiency of the existing system; at the same time, I think that, theoretically, it seems to be a very extraordinary one. I quite agree in the opinion which has been expressed by the hon. Member for Dumbartonshire, that so far as regards Scotch legislation, too much deference is paid to the interests of the Parliament House and a particular clique in Edinburgh. This grievance was hardly touched on by the hon. and gallant Member for Ayrshire; but I wish to draw the attention of the present Lord Advocate, and all future Lord Advocates, to the fact, in the hope that they will look a little more to the general interests of Scotland, and a little less to the peculiar interests of Edinburgh. If the plan continues of deferring everything to the desires of Edinburgh, and nothing to the desires of the country, I confidently predict that the people of Scotland will eventually require some change of the system.

MR. ROBERTSON: It was not my intention to take part in the present debate, nor should I have done so if it had not been for the personal matters which have been introduced into the debate by my right hon. and learned Friend the Lord Advocate. My right hon. and learned Friend says, that it was I who counted him out on the Salmon Fisheries Bill. That is altogether incorrect, although I certainly hold many of the views which were expressed on that occasion by the hon. Member for Edinburgh. I must say that I entertain very strong objections to the Bill, and the reason that the House was counted out was that the time at which the measure came on for discussion was half past two or a quarter to three in the morning, and it was considered that that was not a proper hour to go into discussion on so important a question. Perhaps, I may be allowed to make one remark in regard to what has fallen from the hon. Member for Dumbartonshire (Mr. Smollett). The hon. Member remarked that during the absence of the Lord Advocate from this House, Scotch business was in danger of coming to a stand-still. That is hardly the case, because we have in the House an hon. Member who is commonly called the Scotch Lord of the Treasury, and I believe that my hon. Friend (Sir William Dunbar) is always ready to give his advice and the best assistance he can render to all who have occasion to go to him.

MR. MURE: I rise simply for the purpose of joining in the recommendation which has been made to the hon. Baronet the Member for Ayr, not to press his Motion to a division. I recollect perfectly well what took place when a Motion on his subject was submitted which involved the direct appointment of a Secretary of State for Scotland. How was that Motion received by both sides of the House? It was the distinct opinion of the House that there were no such relations between the people of Scotland and the business of the House which required such an appointment. I was extremely anxious to hear what my hon. Friend the Member for Ayr could say in addition to what was said upon that occasion, and after having attentively listened to his speech, I must say I have been unable to discover any ground for his Motion, or that a better case has been made out why a different course should be pursued now from that which was taken in 1858. As that time, as now, the noble Viscount (Viscount Palmerston) was at the head of Her Majesty's Government. He had had experience in the Home Office as well as in other departments of the State, and he made a most minute and full reply to the Motion of the hon. Member for Montrose (Mr. Baxter). The explanations which were then given carried, in my opinion, conviction to the minds of every one who heard them, and would carry a similar conviction now. The noble Lord then told the House that, if a Secretary of State were appointed, there would really be no duty of any importance for him to discharge. That being the case, what is it that my hon. and gallant Friend the Member for Ayr seeks to attain by the appointment of a Select Committee? If a Committee were appointed they would, I presume, call before them those who have had experience in the office of Lord Advocate. They would also have from the noble Viscount the Prime Minister the explanation which he made in 1858, and which then satisfied Parliament that there was no foundation and no ground whatever for the Motion. They would probably also examine the right hon. Member for Bucks (Mr. Disraeli), who likewise spoke on that occasion, and explained the reasons why he thought there was no necessity for an alteration of the present system. They would probably also examine the right hon. Baronet the Secretary of State for the Home Department, who has, perhaps, had as extended and as wide an experience of the duties of that Department as any one, and who is perfectly cognizant of the duties required of the Home Secretary and of the Lord Advocate, and who would no doubt state to the Committee that there is no necessity whatever for the establishment of such an office as the Motion now before the House contemplates. The appointment of a Select Committee would therefore do nothing more than bring out a repetition of the statements which have already been made to Parliament by the noble Lord at the head of the Government and others, and which satisfied Parliament that there was no necessity for a change. I think, therefore, that this Motion would be productive of no good, and I concur with the hon. Member for Forfarshire (Mr. Carnegie) in suggesting that the Motion should not be pressed to a division. I do not wish to detain the House by attempting to answer the speech of my hon. Friend the Member for Dumbarton; but my hon. Friend stated as one of the reasons why the Motion should be agreed to that certain measures of law reform are necessary. Now, I do not know how a Secretary of State, who is not a lawyer, could conduct those legal reforms which my hon. Friend suggests; and how any one, if not a lawyer of the same capacity as my right hon. Friend the Lord Advocate, would have the confidence of the people of Scotland in undertaking the responsibility, I am at a loss to imagine. I certainly heard with surprise some of the remarks of my hon. Friend in reference to the law of domicile. For some years back the Scotch Judges have been endeavouring to assimilate the law in that respect as near as possible to that of England, and it is now very nearly assimilated. That being the case, I should certainly like to know what Bill my hon. Friend wishes to introduce to reform the law of domicile. Some of the remarks which fell from my hon. Friend I heard with great regret; and I am sorry that he did not follow the example of the hon. and gallant Member for Ayr in avoiding all personalities. My hon. Friend insinuated that the desire of the Lord Advocate to reclaim the patronage of what he was pleased to call sinecure offices, prevented him from going on with legal reforms last Session, and from introducing any measure with that object in the present Session. I believe that such observations as those which have fallen from my hon. Friend will be read with very great regret in Scotland. No man who ever held the office of Lord Advocate is less open to such imputations than my right hon. Friend the present holder of that office. The remarks of my hon. Friend with regard to the emoluments of the legal profession, show how ignorant he must be with regard to the profession to which I have the honour to belong, and of the mode by which it best flourishes. Nothing could be better for the Lord Advocate, or for the legal profession generally, than incessant changes in the law, and the institution of new forms of procedure by which the law is administered. They are certain to introduce an immense mass of litigation, and the passing of such measures invariably affords employment to the profession to which I have the honour to belong. Under all the circumstances, I sincerely trust that my hon. and gallant Friend will not press his Motion to a division.

Sir WILLIAM DUNBAR: It may appear superfluous and even presumptuous in me to attempt to add a single word to the lucid and exhaustive statement which has just been addressed to the House by my learned Friend the Lord Advocate; but I hope, nevertheless, that I may be permitted to offer one or two brief observations upon the subject-matter of the Motion now under consideration. When the same Motion, or one with a similar object, was brought forward by my hon. Friend the Member for Montrose (Mr. Baxter) in 1858, I abstained from voting on that occasion, because my mind was not definitely made up upon the subject. But whatever may have been my doubts then, further reflection, combined with the five years' experience I have gained in the office I have now the honour to hold, has satisfied me that no substantial advantage would be derived from any change — or, at all events, any material change — in the administration of Scotch affairs in this House. The hon. and gallant Member for Ayrshire, who introduced the Motion, has disclaimed any intention of finding fault with the present management of Scotch business; but if his Motion has any meaning at all, it must mean that he considers it unsatisfactory. That, no doubt, is his honest opinion, and it has the sanction of some other Scotch Members; but I make bold to say that that opinion is not shared by the House generally. If there is one thing more than another connected with the transactions and proceedings of this House which I have heard remarked upon with commendation by hon. Members on both sides of the House with whom I am in constant intercourse, it is the mode in which Scotch measures are brought forward and carried through. I, for my part, do not believe that business is less efficiently performed because it is quietly and unostentatiously conducted; nor do I consider that it detracts from the importance or the efficacy and usefulness of public measures that they do not provoke strong differences of opinion or any discussions in this House. Until a very recent occasion, such discussions have always been avoided, and I attribute the happy circumstance to the easy intercourse and mutual confidence which have subsisted between the Lord Advocate and the representatives for Scotland, and their antecedent agreement upon all material points involved in the legislation which has been introduced by him. But while I say this, I am not here to deny that there are some slight practical inconveniences connected with the present system. But I would ask whether it would be possible to set up any machinery which would not occasionally fail to perform its functions with the exactitude and regularity that might be expected from it, or which might be desirable? Occasional failure is the utmost that in my judgment can be alleged to the prejudice of the present system; but after the fullest consideration that I have been able to give to the subject I certainly know of nothing which you could substitute in its stead that would work more smoothly, or produce more solid or satisfactory results as I think my right hon. and learned Friend has convincingly shown. If there is anything which we have to complain of, it is not the dearth but the superabundance of legislation—not the too little, but the too great interference in matters of that kind. But, be that as it may, my belief is that the remedy for the defect which is stated to exist is not to be found, as the hon. and gallant Baronet's Motion implies, in the appointment of one or more additional paid functionaries to represent and watch over Scottish interests in this House. However plausible in theory, the proposition is one which I am sure would be found extremely inconvenient in practice. If the hon. Baronet should succeed in persuading the House to adopt his Motion; and if, under the influence of his preconceptions, the Committee which might be appointed should accede to his proposal—then I will venture to say his real difficulties will begin. If he should be called upon to give practical effect to his views, he would find it no easy task to do so. He would find it no easy task to define the duties of the new functionary, or to assign him his true position. If he is to be responsible, I should like to know how the hon. Baronet proposes to reconcile responsibility with subordination? And if he is to be independent—and unless he can think and act for himself in all matters pertaining to his Department he would be powerless for good matters—I should like to know how the hon. Baronet would propose to reconcile that independence with the legitimate authority of the Home Secretary in matters not legal on the one hand, or with that of the Lord Advocate in matters strictly legal on the other? But difficult as he would find it to bring conflicting authorities into harmony, his new functionary would be still more puzzled to know how to employ his time. He would have little or nothing to do; and like most persons who have nothing to do, he would endeavour to carve out work for himself — to use a homely phrase, he would fall into mischief—and the result would be that he would become a source of greater embarrassment and danger to the Government with which he might be connected than useful to the country whose interests he is supposed to represent. For these and other reasons which I need not enter into, I intend to record my vote against the Motion. I cannot sit down without adverting to certain expressions which fell from the hon. Member for Linlithgowshire (Major Hamilton). I must say that the mode in which he has alluded to alleged private conversations in this House is one which I, for one, cannot approve of. Such a course must necessarily occasion great inconvenience—

MAJOR HAMILTON: I rise to Order, Sir. I beg to say that I made no reference to any private conversation. If the hon. Baronet will be good enough to inform me what it was, I will at once refute it.

SIR WILLIAM DUNBAR: I speak, Sir, under correction. I certainly understood the hon. Member to say that I had stated either to him or to somebody else that, as I am connected with the Duchy of Cornwall, I did not feel myself occupying the position of a representative of Scotch interests.

MAJOR HAMILTON: I admit that the hon. Baronet did use words to that effect in public, but, as far as I know, not privately.

MR. SPEAKER: The remarks of the hon. Member are out of Order.

MAJOR HAMILTON: I must again repeat that the observations of the hon. Baronet were made in public, not in private.

SIR WILLIAM DUNBAR: Then I beg to give the statement of the hon.

Gentleman the most emphatic denial. I never stated that my connection with the Duchy of Cornwall prevented me from considering myself as the representative of Scotch interests. What I may have said is this—That I did not hold myself responsible for the legal business in reference to Scotland, which is introduced entirely upon the responsibility of my right hon. Friend the Lord Advocate.

Amendment, by leave, *withdrawn.*

EPPING FOREST.—OBSERVATIONS.

MR. TORRENS said, he rose to ask the Secretary to the Treasury, Whether Her Majesty's Government intend to take any steps to carry out, completely or partially, the recommendations contained in the Report of the Select Committee on Royal Forests in Essex of last Session; whether any encroachments or enclosures have been reported to have been made within the forests since the date of that Report; and, if so, whether they have taken place on portions of the forest wherein the rights of the Crown had been sold or not? He begged to remind the House that in 1862 they addressed the Crown with a view to prevent further steps being taken to facilitate the legalization of the encroachments in Epping Forest. It appeared from a Return which had been presented, that the Crown rights over 5,000 acres within the forest had been sold for the paltry sum of £18,000 to various individuals, some of whom claimed to be lords of manors; but the greater number of the purchasers of the Crown rights made no such claim; and, on the strength of these purchases, the buyers of the Crown rights proceeded to enclose right and left wholly disregardless of the rights of the commoners and of the public. By the evidence before the Select Committee which considered this subject, the mode was disclosed in which such bargains were made. Persons first of all were allowed to encroach illegally upon the property of the Crown, and then they were invited by a circular letter or notice from the Department of Woods and Forests to purchase the rights of the Crown under a threat of legal proceedings. The Select Committee had strongly animadverted upon the notices thus issued by the Department. That proceeding was explained on the ground that it was desirable to avoid the expenses of a litigation, as the only court in which the rights of the commoners could be tried was the Court of Exchequer; and one witness had stated that the expense of such a suit would be at least £1,500. Formerly there was the Verderer's Court which tried such questions, but that had fallen into abeyance; and although the Royal Commission appointed by Act of Parliament in 1850 had recommended the establishment of some tribunal for the disposal of questions arising out of the Crown forests, yet no substitute for the Verderer's Court had been provided. Hence arose all the illegal enclosures and oppressive acts of which the commoners and the inhabitants of the eastern parts of London, who have been debarred from healthy recreation in the forest, so justly complained. The Junior Commissioner of Woods and Forests was generally believed to have the management of Epping Forest, and that Gentleman had stated before the Committee that his Department could take no notice of the wants of the public as it was only a Revenue department, and, further, that he thought the Crown should dispose of the land without regard to the convenience and enjoyment of the people. He (Mr. Torrens) could not help expressing great astonishment at such a doctrine, enunciated by a servant of the public, paid from the money of the people, whose interests it was his bounden duty to attend to. It was desirable to hear from the right hon. Gentleman what the views of the Government really were with regard to carrying out the recommendations of the Select Committee of last Session.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of any Orders or Correspondence regarding inclosures in the Royal Forests in Essex since, or in consequence of, the Report of the Select Committee of last Session,"—(*Mr. Torrens,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEEL said, the Committee of last Session had fully ascertained the nature of the Crown interest in Epping Forest; and it was of importance that the nature of that interest should be fully understood. The Crown had no property either in the soil or the timber. The forest belonged wholly to private persons, the lords of the manors, copyholders and others, subject only to the

Crown's forestal right, and the right of the commoners to turn out their cows and horses upon the wastes. The forestal right of the Crown was merely the right of keeping deer in the forest, but as there were no deer in the forest and could not be, because the forest was intersected by railways and near a crowded population, the right of the Crown simply amounted to the right of preventing fences being put up, and so keeping the forest an unenclosed waste. As there was no means of producing any revenue, and it was not consistent with the original purpose for which the right was created, nor fair to the lords of manors and other owners of property, to convert it into an instrument for making the forest a sort of park, a Royal Commission some years ago recommended that the Crown rights should be sold. Subsequently, and about ten years ago, the Law Officers of the Crown having been consulted upon the propriety of instituting legal proceedings to prevent certain encroachments, also advised that those rights should be sold, and the Treasury adopted that advice. Sales accordingly were made from time to time until the beginning of last year, when there remained only about 3,000 acres over which the Crown possessed the bare forestal rights in question. At that time the House agreed to an Address to Her Majesty to preserve the open spaces in the forest for the use of the people, and since then no rights had been sold, and no negotiations carried on, except in cases in which the purchase-money had been already paid. Shortly after a Committee was appointed for the purpose of considering the subject, and they agreed to a Report and made certain recommendations to which the hon. Gentleman had called attention with a view to ascertain how far the Government were prepared to act upon them. The Committee in the first instance stated that they did not consider it just that those forestal rights should be maintained for the purpose of preventing enclosures by the owners of the soil; and they recommended that a Bill should be introduced with the object of enclosing the whole of the forest, with the exception of certain spaces which were to be reserved under the general provisions of the Enclosure Act as places of recreation for the people, and that those spaces should be enlarged by the purchase of adjacent pieces of ground. They likewise recommended that any encroachments which had taken place upon the wastes of the forest, where the right of the Crown had not been purchased or redeemed, should be abated, and that legal proceedings, if necessary, should be taken for that purpose. As far as he knew, no enclosures or encroachments had been reported to have taken place since that time. But a very considerable encroachment to the extent of 300 acres was made some time ago by a gentleman who had not purchased the rights of the Crown, and he had more than once been made acquainted that the Crown might take proceedings for the purpose of securing proper consideration of its rights. The question whether such proceedings should be taken was referred to the Law Officers of the Crown; but they were of opinion that those proceedings would be attended with very considerable expense, and they called attention to the Address to the Crown last Session, having for its object to prevent the sale of forestal rights, and to the fact that even if the rights of the Crown were vindicated at great expense they would be of no use for purposes of revenue, because, according to that Address, they were to continue unsold. He thought it would be desirable if the opinion of the House as expressed in the Address of last year should be held to be superseded by the recommendation of the Committee, to the effect that the rights of the Crown should not be maintained for the purpose of preventing enclosures in the forest. It was hardly consistent with the principles of the Land Revenue Act, or the Act passed when the separation was made between the Offices of Woods and Works, that the revenue of the Crown lands should be used for the purpose of providing public parks. The principle of the Land Revenue Acts was that the Woods and Forests was a department of Revenue only, and they were not authorized to spend any of the revenues of the Crown lands except for the purpose of maintaining the property and paying the expenses of the collection and management of its revenue. Another recommendation of the Committee was that supposing the forests to be enclosed and spaces set apart for the recreation of the people, those spaces should be increased by the purchase of other spaces, but they did not show whence the money was to come. They neither recommended that the money raised by the sale of the rights of the Crown should be applied to the purchase of such recreation grounds, nor that a public grant should be obtained from the House for the purpose. He did not know whether it was contemplated that such a fund should be provided by the Metropolitan Board of Works by means of a tax levied upon the metropolis. But if those difficulties could be got rid of—if the address of the House should be considered no longer applicable after the Report of the Committee, and if funds should be provided either by a metropolitan rate, or in any other manner, for the purpose of making a public park, there would be no obstacle in the way of carrying out the recommendations of the Committee of last Session. He did not feel justified at present in producing the correspondence asked for by the hon. Gentleman.

MR. PEACOCKE said, the right hon. Gentleman had somewhat underrated the importance of the rights of the Crown in Epping Forest. They carried with them a much greater importance than the right hon. Gentleman had stated, because upon the preservation of those rights depended the preservation of open spaces in the neighbourhood of this crowded metropolis, for the recreation of its inhabitants. He agreed with the right hon. Gentleman that the Commissioners of Woods and Forests were not to be blamed for the way in which they administered their trusts. That House alone was to be blamed. The responsibility of preserving spots for the recreation of the inhabitants of the metropolis rested solely with the House of Commons. The right hon. Gentleman had not quite correctly quoted the Report of the Committee. The Committee stated that there were two courses which might be pursued — the one was to discontinue the sale of the forestal rights of the Crown, vigilantly to preserve those rights without regard to cost, and to keep the forest in its present wild and unenclosed condition; the other was to ascertain the rights of the several parties interested, and to make provision, partly by these means and partly by purchase, to secure an adequate portion of the forest for purposes of health and recreation. It was not the intention of the Committee that the forestal rights should be discontinued, unless the second course was adopted. And, therefore, when the right hon. Gentleman stated that the Address of the House ought to be considered as overridden by the recommendation of the Committee, he was not justified in coming to that conclusion, for it was only on the express condition that Her Majesty's Government should entertain the recommendations contained in the Report

—a course to which Her Majesty's Government were not prepared to accede — that the vote of the House might be considered as overborne. The Committee was appointed on the Motion of the hon. Member for Carrickfergus (Mr. Torrens), but it so happened that the selection of the Members rested with the Attorney General, and the recommendation relied on by the right hon. Gentleman was carried in the Committee so constituted upon a division, by a vote of seven to five, and in the majority was one Gentleman who voted under a misapprehension. Therefore, when the right hon. Gentleman said that that recommendation of the Committee should be considered to have set aside the Vote of the House, he totally misapprehended the duty of Her Majesty's Government as well as of the Committee. The right of the Crown in 4,000 acres of Epping Forest had been sold, 3,000 acres still remained unenclosed, and 2,000 acres had been enclosed without purchase. With respect to those 2,000 acres the Committee had recommended that in those cases where enclosures had taken place without purchasing the rights of the Crown, immediate steps should be taken to assert those rights; and he wished to know whether the Government were prepared to carry that recommendation into effect. The Government appeared to be signally misinformed on the subject, for the right hon. Gentleman had stated that no further inclosure had taken place since the Report of the Committee. About a fortnight ago he rode into Epping Forest, and found enclosures taking place close to Woodford Wells, a very favourite spot for picnic parties, of which he had a visible illustration, for no fewer than from twenty to thirty families were there and then enjoying themselves. The Question was at present in a most unsatisfactory position. It was one moreover that ought not to be left in the hands of private Members. It was the duty of the Government to take the subject into their immediate consideration. A Committee upstairs could not know the nature of the localities, and it would be well if a Commission were sent down to the spot to select those portions of the forest most eligible for purposes of recreation, and the freehold of those portions should be purchased. There was a pressing necessity that these spaces for recreation, which were gradually disappearing from the neighbourhood of London, should be preserved.

MR. PERRY WATLINGTON said, he could not altogether concur in casting blame on the Government, but he thought that a Commission should be issued to inquire as to the best vacant sites for recreation purposes, and, where rights existed, how they could be compensated, so that suitable spaces for popular amusement might be maintained. The population at the east end of London, and that portion of Essex which he had the honour to represent, derived great enjoyment and benefit from occasional visits to Epping Forest, and to prevent the restriction of that enjoyment by the enclosures which, legally or illegally, were taking place in the district, it was necessary to adopt the course suggested by the hon. Member for Maldon. The population in the east of London was rapidly increasing. In one parish, West Ham, the population which in 1851 was only 15,000, had, in 1861, more than doubled. It was 38,000. They had evidence before the Committee that the forest was used by all classes of the people. It was a place of favourite public resort during the whole summer; and, on every day in the week, large schools were being constantly taken down in vans. On one occasion, as a witness stated, he had taken down sixty vans, containing 1,000 adults. It would be a great loss to the people to be deprived of such healthful resorts, and it was incumbent on the Government to take the proper steps to preserve at once the rights of the Crown and the means of recreation for the people. The Government were not blameless in the matter, for in the Forest of Hainault 2,000 acres of Crown land had been enclosed and all the timber swept away, the whole being now a large sweep of arable land, without a single acre being reserved for the recreation and enjoyment of the people. Something should be done to prevent further encroachment.

MR. COX said, he would congratulate the hon. Gentleman who had just sat down on his change of opinion on the subject. Lately, when the people of Finsbury were endeavouring to keep the forest for ever open for their recreation and health, the hon. Gentleman was a strong opponent of that course; but now that he found the population of West Ham was rapidly increasing and required the forest for recreation, he joined with those who exclaimed against forest enclosure. The position in which the question stood was this. The Crown was entitled to certain rights over the forests of Hainault and Epping, and if the Crown claimed those rights, the lands would be left very much in their present condition. But, for the last fifteen years, the Crown had sadly neglected its duty. Its rights were allowed to be encroached upon and their money value to be filched by parties residing in those districts. The Committee which sat last year came to certain Resolutions, but these Resolutions might be said to express the opinions of the Chairman only, for the Committee divided six to six on every Resolution, and, as Chairman, he was called to give the casting vote. The Government ought to take action in the matter, for since the Report of the Committee, enclosures had taken place and were taking place; and if things went on so, in two or three years the people would be entirely shut out of their favourite places of recreation and enjoyment. The Government should stop the sale of all forestal rights in that forest, or appoint a Commission of Inquiry, for he claimed an indefeasible right on the part of the public to the use and enjoyment of a great part of the forest.

THE CHANCELLOR OF THE EXCHEQUER said, that there was one proposition in respect to which they were all pretty much agreed, and that was, that the question was in a very unsatisfactory state; but he marvelled much that some hon. Gentlemen, the promoters of the Address of last year, should cast on the Government the responsibility for that unsatisfactory condition of the question, for he maintained that it was in a great degree owing to them and to the Address which they induced the House to adopt. The hon. Gentleman who had just sat down called on the Government to act on the recommendation of the minority of the Committee and against that of the majority. [Mr. Cox: Act on one or on the other, but act.] He wished the House to observe what the recommendation of the majority of the Committee was. They advised that the sanction of Parliament should be given to the enclosure of a main portion of the forest; that the rights of interested parties should be ascertained, and that provision should be made by these means and partly by purchase for securing a part of the forest for the recreation of the public. But where there was a purchase, there must be purchase money, and hon. Gentlemen had been very shy of that part of the question. Was the purchase money to come from the Consolidated Fund? The Government thought proper, from respect to a Resolution of that House, to discontinue the sale of forestal rights, but by so doing they inflicted injury on the *corpus* of the estate of the Crown, of which they were only the life tenants. The estate of the Crown was only in their hands for the life of the Sovereign, and it was the duty of the department of Woods and Forests to administer the estate as other landlords administered theirs—in an enlightened spirit, no doubt, but for the interest of those to whom the estate belonged. Now, it was not the duty of a landlord to reserve open spaces for the public. As for fresh air the people of London were not the only persons for whom that was good; and if the claim then made were admitted, the inhabitants of other parts of England, living in crowded houses and narrow streets, would be equally entitled to apply to the Consolidated Fund. Let hon. Members consider what enormous sums had been expended on the parks, and the grants of money which had been given during their own lifetime for the creation of new parks. That expenditure had been made with great liberality until the House began to consider that there must be some limit to the practice, and determined to provide other machinery, by which London, the most wealthy town in relation to its population, might be able to provide for its wants. The Metropolitan Board of Works was consequently constituted; and an Act was introduced to enable that Board to provide parks and places of recreation by means of rates. [Mr. Cox: This forest is beyond their jurisdiction.] It was beyond their jurisdiction for the purpose of levying rates, but not for the purpose of purchase and devoting the place to the enjoyment of the people. The consequence of the Government being prevented from selling forestal rights had been, that those who were desirous of getting the land occupied it without permission, and legal proceedings to dispossess them would only cause a further expense — and for what purpose? Not to make use of the land for the benefit of the proprietor, but for the purpose of keeping it open and unoccupied. The Committee reported that the employment of forestal rights as a means of obstructing enclosure was a course of doubtful justice, and might fail in securing the desired object; but the House, on the other hand, said, "Do not make a sale of forestal rights." He admitted that the question was in an embarrassing position, but he was not prepared to say that the Government were responsible for it, because they did their best to prevent the House coming to the Resolution which had been referred to. It was now said that a Commission should be appointed, but he did not think that the Government were ever justified in appointing a Commission to get rid of responsibility, and they ought not to appoint a Commission unless they were prepared to give instructions for a definite object. No doubt the ground was very much wanted. On that he quite agreed. But it was doubtful whether it was the duty of the Government to inquire what ground should be reserved. It came much more within the province of the Metropolitan Board, to which, under the sanction of law, the duty of providing recreation grounds for the recreation of the people of London belonged. The Government would not be justified in acting contrary to law, and in taking into its hands the function and duty which a statute had assigned to another body. He should be glad if any mode could be discovered for dealing with the question, but so long as the Metropolitan Board existed, it would not be the duty of the Government to find new places of recreation for the people of London, and even should the statute which constituted the board be repealed, it would not become the Government to provide out of the Consolidated Fund such places for the inhabitants of the metropolis until they had carefully considered whether they were prepared to act on the same principle in the case of other large towns.

Sir JOHN SHELLEY said, he thought that the right hon. Gentleman was incorrect in what he had said regarding the powers of the Metropolitan Board. That Board, he fully believed, had no authority under the Metropolis Local Management Act to buy any land beyond their jurisdiction for the recreation of the people. If the Metropolitan Board really had such a power, he would be the first to advocate their exercising it for the benefit of the public. He understood that all that was now desired of the Government was that they should simply prevent any encroachment upon the forest. Considering the miles of bricks and mortar that were constantly springing up in the metropolis, he did not think it was fair to turn round upon its inhabitants, who now paid for many things of which the country at large had the benefit, and accuse them of wanting to draw upon the Consolidated Fund for their own purposes.

Amendment, by leave, *withdrawn.*

MASTERS IN THE NAVY.

RESOLUTION.

SIR LAWRENCE PALK said, he rose to move that this House will, upon Tuesday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions for putting the Staff Captains, Commanders, and Masters of the Royal Navy upon an equality in pay, rank, and eligibility for receiving marks of distinction, with any other class of Officers in that Service. The duties of a Master in Her Majesty's Navy were only second to those of the captain or the commander of the vessel in which he acted, and he should be glad, if time permitted, to show the House how those officers entered the service, and how they were treated in comparison with other officers who entered at the same time. The Masters entered as second-class cadets, and they served six years as Masters' assistants before they become eligible for the position of Master. Entering the service at the age of fifteen they would be twenty-one before being eligible for second Masters, while the cadet at nineteen was eligible for a lieutenant. True, at the commencement they received as Masters' assistants more pay than the first class naval cadets; but as the latter gained more rapid promotion, their pay quickly exceeded that of the Master, though the expenses and the mess were the same. The Master began with a sense of inferiority which stuck to him through life, and marred his hopes of fame and rank. The Master, having served twenty-five years, would obtain the nominal rank of staff commander, and be in receipt of £1 per diem. The lieutenant who had served from seven to nine years would have gained his promotion as commander, and in nine years' service, according to the new scheme—from which the Masters were to derive no benefit whatever—the lieutenant would be in receipt of £1 per diem. Five years more would make the lieutenant a post-captain, when he would receive from £400 to £800 a year, besides command money. The staff commander, having served a greater length of time, would receive only £365 per annum. He next came to a comparison of the pay in the dockyards. The Master attendant received £480, the Master shipwright £650, the assistant Master attendant £380, the chief engineer £650, and the storekeeper £600. In the victualling yards at Deptford the Master attendant of the two establishments received £480, and the storekeeper of the dockyard and victualling yard £1,200. The noble Lord (Lord C. Paget) had said that the Masters had never made any demand for increased pay, and that their demand was entirely limited to rank, which had been granted them. Neither of those statements could be maintained. A memorial was presented in December, 1860, from the Masters, in the last paragraph of which they said—

> "It would be satisfactory to the class of Masters generally if they were placed, with regard to relative rank, pay, pensions, and social position, on the same footing as that now held by medical officers, of whom they have always had the precedence since the Order in Council of the 28th of March, 1808."

It was admitted by all naval men that the Masters formed a most intelligent, most trustworthy, and most valuable class of officers. For years they had been complaining of the treatment to which they were subjected in respect to pay, promotion, and rewards for distinguished services. In 1862, in consequence of representations made to the Admiralty, a Committee was appointed to consider their grievances. That Committee consisted of Rear Admiral Elliot, Captain Goldsmith, Captain Washington, and one Master. The report of those gentlemen, for some reason or other, though moved for, had never been presented to the House. It bore strong testimony to the efficiency of the Masters, recommending that they should be retained as navigators and pilots, but that their position should be improved. Among other things the Committee proposed that the grievances of the Masters should be removed with respect to widows' pensions, compassionate allowances, and prize money; that their designations should be altered, and that they should be rewarded like other officers for distinguished services. Some of those recommendations had been adopted, but the greater part had never been carried out; and with regard to distinguished rewards, especially, the Masters at the present moment were in no better position than formerly. At that moment a staff commander of thirty-four years' service and of twenty-two years' standing, with a separate command, was junior to a junior lieutenant, and if a boy of nineteen who had the rank of lieutenant came in contact with the Master of Her Majesty's yacht, *Osborne*, who was one of the most distinguished officers in the service, that Master must wait upon him as his superior officer. The Masters had not been raised in point of rank, nor had they up to that time been permitted to share in rewards granted for distinguished services, though some of their number had been highly praised for their conduct in the Crimea and at Kagosima. After the attack on Sebastopol, on October 17, 1854, all the post-captains present were made C.B.'s, the commanders were posted, and a lieutenant commanding a ship was made a commander; but there were no such rewards for the Masters. Admiral Kuper acknowledged how much he was indebted to the Master of his flag-ship, Mr. W. H. Parker, for a survey which he made of the bay before the action at Kagosima; but there, again, there was no reward. As he understood the noble Lord the other night, he said that the Masters enjoyed the full social rank to which they were entitled. That might be so nominally, but in reality the Masters ranked socially below the lowest officer of the ship. He should like to see the Masters placed in the same position as the engineers of the army, that was to say, placed in a superior and not in an inferior position. He thought they were entitled to such position by the importance of the duties they had to discharge.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Tuesday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions for putting the Staff Captains, Commanders, and Masters of the Royal Navy upon an equality in pay, rank, and eligibility for receiving marks of distinction, with any other class of Officers in that Service,"—(*Sir Lawrence Palk,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir JOHN PAKINGTON said, that before the noble Lord rose to address them he wished to say a few words, although he did not mean to enter into the Question raised by his hon. Friend behind him. He would say only that the Masters were officers of great merit, and ought to be adequately requited for their services. The subject, however, suggested a question of a wider and more comprehensive character. It was well known that for many years the officers of the Royal Navy had had reason to complain of insufficient pay. He had himself repeatedly adverted to the fact that captains were sometimes obliged to decline commands from inability to make their income meet the expenses involved. The Admiralty had, with the best intentions, introduced a supplementary estimate to increase the pay of certain classes of officers; but he believed that their proposals were not satisfactory even to the officers concerned, while there were several classes which were not touched at all. His noble Friend the Secretary to the Admiralty had adopted generally rather an apologetic tone in speaking of that estimate, and had pleaded the limited fund at his disposal as a reason for not doing more. He could not, of course, blame the Chancellor of the Exchequer for reasonable vigilance as to the finances of the country; but, considering the growing wealth and prosperity of the nation, which the right hon. Gentleman had himself so eloquently described, he thought there was no excuse for committing any injustice on the ground of necessary economy. He submitted that the time had come when the matter should be dealt with in a broader and more liberal manner than had been done in the supplementary estimate; and he would therefore beg to ask the noble Lord whether the Admiralty would, as a preliminary step, consent to a Royal Commission on the pay of the Navy?

Colonel EDWARDS thought he was only doing his duty in advocating the claims of a body of men who deserved the best consideration of the House of Commons. As to the captains on the reserved list, when he referred to them the other night, the noble Lord the Secretary to the Admiralty seemed to ignore their existence. One hundred of those captains, as the noble Lord was well aware, were originally placed on the reserved list upon the distinct understanding that they should enjoy the same advantages prospectively as those who were placed on the active list. He had that day received a statement from a post-captain in the Royal Navy who had been placed on the reserved list, in which he stated that the class he represented were at a loss to know what Lord

C. Paget meant by saying that a "boon" had been granted to those officers, to which body he unfortunately belonged. The noble Lord must have alluded to a different class. The captains on the reserved list had received no "boon;" on the contrary, their claims had always been pooh-poohed by the Admiralty, and they were told by the Duke of Somerset that they had "obtained advantages they could not possibly have expected when they entered the service!" They expected justice, and were distinctly assured by the Order in Council under which they were promoted, that their claims should be "equitably met." They now complain of a breach of faith, as their claims are by no means "equitably met," (that is equally with other officers, fairly and impartially). Many reserved captains had served twenty, thirty, and thirty-five years in active service, on the most unhealthy stations, and in all parts of the world—in general actions and numerous engagements, wounded, health impaired by sickness, and arduous service for their country. These men were kept on a miserable pittance, whilst there were admirals on 25*s.* per diem who had only served twelve or thirteen years on active service, and that of no particularly severe nature, but principally in the Mediterranean and other healthy stations. He (Colonel Edwards) maintained that this was an instance in which men belonging to Her Majesty's Navy—a most gallant and meritorious class of officers—had been treated very unfairly, and he could not conceive why the noble Lord, who professed to be such an ardent friend and supporter of the just claims of the officers of his own profession, could ignore the fact of their very existence in face of the House of Commons, being well aware that he (Colonel Edwards) had, four years in succession, in debates which had arisen in the House, advocated their claims, and, on more than one occasion, close divisions had been taken. He trusted the hon. Baronet would, on some future and early occasion, include the captains on the reserved list in his category, and that the just claims of this class of officers would be fairly and equitably considered.

Mr. C. P. BERKELEY observed, that the Committee which sat last year examined no Master nor Commander, and no evidence was taken about their position except incidentally. As to the retired captains, he thought their case had been pretty fully inquired into by the Committee of last year, and the result of the inquiry had not disturbed the opinion which he had expressed two years ago—that they had not a leg to stand upon. No boon had been granted to them since that, except the boon of a good grievance, which had been granted to them a few nights ago. The only boon granted to them previously was that conferred by the Order of 1861, which enabled them to get additional pay according to service. One officer who had been examined said that boon only amounted to about 3*d.* a day, and he never knew why that had been given to him, and he thought it must be a mistake. The Committee could not allude to the grievances of the Masters and Commanders. There were fifty or fifty-five classes of officers on the active list, and as to scales of pay he believed there were not less than one hundred of them. He therefore considered that the proposal of the right hon. Gentleman was worthy of attention.

Sir WILLIAM MILES joined his hearty wish to that expressed by his hon. Friend near him, that the Secretary of the Admiralty would consider the case of the Staff Masters. He had had the honour of sitting upon the Committee, and he conceived that there was no class of officers in the Royal Navy whose case deserved greater consideration than that of the Staff Masters. He believed that if England were polled as to this question, there would be a unanimous opinion expressed that their position ought to be improved. He thought that the claims of all the other officers of the navy should be likewise considered.

Mr. AYRTON said, he trusted that the Government would not readily accede to the request which had been made, and by handing over its functions to a Commission, entail upon the public a great increase in the expenditure. As a Member of the Committee, he had hoped that their well-considered Report would have put an end to much of what they had heard that night. If the inducements at present held out were not sufficient to induce officers to enter the navy—which he did not believe to be the case—he hoped his noble Friend the Secretary of the Admiralty would state so.

Mr. Alderman ROSE said, he hoped that the House would always listen to any class which came before them with a well-founded grievance. It had been clearly shown that the only memebrs of a very difficult and dangerous service, who had not been recognized or received any increase of pay or decoration were the Masters in the navy. As he had a great many of that class amongst his constituents he felt that he was justified in raising his voice in their favour. The right hon. Baronet had proved a strong case for the whole subject being taken into consideration, and he thought the House would not be doing its duty if they did not entertain it.

Mr. THOMSON HANKEY said, he would admit that the House was a court of last appeal for grievances; but he must protest against taking out of the hands of the executive Government the exercise of their proper functions. If the House undertook to remedy all the grievances which ought to be remedied by the responsible Officers of the Crown, it would get itself into considerable difficulties. The case before them was very like that of the Custom House Officers seeking for additional pay. He had received many applications on the subject, but he had invariably said that he did not think it his duty to interfere with the Officers of the Crown on such matters. The duty of the House of Commons was to check the expenditure, not to increase it.

Mr. FERRAND said, he wished to know what the officers of the army and navy were to do, if, having brought a grievance before the Executive and obtained no remedy, they were to be precluded from appealing to the House of Commons. Would the hon. Member have them strike, as the Chancellor of the Exchequer had recommended working men to do the other night?

The CHANCELLOR of the EXCHEQUER: I beg the hon. Gentleman's pardon. If he makes such an assertion as that, will he have the goodness to prove it?

Mr. FERRAND said, he certainly understood the right hon. Gentleman to justify strikes.

The CHANCELLOR of the EXCHEQUER: "Recommend strikes" was the expression I called on the hon. Gentleman to prove.

Mr. FERRAND said, he would withdraw the word "recommend," but he certainly understood the right hon. Gentleman to justify strikes. In all such cases as that before them the ultimate court of appeal must be that House.

Lord CLARENCE PAGET said, he was not in a position to answer the Question of the right hon. Member for Droitwich, whether the Government were prepared to recommend a Royal Commission on the subject; but he had no hesitation in saying that it was a most unfortunate thing for the navy that Motions devoted to the cases of individual classes of officers should be brought forward in the manner they had been of late years. The Masters did complain of their position, in the shape of a memorial to the Admiralty, and he certainly quite admitted that they had reason to do so. Considering the responsible duties they had to perform, their position had not been commensurate with their merits. When the complaint was made, the Admiralty appointed a Committee to consider their case, and the Masters came before it to state their grievance. A few of them complained of their pay; but the grievance of the great majority of them was in reference to their position as regards rank in the navy. They complained that in the colonies and in garrison towns they were not always entitled to be considered gentlemen by their rank. The Committee took into consideration the propriety of abolishing the rank of Master altogether, and that was a question on which distinguished officers who gave evidence differed; and the Committee reported that it was not advisable to abolish the class, but recommended, after a certain length of service, to grant them additional rank. Another grievance was, that their widows' pensions were not sufficient, and they were increased. There were other additional claims which they made; for instance, they asked for some out-pensions at Greenwich Hospital. The Committee recommended that it should be granted, and the Admiralty were glad to do it. He knew it was a sore point with the Masters that on the quarter-deck they ranked below the junior lieutenants, but he submitted that there were important reasons connected with discipline which rendered that necessary, and that it was not the sort of question which could be decided in the House of Commons. It was a matter that should be left to the Crown. With regard to the question of their pay, as compared with that of paymasters, he might observe that the paymasters, having no opportunity of rising to the higher branches of the service, expected that some difference should be made in their favour. Besides, they laboured under the disadvantage that they had had their pay reduced. The paymaster in former days received very large perquisites, and when those perquisites were taken away they had a fixed pay granted to them much higher than that of the Masters. Then, taking the case of surgeons, it must be borne in mind that they were young men who had to go through a very expensive education at their own cost, the fact being too that, while there was great difficulty in getting surgeons for the navy, no difficulty was experienced in getting Masters. Again, turning to the executive branch of the navy, it would be found that the pay of the junior Masters was the same as that of the junior lieutenants. The Masters rose by gradations to a pay of £273 15*s.* a year, not in command. The highest pay which a lieutenant would receive under the new scheme was £269 a year, when in command; while a Master in command got 2*s.* a day additional, so that he was better paid than the lieutenant. Staff commanders ranked with commanders, and their lowest rate of full pay was £273 15*s.*, and the lowest pay of commanders was £365; staff commanders not in command rose to £365; and commanders in command rose to £433; a staff commander when in command of a ship got £36 10*s.* extra, which brought him up nearly to the pay of commanders. He contended there was no cause of grievance between the two ranks in regard to pay. The Masters had also an allowance, when in charge of stores, of from £38 to £73 per year. There was no such pay as £1,200 per annum for the Master attendants of the dockyards; all they got was £600 per annum. [SIR LAWRENCE PALK: Some of them hold double appointments.] That was a mistake. And what had been done for the Masters at various times in the way of half-pay? In 1855, the rate of half-pay, which up to that time was only 7*s.*, was raised to 13*s.*, and in 1860 to 15*s.* 6*d.* That being so, he confidently appealed to the House to say whether those officers were badly treated. There was, he admitted, no more useful branch of the service than the Masters, but he regretted for their sakes that they should have brought such a grievance as that of which they complained under the notice of the House. The Admiralty was, of course, always ready to listen to any respectful complaints from them or any other officers, and if compliance with their requests was refused, it was only because it was due to the public to resist the constant appeals for increase of pay which were made.

SIR JAMES ELPHINSTONE said, that as the prices of provisions and almost every necessary of life had risen 35 per cent, it was not to be expected that officers would be content to remain contented on the present wretched and miserable pittance they received. He could assure the noble Lord that the matter would be persisted in until justice was done to the service. It would not do for the Chancellor of the Exchequer to come to that House and explain to the working men how to strike when they wanted more wages, and then to tell those officers, who were justly disgusted at their present position, that they were not to come in a constitutional manner and lay their grievances before that House. He, therefore, called upon the Government to grant the Royal Commission, and he assured them that until it was granted the Motion would be persevered in. The supplementary estimate for the increase of pay to the navy which the noble Lord the Secretary for the Admiralty laid upon the table a few nights ago was, he added, a most fallacious document, inasmuch as it fixed a rate of pay for certain officers as belonging to a class which had in reality no individual existence. The pay of the officers of the different classes was entirely insufficient; they were, in fact, in a worse position pecuniarily than they were fifty years ago. The pensions to their widows were too small, and warrant officers were not allowed to marry after fifty—that was, their widows did not receive pensions if they married after that age—while other officers were allowed to marry until they were sixty. They had also grievances as to wounds and retirement, the regulations as to the latter being most unsatisfactory. Warrant officers were not entitled to become officers of the Coastguard, and they could only get into Greenwich Hospital by laying aside their pensions and entering as petty officers or seamen. The seniors obtained no promotion for war service, and the boatswains felt it a degradation to be obliged to inflict corporal punishment, which he quite agreed with them ought to be administered by the police of the ship. He hoped that after these statements the noble Lord would not again say that there was no case for the appointment of a Royal Commission. If the right hon. Gentleman the Member for Droitwich did not move for such a Commission to investigate the subject of the pay of the navy, he would himself do so.

THE CHANCELLOR OF THE EXCHEQUER said that he could conceive nothing more tending to confuse the order of debate than the course which had been taken by the hon. Baronet, who, upon a motion referring to the special case of certain officers of the navy, without notice, and without his noble Friend being able to make any reply, had made a speech upon what he called the general grievances of the officers of the navy. He believed that the character of the British navy was such that it would withstand almost any unfavourable influence, but that character was severely tried by speeches such as that to which the House had just listened. After the hon. Baronet's animadversions upon the speeches of his hon. Friends the hon. Members for Peterborough and the Tower Hamlets, he felt bound on the part of the Government to thank those hon. Members for the constitutional doctrines which they had laid down as to the impropriety of referring to commissions subjects which were connected with the elementary duties of the Executive Government, and with its relations with Parliament. The hon. Baronet had threatened the Government that by tenacity and incessant recurrence to the Question he would force a compliance with his demands. In answer he had to say that while he trusted that the Government would, upon every occasion, give their careful attention to every question connected either with the army or the navy, or any other department of the State, they would not be driven by this menaced and pertinacious agitation, if he might call it so, to move one single step in advance of what they believed to be their duty alike to the Crown, to the country, and to the navy itself. The hon. Baronet had said that provisions had risen 25 per cent. He was astounded to hear that statement. [Sir JAMES ELPHINSTONE: Meat.] The hon. Baronet fell back upon the single article of meat; but if meat had risen in price, locomotion, clothes, books, and almost all commodities purchased by gentlemen of moderate fortunes, were much cheaper than they were thirty years ago. It was not for him to prescribe the limits within which hon. Members should exercise their functions. It was of course in their power to do that which they would do whether he liked it or not, to make continual endeavours to augment the demands upon the public purse. There was no doubt that the primary duty of Members of the House of Commons was to check the Government in its propositions for the public expenditure, but he believed that he was making a moderate estimate when he said that, during the whole of the present Parliament, which was now approaching the term of its natural expiration, for every hour which had been spent in an attempt to check or restrain any proposal of the Government for increasing the public expenditure, ten hours, twenty hours, or perhaps more than that, had been consumed by Members, and he must say nine-tenths of them by Members opposite, in endeavouring to force the Government to increase the public expenditure. With respect to the general question, the hon. Member (Mr. Ayrton) had remarked that while all these grievances were pleaded, he was not aware that there had been any difficulty in providing the navy with a supply of efficient officers. That, indeed, was rather a material point in the case. He had no wish to disparage the services rendered by naval officers; on the contrary, he bore cheerful testimony to their general efficiency and to the honourable and zealous services which they rendered. But they were bound to treat the members of that service on principles of justice, and principles of justice required that they should receive a fair and reasonable remuneration, the test of which in the public service generally was the willingness of competent persons to accept this remuneration in respect of the duties they performed. Ten or twelve years ago, when Sir James Graham was First Lord of the Admiralty and he was Chancellor of the Exchequer, an increase took place in the pay of the men of the navy. But the First Lord founded that proposed increase upon a sound and legitimate basis—namely, that a difficulty was found in procuring a sufficient number of well qualified seamen for the public service. But what was the case with regard to officers? An hon. Member might go to the Duke of Somerset and ask to have his son put down on the list for a cadetship; and he might add, "As the pay given is so miserable, and the prospects are so inadequate, your Grace will have no difficulty in giving my son this nomination." But the Duke of Somerset might reply, "Sir, you appear to me like a man who has lived among the stars or in some foreign country. So far from finding a difficulty in procuring cadets, I have the greatest difficulty in meeting the demands for cadetships. I have lists of applicants that I cannot exhaust, and numbers of persons to whom I am compelled to refuse a place upon my list."

There was, in fact, a pressure and a rush for these appointments which the hon. Gentleman seemed to think were the subject of such great and general grievance; and the same might be said of every branch of the service with one exception—the surgeons. The question, which the hon. Gentleman seemed to think had only one side, had really two sides. Other people had their grievances besides naval officers. It was not a Eutopian world, a paradise in which it was possible to deal out benefits and blessings all round *ad libitum.* It was a hard-working world, in which the mass of human beings found it difficult to live. He had to remember the taxpayers; and how was he to look in the face of the poor Irish peasant, and say to him, "Let us augment the pay of all classes of public servants?" For other public servants were in just the same case. The Post Office, the Customs, the Inland Revenue Department, the Colonial Governors raised one continued cry for increased emoluments along with naval officers. On the other hand, he received every day applications from persons who prayed for exemption from taxes, and told piteous stories of poverty; but it was his duty to say in all these cases, "The law must take its course." Such was the taxpaying side of the question. If there had been a contract between the public and the naval officers the public had faithfully fulfilled its contract, and, indeed, had more than fulfilled it. And while the House was enjoining, on the one hand, thrift and economy in the public service, it would be a mockery, on the other hand, to pass Resolutions such as that before them, the result of which would be to bring about a very large addition to the expenditure.

Mr. CORRY said, he hoped that if a Royal Commission was not appointed, the question would at least receive the reconsideration of the Admiralty. He contended that the captains of the *Warrior* and of armour-plated ships of that kind ought to receive as large an allowance as the captains of a line-of-battle ship. The lieutenants, too, ought to receive pay in a fairer proportion to their length of service.

Sir JOHN HAY said, he was sorry that the opinion of the Chancellor of the Exchequer should be supposed to represent that of Her Majesty's Government on the subject. The House had been told that officers ought to strike, but the only way in which they could strike was by declining to serve, as many of them had done. The right hon. Gentleman had taunted that side of the House with being always ready to urge a high expenditure, but the taunt came with a very ill grace from a Government which had been for several years spending £70,000,000 a year of the public money in all sorts of wasteful and ill-considered projects.

Mr. HENNESSY said, he must remind the House that the present Government had been described by the hon. Member for Rochdale as the most wasteful and profligate Government in regard to expenditure that ever sat on the Treasury Bench. The Chancellor of the Exchequer was willing to expend half a million in the purchase of the Exhibition Building, and was a Member of the Government that had flung away thousands of pounds into the sea at Alderney. The fact was, that while the Government underpaid the men in the Royal Navy they were wasting the public money in useless fortifications at home and docks at Malta. And yet the Chancellor of the Exchequer ventured to read that side of the House a lecture on their extravagance.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

SUPPLY.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

ACCIDENTS' COMPENSATION ACT AMENDMENT BILL.

On Motion of Mr. Ferrand, Bill to amend the Act ninth and tenth Victoria, chapter ninety-three, for compensating the families of persons killed by Accidents, *ordered* to be brought in by Mr. Ferrand and Colonel Edwards.

House adjourned at Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 6, 1864.

MINUTES.]—Public Bills—*First Reading*—Banking Co-Partnerships* (No. 113); College of Physicians* (No. 114).

Second Reading—Public Schools [h.l.]* (No. 30).

Report—Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87).

Third Reading—Divorce and Matrimonial Causes (Amendment) [h.l.]* (No. 103), and *passed.*

ARTILLERY PRACTICE IN PLYMOUTH SOUND.—QUESTION.

THE DUKE OF MARLBOROUGH wished to put a Question to the noble Earl the Secretary for War on a subject of some importance as regarded the lives of Her Majesty's subjects. A few days ago a waterman, named George M'Cay, had been employed to convey an officer of H.M.S. *Warrior* to that vessel, and on his return his boat was struck by an 8-inch shell fired from the citadel, where firing practice was going on at the time. The result was that M'Cay himself was killed; the boat was upset, and another man who was with the poor waterman nearly lost his life also. This practice from the citadel had for a long time been a great inconvenience to the inhabitants of Plymouth and its neighbourhood. In some cases its consequences were ludicrous, while in others, such as that which he had just stated to their Lordships, they had been fatal. On one occasion a Dutch Admiral was on his way across the Sound to pay his respects to the authorities of the port, when his boat was surrounded by a shower of missiles. The gallant officer at once hoisted a flag of truce, and despatched a boat to inquire whether war had broken out between the two countries, that he had been assailed in that way. The case of M'Cay was not an isolated one, and there were several persons at Plymouth who had received compensation for damage done to their boats. The defence set up in the more recent case was not sufficient to justify the continuance of the practice. Captain Henry said that the firing was right, but that the shells sometimes went to the right or the left out of their proper course when there was a ripple on the water. In this case the boat was not within the line of fire, but then the accident had been caused by the deflection of the shell from its proper course; but, as a similar occurrence might take place again, he submitted to the noble Earl the practice was a dangerous one. He knew it to be so from personal experience, a shell having fallen on one occasion within fifty yards of a boat in which he was seated. He wished to know the opinion of the Government on the subject.

EARL DE GREY AND RIPON said, that unhappily the fact stated by his noble Friend was but too true. The unfortunate man had certainly lost his life in consequence of a shell fired from the citadel at Plymouth. But it was due to the officer commanding the firing party to state that he had ordered the line of practice to be cleared upwards of two hours before the firing was commenced; and that the shell which killed the poor man had deflected almost at right angles, and ricochetted several times before it struck the boat. He had further to observe that the shell was not a charged shell, but had merely a bursting charge. At the same time the liability of those missiles to deflect, and the fact that such a lamentable accident had taken place, clearly showed that the matter was one deserving the most serious consideration of the Government; and on hearing of the accident he at once gave directions, which had, in fact, been anticipated by the General commanding at Plymouth, that while the matter was under consideration, firing from the citadel should be discontinued. It was not easy to find places for firing practice, but he need not say that no consideration of inconvenience would weigh on the minds of the War Department as against the probable recurrence of such a melancholy accident.

THE EARL OF MALMESBURY said, he was very glad to hear the answer of the noble Earl; because last summer he had been an eyewitness of the danger arising from the practice from the citadel. It had been blowing a gale the day before, the Sound was full of yachts and fishing boats, the shot was falling around them, and one shot fell not more than twenty yards astern of his own yacht.

THE EARL OF DONOUGHMORE suggested that a general measure should be introduced, empowering officers superintending firing practice from forts to remove vessels out of the line of fire.

EARL DE GREY AND RIPON said, he was afraid that he should not be able to introduce such a measure. It was due to the officer in command at the time the accident took place that he should express his opinion that no blame was to be attributed to him.

SIR ROWLAND HILL.

Message from THE QUEEN, *delivered* by The Lord President, and read by The Lord Chancellor, as follows:—

"VICTORIA R.

"Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important Improvements in Postal Administration, and being desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon him, recommends it to the House of Lords to concur in enabling Her Majesty to grant Sir Rowland Hill the Sum of £20,000."

Ordered, That the said Message be taken into consideration on *Friday* next; and the Lords summoned.

THE COUNTESS OF ELGIN AND KINCARDINE.

Message from The Queen, *delivered* by The Lord President, and read by The Lord Chancellor, as follows:—

"Victoria R.

"Her Majesty, taking into consideration the distinguished Services performed throughout a long Series of Years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, and being desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon his Widow Mary Louisa, Countess of Elgin and Kincardine, recommends it to the House of Lords to concur in enabling Her Majesty to make Provision for securing to the Countess of Elgin a Pension of £1,000 per Annum for the Term of her natural Life."

Ordered, That the said Message be taken into consideration on *Friday* next; and the Lords summoned.

REV. FORTESCUE ANDERSON.

MOTION FOR CORRESPONDENCE.

Lord CAMPBELL said: My Lords, the Correspondence for which I am about to move, according to the notice on the paper, relates to the imprisonment in Grodno of the Rev. Fortescue Anderson, a graduate of the University of Oxford, and son of the English chaplain at Bonn, who was formerly well known as a preacher in this country. Neither the individual nor the facts would suffice perhaps to merit the attention of the House, unless the case tended to throw light upon a question of more general importance. It has been conspicuously and frequently asserted that when injury to British subjects has arisen, our system has been to domineer over the minor States, and truckle to the powerful communities with which we are brought into relation. Of this tendency to safe attack and to dishonouring submission, instances are given in what has passed between Great Britain and Greece, Japan, Brazil, upon the one hand, and the United States upon the other. Whatever be the truth, the Correspondence which I ask for will illustrate the manner in which the Foreign Office is disposed to guard British subjects against any wrongs which Russian authorities may perpetrate upon them.

My Lords, the facts are brief and easy to present. Mr. Anderson had formed at Bonn, where as I have said his father was the English chaplain, an intimate acquaintance with Count Alexander Bisping, a Lithuanian nobleman, who studied in the University of Bonn, and to whom Mr. Anderson had given instructions in the English language. The count, reaching his majority, and being an orphan, resolved to visit his large estates in Lithuania; and in February, 1863, urged Mr. Anderson to accompany him. Mr. Anderson consented on reflecting that Count Bisping belonged to that class of Polish landowners who disapproved the insurrection as unfortunate, or useless, or ill-timed, however dear to them the objects it pursued, however odious and intolerable the misgovernment which led to it. On February the 26th the two left Bonn for Berlin, where their passports were duly *visêd* at the British and Russian Embassies, and went on by Konigsberg, by Wilna, and to Grodno, an important town of Lithuania, which stands on the direct route from Warsaw to St. Petersburg. Between March and September they visited the farms and country houses of Count Alexander Bisping, which were scattered in the neighbourhood. They never mixed with the insurgents. At Konigsberg, Count Alexander, so guarded was his conduct, sent away to Bonn the firearms he had with him. Mr. Anderson, in the beginning of September, determined to go back to his father. He was to make one more expedition with the count from Grodno to a farm not very distant. It was on leaving Grodno for this purpose that the circumstances happened which brought his name before the Foreign Office and the public. Up to that moment he had been the guest and the companion of a nobleman who did not join the civil war. And at that moment, so far from being dangerous to the Czar, he was on the point of quitting his dominions. The travellers produced their passports at the barrier of Grodno. They were detained, stripped, examined, driven to the prison of the town, brought before the governor, handed into dungeons without a reason being assigned for the proceeding. The cell of Mr. Anderson was in so revolting a condition that it would be indecent to describe it to the House. He passed the night in the midst of vermin, with scarcely any food, and in an atmosphere by which his health was sensibly affected. The next morning at eleven he was brought before a military court, which sat upon supposed abettors of the Polish movement. The most ridiculous pretences were made to justify his capture. An air-gun was produced which had been found in his portmanteau. But even this important proof of making war upon the Czar was afterwards rejected by his judges. Scythes were then exhibited which had been taken by some Cossacks from a farm of Count Bisping to support the accusation. But no charge could be attached to Mr. Anderson about them. After that, his papers having been seized, they came upon his sermons; and although a Jew supposed to be familiar with the English tongue was ordered to interpret them, even this unfavourable commentator could find nothing revolutionary in them. The tribunal seemed to be convinced without a practical experiment that these discourses were entirely consistent with, if not essentially conducive to, the strict repose of those who listened to or studied them. After that the correspondence of his father was explored; and hostile inferences drawn from the occurrence of the phrase "unhappy Poland," and the expression of a fear as to the safety of Mr. Anderson among the Russians. At last, baffled in every attempt to fix criminality upon him, the commissioners, instead of giving him his freedom, again consigned him to the dungeon he had quitted. But more—and here is found the aggravation of their conduct—they declined in a peremptory manner to let him communicate with the British representatives at Warsaw or St. Petersburg. A subject of Her Majesty and priest in the Established Church of which she is the head, after his accusers were exposed and his innocence established, was recklessly imprisoned and deprived of all means to establish his identity, to vindicate his rights, or to invoke the power and protection of the State which he belonged to. Remote from every aid, in solitude and helplessness, he saw before him the gloomy vista with which prisoners in Russian Poland are familiar. The House may recollect three instances in which British subjects have been thrown into prison, but in which no such extremity as marks the present case was hazarded. Mr. Shaver, the Canadian, of whom your Lordships heard so much in 1862, was detained by the United States; but he addressed two letters to Lord Napier, one from Fort Warren, one from Fort La Fayette. Captain M'Donald, when seized upon a Russian railway, communicated from the scene of his confinement with the noble Lord the Foreign Secretary. The three naval officers arrested in Brazil were not denied the means of writing to the British Consul in a manner which brought about the speedy restoration of their freedom. For the conduct of the Russian authorities to Mr. Anderson, I doubt very much if any precedent is likely to suggest itself. My Lords, there is little more to add, and I shall not detain the House from other business on the paper. Better fortune was in store for Mr. Anderson. Not many hours after his arrest three English travellers, Mr. Clark, the Public Orator of the University of Cambridge, Mr. Birkbeck, who also holds a distinguished office in that learned body, and another gentleman, arrived at Grodno on their road to Wilna. They heard of the imprisonment directly from a source which they are still too considerate and too guarded to divulge. On Thursday, September 10, after various discouragements and many oscillations from one public office to another, they at length succeeded by the golden key which opens doors in Russia, in gaining access to the governor. The governor, although profuse in courtesy, declined to listen to them on the subject which they came to press upon him. It became quite clear to him, however, that the arrest of Mr. Anderson would no longer be concealed from our representatives or from our Foreign Office. The authorities retired from a game which the arrival of the three travellers had turned into a hopeless one. On Friday they saw Mr. Anderson. He was no longer kept a prisoner. After weeks of tedious correspondence between Lord Napier at St. Petersburg, and the authorities at Grodno, his freedom was regained. No doubt the highest credit is due to the exertions of the Public Orator and his companions; no doubt their exertions were successful. And it is not denied that Lord Napier backed them to the utmost of his power. But this in no way affects the outrage upon public law of which the Russians became guilty, when they denied to Mr. Anderson the means of correspondence with St. Petersburg or elsewhere. And it is no defence of this outrage that it ceased as soon as it became impossible to persevere in it. Nor does the final rescue of Mr. Anderson from prison affect the insecurity to which British travellers are liable by the proceedings first taken against him. The arrival of the Public Orator and his companions was wholly accidental, they might have pursued their journey without stopping at Grodno. It was accidental that they heard of Mr. Anderson's imprisonment. It was accidental that they had the time, the disposition, and the power to be useful to him. The functions of the Public Orator — as some of your Lordships know who have lately witnessed his performances— are too absorbing in their character to permit of his frequently arriving in distant parts of Europe. the moment British subjects have been lawlessly detained. The wrong, therefore, and the insecurity resulting from it, are not affected by his happy interference in the case of Mr. Anderson. And it becomes material to ask in what manner it was brought under the notice of the Ministers at St. Petersburg; what language was employed, and what reparation was demanded?

The Correspondence may be useful also in making our public hesitate before they move too far towards alliance with a country which is ready to trample on international and British rights, so long as darkness shelters it in doing so.

The noble Lord then moved for an Address for

> "Copies or Extracts of any Correspondence which has taken place between Her Majesty's Government and the Cabinet of St. Petersburg on the Imprisonment in Grodno of the Reverend Fortescue Anderson, a British Subject,* during the Autumn of 1863; also, Copies of any Correspondence which has taken place between Her Majesty's Government and the Reverend Fortescue Anderson on his Imprisonment."

Earl RUSSELL said, the case which the noble Lord had brought before the House was of a very simple character. It happened that in September, 1863, the Rev. Mr. Anderson went to visit a Polish proprietor near Grodno, at which time the country was in a state of insurrection. Two persons went before the Russian authorities and accused Mr. Anderson of furnishing arms and ammunition to the insurgents. Mr. Anderson was arrested; and when Lord Napier made inquiries upon the subject he was informed that the Russian authorities had examined into the case, and that finding no evidence against Mr. Anderson he had been liberated upon condition of leaving Russia. Afterwards a telegraphic message was sent from this country to procure Mr. Anderson's liberation, but before it was received the gentleman had been set free. Mr. Anderson then went to Bonn, and addressed a representation to the Foreign Office, claiming a pecuniary compensation. The matter was referred to the Queen's Advocate, upon whose report the Government declined to interfere in the case. Mr. Anderson, it seemed, had gone, for his pleasure merely, into a country that was in a state of insurrection, and that was a circumstance which naturally exposed him to suspicion; and the circumstances of his case did not present any grounds upon which an application could be made by the British Government to the Government of Russia. With respect to the papers, he did not see that any good purpose would be served by their production, and therefore he should decline to produce them.

Viscount STRATFORD de REDCLIFFE made some remarks which were not heard.

Earl RUSSELL said, the case would have been different if the gentleman who was arrested had been in the country upon commercial business; but that was not so in this case.

Lord CAMPBELL said, in reply, that unless the Correspondence, or part of it, was given, an unfavourable inference would be drawn as to the conduct of the Government.

Earl RUSSELL said, he should not produce the papers unless he was pressed to do so; but if he produced any he should produce all.

Motion *agreed to.*

CROWDED STATE OF PARK LANE.

OBSERVATIONS.

The Earl of LUCAN rose to call the attention of the Government to the great public Inconvenience occasioned by the overcrowded State of Park Lane, and to the pressing Necessity of partially opening Hamilton Place for public Traffic. The noble Earl said that the state of Park Lane was too well known to make it necessary for him to dilate upon the inconvenience and danger arising from the obstructions that constantly took place there. Park Lane was a narrow, crooked thoroughfare, carrying the greatest amount of traffic through the narrowest space of any in

London. He would remind their Lordships that until Kensington was reached, it was the only communication between the north-west and south-west of the metropolis. The extensive districts of Tyburnia, Paddington, Belgravia, Brompton, Pimlico, and Kensington had no other mode of intercommunication but Park Lane; and their Lordships must bear in mind that the great railways—the Great Western, the North Western, and the Great Northern—must communicate with the Victoria station and the South Western station by Park Lane, and consequently during the greater part of the twenty-four hours there was a constant stream of vehicles passing through it—drays, waggons and carts, cabs and gentlemen's carriages. There was a part of the street where, for the distance of 150 yards, the breadth of the carriage way from kerb stone to kerb stone was only 18 feet 6 inches. There had been constant complaints in the House of Commons of the accidents that were always occurring in this street, and it had been found necessary to station two policemen at the end of Park Lane. In this very narrow part of the street there were two public houses, which seemed to be extremely popular, for whenever he passed, he saw gentlemen's carriages standing in front; and near them was a corn chandler's, where carts seemed to be always loading and unloading. These of course greatly obstructed the thoroughfare. He believed it would be extremely difficult to find a greater inconvenience than Park Lane even in this metropolis, which was perhaps the worst regulated on the earth. There were two ways, no doubt, in which the evil might be entirely removed, or much mitigated. One side of Park Lane might be taken down. They might begin by removing Gloucester House, and there were some four or five other houses; but he believed they would not effect the desired improvement at a less cost than £170,000. Now unless it could be shown that there was no other way of relieving Park Lane, this would obviously be a most foolish expenditure of £170,000. The other plan would be the opening of Hamilton Place. It certainly would not be desirable that Hamilton Place should be open for general traffic; but he thought it might be opened for light traffic, such as that which is now allowed to pass through Lord Westminster's and the Duke of Bedford's property, or through the Park. What he proposed should pass through Hamilton Place were private carriages and cabs. He believed the cab traffic to be the most important in London; all men of business used cabs, and he had once read that a man without any extravagant expenditure might easily spend £200 a year in cabs. All lawyers and commercial men betook themselves to cabs. Objections, no doubt, were made to opening Hamilton Place. It was said that Hamilton Place was not wide enough. No doubt there was one part narrower than the rest. The narrowest part was opposite Nos. 5 and 6, where, after allowing 17 feet for the footway, there remained only 29 feet for carriages, which might easily be increased to 31 or 32. Seeing that the utmost width of a gentleman's carriage was 6 feet, and that a cab did not exceed 5 feet in width, if two gentlemen's carriages were standing on opposite sides of the street they would still leave space enough for three cabs to pass abreast. The great difficulty was how to deal with the Crown lessees. But if the Crown gave its consent he did not see why Crown lessees should be sacred or inviolable more than any other persons. There were only six proprietors, he believed, in all. The occupiers or leaseholders feared very much that their privacy was likely to be interfered with; and he admitted that with regard to No. 6 there would be considerable interference, because part of the garden of that house must be taken for the purpose of widening the footway. But a garden, he thought, was of very little value in London, and one which might be supposed to be capable of pecuniary compensation. With part of the neighbourhood he (the Earl of Lucan) was familiar, for his father built one of the houses, No. 4, and the earliest years of his life were spent in this house. He might venture to say that every good room in these houses looked towards the Park, and the lower rooms were left entirely to servants and children. The light traffic he suggested could hardly be supposed to interfere with them. He thought it would be well the lessees should understand what was commonly called "Give and take." When these Houses were constructed the public were allowed to come very nearly under the windows on the Park side. It was long after the houses were built that the gardens were placed there. The advantage gained by the lessees in respect to the gardens would be a very good set-off against any disadvantage to them from the opening of Hamilton Place. Private interests ought not to stand in the way of an urgent public improvement. The improvement he was suggesting was certainly as desirable as any now going on in the City of London. If private interests were always to be considered sacred from interference, we should never have a railway or any other public improvement. The authorities of the City of London were pulling down houses by the hundred, and ejecting the inhabitants by the thousand, for the proposed Holborn Valley improvement, which was estimated to cost £750,000. He wished to contrast the opening of Park Lane with what was proposed with respect to the Holborn Valley. He had read, in common with other noble Lords, the petition of a Mr. Pontifex, a gentleman who was spending some £1,500 a week in wages. Mr. Pontifex said that he should be required to give up his premises, not because the whole of them were wanted for the purposes of improvement, but in order that the site might be resold. The City of London had powers of taking land under their Act, and they were said to be taking a great deal more land than was necessary for their improvements, in order that they might sell it again and thus reduce the estimated expenditure of £750,000. He thought that if the traffic of Park Lane could be relieved in the way he had described, the lessees might console themselves with the reflection that they had not to deal with the authorities of the City of London. Her Majesty herself had set a very good example in this respect. When Her Majesty opened the Parks to light traffic she made a very great sacrifice, and he thought the lessees of the Crown should follow her example. Having stated the grievance, he would now proceed to suggest a remedy. Several years ago an Act called the Metropolis Local Management was passed, by the 72nd clause of which it was provided that every vestry or district board should, with the consent in writing of the Metropolitan Board of Works, have power, within their respective parishes or districts, to extend, widen, or improve any street, road, or way, for the purpose of facilitating traffic, or any other public purpose; and to take by agreement or gift any land, Crown land, or any other property: the expenses were to be paid out of a general rate; and they were empowered to raise any sums which might be necessary for carrying out such improvements. It appeared to him that that clause was applicable to the present case; and it was a matter of great surprise to him to find that the Vestry of St. George's, Hanover Square, a very active member of which he perceived in his noble Friend opposite, should have allowed this clause to lie dormant for so long. He considered it to be the positive duty of the vestry to avail themselves of the powers contained in this Act, in order to carry out its provisions. His belief was that if the vestry were to put themselves into communication with the lessees, they would be able to make a satisfactory arrangement, and that the expense of the improvements in Hamilton Place would not exceed £5,000 or £6,000. The whole improvement might be effected at a cost of from £50,000 to £60,000, and, consequently, no additional Act of Parliament would be necessary. If the vestry could not come to an arrangement with the lessees, it would be open to them to obtain an Act of Parliament which would contain the necessary powers.

THE EARL OF ST. GERMANS, as a member of the Vestry of St. George's, Hanover Square—though neither an active nor an influential member—wished to say a few words in vindication of that body. According to his noble Friend's statement Park Lane was a means of communication between enormous districts in the north and others in the south of London, and yet his noble Friend wished to impose upon the parish of St. George's, Hanover Square, the burden of effecting this great metropolitan improvement. The Vestry of St. George's were the representatives of the ratepayers of that parish, and were bound to watch over the interests of that body. It was bound to remove inconveniences cra ted by the parish itself, but not those created by the whole metropolis. The duty of carrying out improvements of a general character was intrusted to the Metropolitan Board of Works, which had the power of defraying the expense by levying a rate over the whole metropolis. If the whole of the metropolis was to be benefited, the whole ought to contribute, and the burden ought not to be thrown solely on theparish of St. George's. He thought, therefore, the vestry of that parish could not be justly accused of supineness or apathy. His noble Friend had not stated, and their Lordships did not know, whether the First Commissioner of Works was prepared to assent to this improvement on the part of the Crown, and it was highly probable that the lessees would refuse to produce the leases under which they held.

Earl GRANVILLE said, their Lordships would agree with the noble Earl (the Earl of Lucan) that the overcrowded state of Park Lane occasioned a perpetual nuisance owing to the stoppages which constantly occurred there. The real question was how it could be relieved, and there was a difference of opinion respecting the best mode of doing this. Some years ago a Committee of the other House recommended, by way of improvement, that Hamilton Place should be opened for traffic. The First Commissioner introduced a Bill for that purpose, but it was opposed by the Treasury on two grounds—first, that in the opinion of the Law Officers of the Crown it would be a breach of faith with the lessees to open Hamilton Place; and, secondly, that it was not the business of the Government but of the Metropolitan Board of Works to make the opening. He believed the matter was now under the consideration of the Metropolitan Board.

The Earl of MALMESBURY said, he could hardly think the statement of the noble Earl the President of the Council to be valid. In the first place, the Law Officers of the Crown did not appear to be consistent in their opinions. Three years ago he (the Earl of Malmesbury) had been ejected from a house which had been held by his family for upwards of eighty years, on the assigned reason that it was required for a temporary Foreign Office. He received the value of his lease, and some compensation for the inconvenience to which he was subjected. He did not believe that the lessees of Hamilton Place would resist any fair proposal that might be made to them. With respect to the argument that these improvements ought to be paid for out of the general rates of the metropolis, he did not think there was much force in it. The argument might have been a good one twenty or thirty years ago, but now it did not stand upon the same ground. The fact was that the impediment was caused by the enormous concourse of people whom the railways brought from the country. If the metropolis were left to the regular inhabitants there would be room for every one in the streets, but owing to the new invention of railways, which gave facilities to every one to come to London, the streets were becoming choked. He thought, therefore, it would only be fair that the improvements rendered necessary by this influx of visitors should be paid for out of the general taxation; indeed, no tax could be more fair than a general tax for the relief of the principal streets of London.

The Duke of CAMBRIDGE said, that the inconvenience now experienced in Park Lane would be remedied to a great extent by simple police regulation. It was a most monstrous thing that the whole traffic should be stopped because one or too tradesmen choose to allow their carts to stand for hours together at their doors. One cart standing at a particular part of the Lane, just opposite the entrance of his house, permitted only one line of carriages to pass, putting an entire stop to the flow the other way. He did not see why the police should not have power to prevent any carts being allowed to stop in Park Lane for two, four, or five minutes at a time. He did not know whether they had the power, but was told they had not, and it was a power which might advantageously be intrusted to them. He agreed with his noble Friend who had just spoken, that the railways had an effect upon the streets of the metropolis. Since he (the Duke of Cambridge) had lived where he did, the traffic through Park Lane had enormously increased. This was caused, to a great extent, by the opening of the Victoria station. Formerly there were no omnibuses passing down Park Lane; now there was a regular service of them; and the flow from the Paddington station to that of Victoria was enormous. He might assume that this was not the proper London traffic, and he could not help thinking that the expense of the improvements should he borne not by the ratepayers of St. George's or of the metropolis, but by the country generally.

The Earl of WICKLOW said, that nothing more was required to relieve Park Lane than to give the public possession of the small angle of the Park between Grosvenor Gate and Hyde Park Corner. The communication between Bayswater and Kensington had been facilitated in a similar way. No expense would be thrown either upon the metropolis or upon the country at large.

PUBLIC SCHOOLS BILL—[H.L.] (No. 30.)

SECOND READING.

Order of the Day for the Second Reading read.

The Earl of CLARENDON, in moving the second reading of this Bill, said, its object was to provide that any person accepting office in a public school should do so subject to the future legislation of Parliament.

Moved, That the Bill be now read 2ª.

LORD LYTTELTON said, he wished to take this occasion to refer to one or two points raised the other evening by the noble Earl (Earl Stanhope). His noble Friend had hardly done justice to the head master of Eton in representing him to have said that at Eton nothing was done in the way of teaching English. It was true that at Eton nothing was done in regard to the direct teaching of English, but the head master distinctly stated in his evidence that they did profess to teach English through the teaching of the classics; and if proper attention were paid to the matter, no doubt a very real and substantial amount of instruction in English might be imparted in that way; but it was a question whether it was enough. His noble Friend had expressed an opinion that undue prominence was given in the recommendations of the Commissioners to the subject of applied mathematics. The Commissioners, however, were bound to consult, not merely their own views, but the state of public feeling in the country, and the opinions of men of experience and authority. Accordingly, in assigning the positions they had done to applied mathematics, they had been guided very much by the evidence of the Master of Trinity College, Cambridge, Dr. Whewell. In regard to physical science, he must confess his own ignorance of the subject. He had, therefore, no personal authority on the subject; but he felt that, in face of the testimony borne by such men as Sir Charles Lyell, Professor Owen, Professor Faraday, and other eminent men of science, the Commissioners would not have been justified in recommending less than they had done. This matter was connected with another, which he might term rather elegant accomplishments than learning—music and drawing. His noble Friend opposite (Earl Stanhope) had made some very amusing observations, that a man who did not like music did not necessarily like drawing, and *vice versâ*. Now, it was very well known that as a general rule boys did not like any work at all; and what the Commissioners desired was that the opportunity of ascertaining whether they had capacity and taste for certain studies should be not only offered, but actually forced on them, without which they never would know it. It had been stated that many persons in mature life, having discovered an aptitude for particular branches of natural science, had expressed deep regret that their attention had not been called to these subjects when they were young. It was in order to draw out the dormant powers of the boys that the Commissioners wished these things to be brought before them; and he had no doubt they would be thankful for the recommendation. These studies or accomplishments were generally taught in private schools and in families; and there appeared no reason why they could not be introduced into the public schools with advantage. There was no risk of the health of the boys being injured by the addition of these new subjects of study. The actual amount of work would not be increased, although there would be greater variety. It was his own opinion and he believed that of several of his colleagues on the Commission, that in one or two of the public schools, and especially in some of the greater and more important establishments, the amount of work might be augmented without any danger to health; but in no case would the recommendations of the Commissioners necessarily lead to any increase of labour. Indeed, in certain respects, they had even advised a diminution in the amount of work done. He was anxious that there should be no misapprehension on this matter, and he would just state the distribution which they proposed of an Eton boy's day. Eight hours would be allowed for sleep, two hours for meals, and a short daily chapel service, while the remaining fourteen would be equally divided between work and recreation—seven hours to each. The work would include all the preparation of school tasks, in which some boys might be slower than others, but which all would be able to accomplish without losing their share of relaxation. They recommended that, with all those safeguards, when a boy had arrived at a certain age he should be enabled to drop certain parts of his work, if he had clearly shown inaptitude for them, in order to take up other parts in which he had proved himself likely to succeed better. They recommended that this course might be adopted when a boy was about sixteen years of age. His noble Friend opposite had said, when a boy was arriving at proficiency in a subject the Commissioners would take him from it. That was precisely what they would not do; but when a boy had not arrived at proficiency in a particular study, and showed no likelihood of doing so, they recommended that he should be removed from it and put to other work. The recommendation was one which he hoped the House would adopt, because it was based upon some very strong evidence; he referred particularly to that of Mr. Evans, at Rugby. There was little more with which he wished to detain the House, except in reference to what had been said about Greek and Latin composition. In his admirable *Life of Pitt*, his noble Friend opposite (Earl Stanhope) said, he thought perhaps with somewhat questionable accuracy, that that great man was not a proficient in the "laborious inutilities of classical metre." That was his noble Friend's expression, and it was one which had rankled in his mind ever since he read it. And the other day his noble Friend said that the verses done for the Porson Prize for Greek Iambics at Cambridge were a preposterous attempt. [Earl STANHOPE: I never said anything of the kind.] Yes; his noble Friend said that if the shadow of Shakespeare could revisit the earth he would turn to raillery the preposterous attempts made to put him into Greek metre—Shakespeare or Massinger, or some such dramatist, being the authors selected for those Iambics, and that was the Porson Prize. He apprehended that Shakespeare did not know Greek; but if his noble Friend could find a single person acquainted with Shakespeare and also with the Greek tragedians who would adopt his opinion that the Porson Prize Poems were preposterous productions, he would almost promise to agree with his noble Friend likewise. His noble Friend had alluded to the Germans. They were, no doubt, very laborious and deeply learned; but in knowledge of the languages he was not aware that they excelled English scholars. Nor could his noble Friend produce one Oxford or Cambridge tutor among those who had given evidence before the Commission who had advocated the abolition of that practice. One eminent man, Mr. Neate, might be quoted; but he was no witness for his noble Friend, as he went far beyond him, and was for abolishing the study of Greek altogether. The question was, if any one could be found who, while in favour of the study of Greek, was against Greek composition. Dean Liddell had been quoted, but he, though he gave some damaging evidence as to the imperfect preparation of boys from public schools, was certainly not against the practice of composition. And with regard to Dr. Whewell, as an old pupil of his, he spoke with the utmost reverence of him; but he would himself admit that the classical languages were not the subject in which he spoke with special authority. He ventured to say that no such authority could be found. His noble Friend had wholly overlooked the great general argument against him—namely, the intense pleasure, delight, and interest which boys with any turn for the classics manifested in Greek and Latin composition. No doubt he spoke from experience, and, perhaps, with some little bias; but he was sure not only he but others felt both at Eton and Cambridge the utmost pleasure in the work of composition. Half their interest in their work would have been removed if composition had been taken away. He thought it was wise in the present Session to limit legislation on these matters to the extent proposed; and he agreed to a great extent with their Colleague in the House of Commons (Sir Stafford Northcote), that the main object of Parliament should be to reform the governing bodies of the schools and then wait and see what they would do themselves in the way of improvement. Whether the Government ought to appoint an Executive Commission to negotiate with the schools on points of detail was another point; but at present he held that the main thing for Parliament to do was to reform the governing bodies. The Commissioners had recommended in almost all of the schools the addition to the governing body of a small number of persons of distinction appointed by the Crown. If he was concerned in the management of one of those schools, he should be of opinion that such a system would add honour and dignity to the establishment. Recently a good deal had been done to improve schools. The most of these attempts had been made since the appointment of the Commission; but he hoped that what had been done in this way would be regarded as merely provisional, and would be overhauled by the new governing bodies. He had heard with regret that in some of the schools there was some soreness and some complaints of unfairness on the part of the Commissioners. But he must say that having regard to the nature and extent of the work undertaken by the Commissioners, it was hardly to be expected that this could be altogether avoided; and he did not think any serious objection had been taken to the general scope of the inquiry or to the conduct of the Government in having appointed a Commission. He had always thought that after the Universities had been subjected to a severe inquisition, it was quite impossible for those great schools to escape inquiry, or to be left to self-action for reform in their system. Before sitting down he begged to acknowledge in the heartiest way on the part of the Commissioners the spirit in which they had been met by the heads of the various schools. The Government were met in the same way in the first instance, when the late Sir George Lewis opened communications with the authorities of these nine schools; and there was not one subject as to which they were not willing to co-operate with the Commissioners. As to the proposals made in the Report, many of the Commissioners had the utmost affection for these schools, and would have been better satisfied if they could have recommended that less change should take place in them. But the Commissioners felt bound to report according to the evidence as they found it, and he hoped their Lordships would approve the spirit in which they conducted this inquiry.

LORD DE ROS expressed his surprise at the statement of the Commissioners, that boys of nineteen or twenty went to the University from the Public Schools grossly ignorant of the classics, knowing very little of the Christian religion, and not desirous of learning more. Why, was it possible their Lordships did not recollect that the Christian religion was inculcated in these young men by their mothers and guardians in early infancy, and was it likely they would permit such gross neglect as that young gentlemen of Eton should go up to the Universities in this state of ignorance? Then it was said to be the habit of some of the Eton boys to get half drunk on the Sunday afternoon in public-houses. Why, there never was a grosser calumny. The "Christophers" was not a public-house where bargemen or such persons went; when any of their Lordships went at four o'clock to their clubs for a glass of sherry it might as well be said that they went to drink at public-houses. On certain days the Eton boys might be seen wandering all over the country, but there was hardly an instance of complaint against them on the part of farmers and gardeners. This could not be said of private schools. When Dr. Hawtrey showed a French gentleman the boys at their boating, cricketing, and other amusements, the visitor said, "This is all very delightful; but where is your *surveillance?*" To which Dr. Hawtrey replied, "We have no *surveillance;* that is my system." He certainly thought that an Eton boy was an admirable model of what an English gentleman ought to be. In the army the colonels of the best regiments always said, "Give us an Eton boy." And in the navy the same thing was said. He confessed that he thought the details of these schools might be too much meddled with, and that it was dangerous to interfere with a system which had given satisfaction for so long a period. In the Report of the Commissioners a good deal was said about fagging. Now, he thought this was one of the most useful trials to which boys were exposed. In early days he had the honour of frequently cleaning the shoes of the most rev. Prelate at the head of the Bishops' Bench, and he had never found himself the worse for it. The most rev. Prelate treated him with the kindness and good nature which his Grace had ever since displayed, and he (Lord de Ros) had never felt degraded by fagging for him in this way. He hoped, therefore, that no recommendations of the Commission would affect the practice of fagging. With regard to Greek Iambics, he agreed that it would be far better to substitute for them some modern language—French or German.

THE DUKE OF MONTROSE thought that the evidence of the Dean of Christ Church as to the classical knowledge of the young men who went up to the University could not be very much depended upon, because it was notorious that no young men whatever went to Christ Church for the purpose of reading. They were supposed to be rich, and went to the University mainly for amusement. There might also be some little wish on the part of the Dean to uphold the School of Westminster; but, before he made such sweeping assertions, it might be well that he should look better at home.

THE EARL OF CARNARVON: My Lords, I certainly think that the statement of the Dean of Christ Church was one of the most astounding I ever heard, and one which, so far as my own limited means of information goes, is hardly borne out by my own recollection of the facts. I must, however, protest against the statement of the noble Duke (the Duke of Montrose), that Members of Christ Church go there merely for amusement. My Lords, I do not think that such has been and I hope that such never will be the case, though I hope also that amusements will always form a considerable part of the pursuits there. As to the Bill itself, I do not think it desirable to oppose it; but, at the same time, I beg to observe that considerable alteration may be necessary when we go into Committee. It was only this afternoon that on reading the Bill I became aware of what seems to me an extraordinary proposal. The preamble sets forth that—

> "Whereas it is expedient that no impediment should be created to the free action of the Legislature in making the said changes in the governing bodies of the said colleges and schools, by the acquisition of vested interests in the property of the said colleges and schools, by persons who may be appointed to offices in the governing bodies thereof, after the date of the introduction of this Act into the House of Commons."

Why the House of Commons? Why should it not date from the period of its introduction into this House?

THE EARL OF CLARENDON: It is a mistake in the first print of the Bill. The Bill is now to date from its introduction into the House of Lords.

THE EARL OF CARNARVON: That is all very well; but it is by no means the whole of my objection, for if this Bill is to run from the date of its introduction into this House—

EARL GRANVILLE: The 30th of May.

THE EARL OF CARNARVON: Then a great and an unjustifiable wrong will be done by the operation of the Bill. On the 1st of June a gentleman who has been an assistant-master and lower master at Eton for twenty-five or thirty years was elected a Fellow; and, therefore, if this Bill is to stand in its present form, it would by one single day cut him off from the hard-earned fruits of his long service; it would be a direct ***privilegium*** levied against him—a Bill of pains and penalties to deprive him of the position to which he has so long looked forward. Such a proposal would be perfectly monstrous, and I conclude that the Committee will, without any hesitation, strike out these words. Now as to the subjects which have arisen in the course of this debate, I think all parties agree that classical studies should be made the foundation and groundwork of our school teaching. The only difference of opinion is as to the nature and extent of the additions to be made in the school work, and the relation which these additions are to bear to the original field of studies existing in the various schools. Your Lordships will see that there are two principal and obvious considerations—first, the time available for these additional studies; and, secondly, looking to the age and the variety of intellect of the boys, the nature and extent of these studies. Bearing this in mind, and applying it to the observations made by my noble Friend as to Greek composition, I should be inclined to draw a strong line of demarcation between Greek composition in verse and prose. It seems to me that the study of prose is necessary and most profitable, but that the study of verse is more a matter of luxury. I, for one, should be glad to see the study of Greek verse confined to the highest forms of public schools. Exercise in composition in prose, however, I think is absolutely necessary in order to attain grammatical accuracy and scholarship. But it is perfectly clear that so long as the Universities maintain Greek composition as an integral part of their system, and assign honours to it, so long will it be necessary for public schools, in preparing boys for the Universities, to bestow close attention on the subject. My noble Friend (Lord Lyttelton) advocates the addition of a very large amount of work to that already imposed, and he has numbered up the various studies which it is proposed to add. They consist of modern languages, either French or German, music or drawing, and history. I think your Lordships will agree with me in the opinion that the most important of these recommendations is the study of modern languages, especially French. I would not for a moment undervalue the acquisition of French or any other modern language. On the contrary, I attach the highest possible importance to that department of study. I would give a boy every encouragement in the study of foreign languages, and make success a point of honour with him. I would make failure a point of shame; but I think it is absolutely impracticable to incorporate them as an integral portion of the public school system, and I think I can show the House ample reasons for that opinion. Obviously the best, if not the only good, mode of teaching French is by means of a French master; but if you employ a French teacher to teach French, and incorporate the French as an integral part of your system, the result will be that you must place the French master upon the same footing and give him the same authority as the other assistant-masters. The other assistant-masters, however, have intrusted to them the maintenance of discipline, the formation of the mind, and the inculcation of certain great principles and traditions which are handed down from one generation to another, and in the performance of these duties I absolutely deny that a foreign master can take any part. If this view be correct, you are driven to the necessity of teaching French, not by French, but by English masters. Is it possible to conceive that an English master can undertake such a duty in a public school like Eton? I acknowledge that it is quite possible for the master to be critically and grammatically correct, but, to take the most obvious objection, he must, in nine cases out of ten, find some difficulties in accentuation. It would, consequently, be in the power of any clever and intelligent lad who, from family reasons, had been educated abroad to turn his master into such ridicule that his authority would be endangered. But it has been urged that this mode of instruction is already adopted in some public schools. That I believe to be quite true; but I would ask whether the result has been successful? I hold in my hands conclusive evidence to show that no such success has practically attended these studies. As to conversation in French, it has been acknowledged that a boy will learn more of the language in three months' residence abroad than in five or six years' study at home. I say, then, that it is a simple waste of time to attempt to incorporate these studies with your present school system, because you must sacrifice classics and other work in order to make room for them. As to the music and drawing, I shall not enter upon the discussion of their merits. I beg, however, to enter my protest against the proposed study of English composition. I have been at a loss to know what is meant by English composition. Is it intended to turn out all these boys as great authors and poets when they leave school? Such a result would be a most terrible infliction. All that is necessary for a boy when leaving school is, so far as composition is concerned, that he shall be able to write a clear and intelligible letter and draw up a clear and intelligible statement. The best discipline for the study of English composition is not to be found in the study of the English language as such in the first instance, but in the study of Latin literature, which gives you the key, so to speak, of the greater part of the European literature. I should as soon have thought that the Commissioners would have recommended that the boys should be taught Lindley Murray as that they should be specially taught English composition. I think that classical studies, if fairly worked out and completely mastered, are the best introduction to every other department of study. So, too, with regard to the study of modern history, the boy who has mastered thoroughly the history of the Roman Commonwealth, will best understand the constitutional history of England in Hallam, and the boy who has become perfectly acquainted with the rivalries and jealousies of the Greek States will most readily appreciate the complicated relationship of the Italian republics as viewed in the pages of Sismondi. The Commissioners recommend also the study of natural science, which, as they themselves admit, involves chymistry on the one hand, and physics on the other. But is it supposed that it will be possible for a boy to master even a portion of the subjects comprised under all these heads—especially when the numerous divisions and sub-divisions are taken into account? The only subjects upon which I think all would desire to see an increase of study attempted in our public schools are French and mathematics, though the former, as I have said, cannot well be made obligatory. There is an impression abroad that the Commissioners, with the very best intention, in their Report, are endeavouring to do too much, by imposing upon boys an amount of study which they cannot possibly give. If that be so, one of two evils will happen—either you will raise the standard of education at our public schools to too high a level, and thus do mischief to the boys by imposing too difficult a task, or you will greatly contribute to produce that most mischievous of all mischievous systems—cramming. I am sure that my noble Friends in their Report have no intention of doing anything of that kind, but such, I am convinced, will be the result of the course they propose to take. You may give a smattering of education—a general knowledge upon many points—but that general knowledge will, in the long run, turn out to be but particular ignorance. I have to apologize for having occupied your Lordships' time—but while I have thought it my duty to express my views with some particularity, and to criticize somewhat freely the Report of the Commissioners, I beg my noble Friend to believe that I am not blind to its merits, and the great care which has been bestowed upon it.

LORD WODEHOUSE said, that having been educated at Eton, he naturally felt great interest in the subject before the House. He could not agree with the noble Lord who had just spoken, in defending without qualification the system of education pursued at Eton. He admitted that that system had many good points, but he also agreed with the Commissioners that it required very considerable modification. He accepted classics as the basis of education, but he thought there were other subjects to which greater attention should be given than was at present done, and that some branches of education which were not now taught should be added. He would remind their Lordships that education had two objects—one, the training and strengthening the faculties of the mind, and the other the acquisition of useful knowledge. Of the two, perhaps the former was the most important. To some extent the system pursued at Eton was deficient in its means to obtain these results, and especially as to that important branch of education—the acquisition of the French language. He regretted to hear his noble Friend say that French ought not to be made a part of the education, as he did not think it was fair to allow boys belonging to the highest classes in the country to pass through their time at Eton without being compelled to acquire a sound knowledge of the French language. It was inconvenient and sometimes difficult for a young man after the age of eighteen to acquire a knowledge of a not very easy language. He would not go beyond French, but the study of that language, he contended, ought to be made an integral part of education; and he would not be deterred from insisting upon that condition by any difficulty of employing a French master. Indeed, he could not see why a distinguished French gentleman might not accept a post at Eton or other public schools, to teach French, just as the master who taught Latin. Then it was said that as some changes had been made at Eton, therefore no other changes were required. He could not take that view. It was to the credit of the Eton masters that they had made some useful changes, and he only wanted them to go somewhat further in the same direction. He had often noticed to masters at Eton that it was an actual disgrace to the school to send up to Cambridge, where mathematics was held in peculiar esteem, young men in whose education that study had not been made an integral part. That consideration, urged by others of greater authority, had prevailed with the Eton masters, who had made a salutary change by introducing mathematics as an integral part of school work. That instance showed that it was possible to make some changes in a good system of teaching without injury to general results. He only wished to add French as a branch of study, for he did not agree with the Commissioners that music and drawing ought to be made parts of public school work. He even felt a doubt as to the natural sciences, although a lecturer upon those subjects might be of advantage to the boys. The introduction of these additional branches of education might, to some extent, justify an observation made on a former evening that too much work would be imposed upon the boys, and that, therefore, it was necessary to consider whether any portion of the present studies could be reduced. That consideration brought him to the much debated questions of Greek and Latin composition. Upon that point he had always held a strong opinion, believing that too much time was devoted to verse making; to be sure he had never attained that proficiency in it which had been displayed by the noble Lord near him (Lord Lyttelton). In former days at Eton, the making of Latin and Greek verses was held to be a most essential part of education; but he desired to see the time occupied in that way materially reduced. There was only one other point to which he would advert. The Report of the Commissioners had been regarded as speaking unfavourably of Eton, which belief had raised a spirit of opposition. He would much regret if that were so, as the labours of the Commissioners had been most useful to public schools, and had been conducted in a spirit of fairness to the public schools which he hoped would be responded to. It was quite true that there were many boys who went from Eton to Christ Church imperfectly prepared; but then, again, there had been many young men from Eton who had greatly distinguished themselves. If, therefore, Eton could produce such creditable pupils, he urged upon the masters of the school to make such judicious alterations in the system of education as would raise the average results. There could be no doubt that a considerable number of boys had left Eton in a state of ignorance which reflected no credit upon the school. That fact had been stated by the Commissioners, and the reasons given, together with the remedies they suggested, and he hoped the good sense and public spirit and love for the school which prevailed among Eton masters would induce them to adopt such of the recommendations of the Commissioners as would remedy the evils admitted to exist.

THE EARL OF CLARENDON said, he desired to say a few words in explanation of what had fallen from a noble Earl opposite (the Earl of Carnarvon). The noble Earl had spoken of the date at which the Bill was to take effect. He regretted if the delay in bringing in the Bill should have done any harm to any one, for certainly that was not the intention of the Commissioners. Those who were interested in a reform of certain schools had wished that it should date from the presentation of the Public Schools Commissioners' Report; but that was felt to be too strong a proceeding. The course of dating the Bill from the period of its introduction was, he was informed, according to usage and precedent in such cases. Their Lordships were aware that the Commissioners had reported in favour of certain changes in the governing bodies of schools; but if new interests were created it was manifest that the changes would be postponed, and the object of the Commissioners defeated, because Parliament always dealt lightly with vested interests. He did not think any objection would have been raised to the Bill if it had not been for the particular case to which the noble Earl had drawn attention. But if the Bill was not actually brought in, the intention to bring it in was announced a month ago by the Chancellor of the Exchequer. It must, therefore, have been notorious to the Provost and Fellows of Eton. They must also have been aware of the recommendations in the Report of the Commissioners. It would, therefore, have been only wise and proper that they should have communicated with the Government as to the line which they intended to pursue. There was, therefore, the knowledge they might have had and the knowledge they must have had of the actual introduction of the Bill, and with that knowledge they had proceeded to elect a Fellow. The gentleman so elected must have known that he took the election subject to any change that Parliament might think proper to adopt. The proceeding at Harrow was very different. The appointment which had been made there was accepted subject to any future change if the school were remodelled. His feeling, however, was this—he would much rather postpone a reform than do injustice; and, therefore, if it were the opinion of their Lordships that the Bill should not be operative till it passed he should have no objection.

LORD BROUGHAM begged to express on his own behalf, on behalf of all the friends of education and of the community at large, the deepest obligations to his noble Friend the noble Earl (the Earl of Clarendon) and his Colleagues for the able and diligent manner in which they had conducted this great inquiry, the result of which was the production of a body of great bulk, and certainly of unprecedented value, of the most important information derived from the most authentic sources, and accompanied with valuable suggestions. Even those who differed from those suggestions and other parts of the Report were entirely agreed as to the great ability and diligence which had been shown by the Commissioners.

THE EARL OF HARROWBY said, he did not rise to enter at length on the great question of education at our public schools—a subject which he felt convinced affected the future destinies of the country; but he was anxious to say a few words upon one point, on which he thought the Report of the Commissioners had been somewhat misunderstood. If the object of their recommendation had been to impose an additional amount of labour on an industrious boy he should have considered it more injurious than useful. But the object of the Commissioners was entirely different. They did not want an industrious boy to work more, their object was to give work to the idle by enlarging the choice of their studies. They took a very narrow view of education who would give a boy only the knowledge of two dead languages, and yet that appeared to be the average result of our educational system. With every admiration for the Greek and Latin languages, and fully sensible of the advantages to be derived from their study, he would nevertheless object to say that if a boy had no turn for Greek and Latin he should study nothing else, and that he should be either a dunce or an idiot. Boys might be found by the hundred who, although they had no turn for Greek and Latin, had very good understandings, and it was a great hardship that because they could not attach themselves to the study of the classics they were not to be instructed in other branches of knowledge. It was not always the case that boys who attained the greatest proficiency in classical studies afterwards became the most useful members of society. The Commissioners intended to give other objects of study; how they were to be adopted was the difficulty. Where pronunciation entered so largely into the possession and utility of modern languages it would be exceedingly difficult to engraft them on an English school. The difficulty was not confined to England. Foreign nations had found the difficulty themselves. But with regard to mathematics and physical science there might be a much larger infusion of that element, not so much to make a busy boy do more as to give boys a choice of studies. This was done at Marlborough School. Therefore he hailed the Report of the Commissioners as turning the attention of all those who had to do with public schools to the importance of enlarging their sphere of study. What was wanted was, not that the work for industrious boys should be increased, but that the number of boys who were industrious should be increased. It was a scandal that English gentlemen should so often be wholly ignorant of the commonest things pertaining to physical science, while the less cultivated classes were familiar with them. As to the controversy which had been going on relative to Greek composition, his own impression was that no man could understand a language well without writing in it. Although not agreeing in all the suggestions of the Commissioners, he yet approved them in the main, and anticipated great benefit from their adoption.

THE EARL OF POWIS was understood to suggest that the precedent set in a former Act, in regard to the filling up of cathedral appointments, should be followed in the present Bill—namely, that the Bill should only apply to appointments to be filled up after the passing of it.

THE BISHOP OF LONDON expressed his dissent from the statement made by the noble Earl opposite (the Earl of Carnarvon) with respect to Rugby School. He understood the noble Earl to say, that the attempt of Dr. Arnold to engraft the study of modern languages in the ordinary studies of that school had been a complete failure. But his own experience in that matter was quite the reverse. It was true they might not be able to impart a Parisian accent to the boys who learned French at a public school, but they could be taught to read the French language and literature, and so be put in the way of more easily acquiring a more delicate and intimate knowledge of the language if they should afterwards have the good fortune to spend a short time in France. He agreed with the noble Earl that it would not be easy for a Frenchman or German speaking English imperfectly to teach a number of English boys; but it was not impossible that both French and German might be taught by persons who were not natives of France or Germany. When he first took charge of Rugby School, the Chevalier Bunsen had mentioned to him the name of a linguist of European reputation, who afterwards became Professor of Modern Languages at Oxford, as being a man who then might undertake the office of instructing boys at Rugby in modern languages. So that it was quite possible to find foreigners of the highest capacity to undertake the office of instructing boys in public schools in modern languages. Again, many an Englishman of education had spent great part of his life abroad, and would afterwards be qualified to teach a foreign language in a public school. He believed that at Rugby there was now an Englishman who was able to teach German and teach it well; while another foreigner, who was not a Frenchman, was able to teach French with great advantage to his pupils. He wished further to state that his experience did not lead him to suppose that instruction in the modern languages at all diminished boys' opportunities of acquiring a knowledge of the ancient classics. On that point he would refer to what was stated in the evidence of the Dean of Christ Church respecting Eton. The accuracy of that evidence had been questioned by the noble Duke (the Duke of Montrose); but the Dean of Christ Church was not a likely person to make any statement of which he was not prepared to prove the accuracy. Now, certainly, modern languages were neglected at Eton, and yet Eton did not possess a higher reputation for classical teaching than many establishments in which the modern languages were taught. He thought the speech of the noble Earl opposite was calculated to do mischief, by giving his great authority to the idea that the public schools were at present in so satisfactory a state that they did not require any of the reforms recommended by the Commissioners. He should be sorry to force any particular system of education on the public schools, because any change to be useful must be made voluntarily. He believed there was every disposition on their part to adopt the very valuable suggestions made by the Commissioners, and he trusted that the noble Earl's remarks would not tend to impress them with the idea that they were now so perfect that they needed no improvement. What was wanted in all these schools was that they should have the best possible master. They should do away with the restriction, where it existed, as to selecting the master from the teaching staff. It was often better to introduce fresh blood and a little free trade in these as in most other matters. Then, if the best head master possible were appointed, let him have liberty to carry out suggested improvements. Public opinion would be brought to bear upon him, and they would then get the best possible system of instruction. He would have liked to see in the Report some recommendation for making it more easy for classes not in opulent circumstances to avail themselves of the public schools. All the recommendations he had seen rather went the other way. The present practice of receiving a number of boys from the town or neighbourhood in which the school was situated was disparaged, and an examination at which a few clever boys should obtain scholarships was rather suggested as a substitute. Now, at Rugby, a number of widows of naval officers, clergymen, and others of that class, availed themselves of the opportunity of living there to send their sons to school. He did not say that that might not be altered with some advantage, but he did not think it would be well to rely entirely on competitive examinations for introducing the sons of persons in narrow circumstances. There was a tendency to think that it was their duty to educate clever boys only, whereas the object of these schools was to educate stupid boys as well. He was not clear that Sir Walter Scott or the late Duke of Wellington would have succeeded in such an examination. He was anxious to see these schools made available to the largest possible portion of the upper classes of this country.

THE EARL OF DERBY said, he was anxious to take that opportunity of declaring his views were in accordance with those of the right rev. Prelate. He was quite sure that whatever advantage might be derived from the education of a particular number of clever boys in foundation schools, which were more or less of an eleemosynary character—and he did not deny that some benefit might be obtained from open scholarships even in those schools—anything like the rejection of boys who might not be thought clever would defeat the intention of the original founders, and would be contrary to the duty of the trustees. It would be a great misfortune if, for the purpose of encouraging a few clever boys to obtain advantages which probably they might not require, the managers of grammar schools should pay no attention to the benevolent intention of founders to provide a good education for boys whose parents were in moderate circumstances, and who otherwise might be unable to acquire the advantages of a good education—at all events to the same extent. He wished to make one or two observations on another point adverted to in the Report of the Commissioners, to which the attention of Parliament had not been directed in the course of the recent discussions. He mentioned it because he was afraid that some of the recommendations of the Commissioners tended to aggravate that which he could not help thinking was a prevailing and increasing evil. Although he believed it was necessary to add to the present course of study at public schools a greater attention to mathematics, history, and some of the modern languages, yet he was afraid that the recommendations of the Commissioners, if carried out to their full extent, would introduce such an amount of variety that they would rather tend to foster a superficial education in a great number of subjects without a well-grounded knowledge of any one of them. He hoped the country would understand that whatever alterations might be made in the public school system, the real evil could not be removed by the public schools themselves—that was to say, boys were now sent to a public school at a comparatively advanced age, with very little groundwork of education, but with a considerable amount of superficial knowledge of a great number of things, which was not only not a good groundwork of education, but was actually worse than no foundation at all. The other day a head master told him that he had in his school boys of the age of fourteen, three of fifteen years, and one of sixteen, who were just beginning, after two years spent in the school, to work their way through the easiest Latin books, such as were the usual studies of boys of ten. He went on to say — and to this he (the Earl of Derby) requested particular attention, that certain private schools, piqued themselves upon the great progress their boys made; whereas they made no progress whatever in anything which deserved the name of education. He mentioned one boy who came to him with a great reputation for lyrics, but who knew little or nothing of the Latin grammar, and another who had gone through the greater part of *Newton*, but who in reality could not do the simplest problems in *Euclid*. Such boys were afterwards sent to college, and their parents were frequently dissatisfied with the progress they made there, but the truth was they had to begin everything over again; it was impossible to ground a boy in Latin grammar, which was the basis of all grammar, twice over, and if he had not had the groundwork laid early he had no foundation upon which the superstructure could be raised. A public school was not a place for teaching the elements of grammar, for it was not possible there to give the requisite attention to each particular boy, to find out what his difficulties were, to assist him in getting over them, and to make him fag at the hard work which must be encountered at the beginning of all grammar, and which ought to be done either at home or in a private school. Whatever, then, might be the defects of the public school teaching, he believed a large proportion arose, not from the public school system, but from the fact that boys were sent to Eton or Harrow partially instructed up to a certain point in a great number of things, but really ignorant of the first elements of education. It was impossible, in teaching the Latin grammar, to follow the plan suggested by the Irish gentleman who, on being told that the first two lessons were the hardest, proposed to begin with the third. Where the first and second lessons were not thoroughly mastered there could be no foundation to build upon, and he hoped parents and the teachers of private schools would be impressed with the conviction that it was their business to lay the groundwork, thus giving the public schools and the Universities a fair chance of being able to rear the superstructure. If, on the other hand, they persisted in contenting themselves with imparting a superficial knowledge of a great number of things, which was not education at all, or even the foundation of it, their work would be thrown away, and all the labour of public schools would be incapable of producing fruit.

THE EARL OF CLARENDON said, the noble Earl could be scarcely aware how the Commissioners were at one with him in this point. He hoped that the noble Earl's remarks would go forth to the country, and that the attention of parents and persons interested in education would be drawn to that portion of the Report in which the Commissioners commented at some length and with some spirit on the state of ignorance in which boys were sent to the public schools. It was exactly because they thought, as his noble Friend thought, that boys should be grounded at school, that they had recommended that there should be an examination for entrance to the public schools, that examination to be proportionate and adapted to the age of the boys.

THE ARCHBISHOP OF CANTERBURY said, that as an old head master, he desired to tender his cordial thanks to the Commissioners for the patient industry and indefatigable zeal with which they had prosecuted their inquiries, and for the most valuable Report which they had presented to Her Majesty; so valuable that it had been read everywhere with avidity. It was agreed on all sides that classical literature should be the staple of public school education, the object of which was, not to communicate a vast amount of information, but to cultivate the moral and intellectual faculties—and (if he might venture to speak of the intellect as an instrument)—to strengthen, sharpen, and polish the intellect to the highest degree, so that it might be made as efficient as possible for any purpose to which it might be applied in after life. The danger of introducing too many subjects was, that they might distract the attention of a boy and prevent him from exercising his mind as he ought to do; and hence he was rather inclined to think that the Commissioners had recommended too great a variety of subjects. At the same time he thought that French or German ought to be made an integral part of public school education. The reason, as he believed, why so much attention had not been paid to these matters was, that the French or German master was not placed in a position of sufficient respect. Hitherto boys had been obliged to attend the French or German master out of school hours, and therefore he was naturally unpopular with them; and, besides, discipline had not been so rigidly enforced in his case as in that of the other masters. If, however, French or German were made an integral part of the school work, and the head master were to attend to the representations of the French or German master as much as to those of the master of any other department, he had no doubt that the languages might be cultivated with great advantage to the boys. He spoke from experience when he said that a very early acquaintance with French, followed in after life by a little intercourse with foreign countries, enabled one to speak the language with comparative ease. As the subject of Greek composition had been spoken of, he would say that while he thought it would be undesirable to make Greek composition a necessary qualification of every boy, he was persuaded that as long as there were prizes in the Universities for Greek prose, or verse, it would be impossible to view the accomplishment in any other light than as one suited for boys who had a turn for it. Allusion had been made to the governing bodies of public schools. In some instances there was a very limited area from which the governors were chosen. It would not always be expedient to extend the area from which the governors were chosen, but he had in view cases in which schools had suffered from a too limited area. The great thing, after all, was that trustees and governors should choose the best master they could, and, having chosen him, that they should leave him to his own discretion and judgment in the management of the school. If they did otherwise they would never have first rate men. As to the council which had been proposed, it would not be desirable to have one the decisions of which should be binding; but he thought there might be advantage in having a council to give advice. Reference had been made by his noble Friend (Lord de Ros) to the high opinion of Eton entertained by general officers. He had himself heard an anecdote of the Duke of Wellington, when about to despatch a young officer on some duty of importance, asking at what school he had been educated, and on being told, "Westminster," replying, "That will do—all right." The public schools were undoubtedly very valuable institutions, but still they were susceptible of improvement, and he thought that the Report of the Commissioners contained some important recommendations which it would be well to follow.

The Earl of CARNARVON explained that it was not his intention to make any charge against Rugby. He found, however, on referring to some memoranda which he had by him, that in quoting from memory he had attributed to the head master of Rugby a statement made by the head master of St. Paul's; but the general burden of the evidence bore out his view—that where French was obligatory as a study the pupils might be taught to read, but not to speak the language conversationally.

Earl STANHOPE said, that if even he had not intended to take part in the debate, he must, after the numerous references which had been made to him, have felt it necessary to say a few words. In the first place, he would briefly recapitulate his former argument. The Commissioners had recommended the introduction of five or six new branches of study in the public schools, and, as he stated the other evening, it seemed impossible to accomplish that object without either undue pressure on the time and health of the boys, or without withdrawing some of the existing tasks. He admitted the value and necessity of these new studies, and the main object of his remarks on the former occasion was to show how other studies of less practical utility might be curtailed or relinquished. Above all, he had pointed out the disproportion between the value of a knowledge of Greek versification and the time and trouble that were requisite for its attainment. In support of that view he cited the opinion of a high authority—Dr. Whewell. In reply to that statement, it had been stated in the present evening that Dr. Whewell was eminent only as a mathematician; but those who spoke thus must surely be unacquainted with the extent of Dr. Whewell's labours in classic literature—in Plato for example. In point of fact, he was distinguished as a great scholar as well as a great mathematician. But if Dr. Whewell's testimony was not sufficient, perhaps Lord Macaulay's might be accepted; and it was to the same effect. In his short but excellent *Life of Pitt* Lord Macaulay said—

> "Mr. Pitt had never while under his tutor's care been in the habit of composing in the ancient languages, and he, therefore, never ac-

quired that knack of versification which is sometimes possessed by clever boys whose knowledge of the language and literature of Greece and Rome is very superficial."

It seemed then, that in Lord Macaulay's view, exactly as in Dr. Whewell's, boys might have a knack of Greek and Latin versification and yet possess only a superficial knowledge of the Greek and Latin languages. The rising intelligence of the age was beginning more and more to declare against the enormous consumption of mental labour, for an accomplishment learnt only to be again immediately forgotten, or which, if retained, could only rank at best as a graceful pastime. It seemed impossible that such an object could much longer "stop the way," or be taken as a substitute for other and far preferable branches of knowledge. Looking more especially to Eton, it was significant and unfortunate that in exact proportion as Greek versification had increased the study of French had declined. The late Prince Consort in a generous spirit founded prizes at Eton for French and German; and from conversations he had had the honour of holding with His Royal Highness he knew that this was an object he had much at heart. But this liberality on the part of the Prince had not been met by any corresponding energy on the part of the school. Indeed, so far from it—the study of French at Eton appeared of late to have gone backwards, instead of forwards. There was the testimony on that point of Mr. William Johnson, one of the ablest of the assistant-masters. He was questioned by Sir Stafford Northcote to the following effect:—

> "French counts in the examination on trials, does it not?"—"It was dropped in the last examination for the middle division." "What was the cause of that?"—"I do not know." "Does it not seem rather hard that it should have been dropped?"—"Yes."

He rejoiced to find that his noble Friend on his left (the Earl of Derby) and the right rev. Prelate opposite concurred in the view that French and, to some extent, German, ought to form part of the course of the study in the public schools. Indeed, that seemed to be the general opinion of their Lordships, as indicated by the debate. The only opinion to the contrary had been stated by his noble Friend near him (the Earl of Carnarvon), from whose views, as expressed that evening, he (Earl Stanhope) must say that he entirely dissented. His noble Friend seemed to stand forward as the champion of all

those errors of system at Eton, which the highest authorities at Eton had themselves condemned. As to the employment of a French gentleman as teacher, he saw no reason why he should not be respected as much as any other master.

The Earl of CARNARVON explained that all he said was that a French gentleman would probably fail to exercise that influence over the boys which he ought to possess.

Earl STANHOPE saw no reason why, if he were a gentleman of education and intelligence, that should be the case. Foreign gentlemen were engaged in education at Oxford, Cambridge, and elsewhere without any such result, and why should it be otherwise at Eton? He hoped that, after the weighty and authoritative expression of opinion which had been elicited on this question, the governing body of Eton would be induced to reconsider this question, and to remedy the deficiency in their course of education. Reforms of this kind are far better made from within than from without. It is most desirable to carry along the existing powers towards the measures of improvement that have become necessary, instead of overruling and compelling those powers by the force of extrinsic legislation. He therefore earnestly desired to see the necessary reforms carried out by the governing bodies; but, in order that they might be, it behoved those bodies to weigh well the very judicious statements in the Report of the Commissioners, and also the comments which those statements had elicited in that and the other House of Parliament.

Motion *agreed to*: Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter past
Nine o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 6, 1864.

MINUTES.]—Supply—*considered in Committee*—Civil Service Estimates.

Public Bills—*Second Reading*—Weighing of Grain (Port of London) [Bill 119] (*count out*).

Committee — Government Annuities (*re-committed*)* [Bill 114]; Public and Refreshment Houses (Metropolis)* [Bill 92]; Railway Companies Powers (*re-committed*)* [Bill 110]; Railways Construction Facilities [Bill 111], R.P.; Railways (Ireland) Acts Amendment* [Bill 99], R.P.

Report—Government Annuities (*re-committed*)* [Bill 114]; Public and Refreshment Houses (Metropolis)* [Bill 132]; Railway Companies' Powers (*re-committed*)* [Bill 110].

Third Reading—Life Annuities and Life Assurances* [Bill 56], and *passed.*

NEW ZEALAND LOAN.—QUESTION.

MR. AYTOUN said, he would beg to ask the Secretary of State for the Colonies, Whether it is the intention of Her Majesty's Government to ask Parliament for its sanction of a guarantee of interest for a Loan for New Zealand; and, if so, what is the amount of the Loan for which a guarantee is to be asked, and whether the guarantee will be applied for during the present Session; and, if so, at what period of the Session?

MR. CARDWELL: It appears, Sir, from the papers which have already been laid upon the table with reference to New Zealand, that the Imperial Government is engaged to the Colonial Government to submit to Parliament a proposal for a Loan for the various expenses connected with the war in New Zealand; and it is the intention of Her Majesty's Government to make a proposal on the subject during the present Session. The papers are now being printed, and will, I believe, be in the hands of Members in a few days. I shall then take the earliest opportunity of making a statement on the subject.

MILITARY EXPENDITURE OF CEYLON.
QUESTION.

MR. LYALL said, he would beg to ask the Secretary of State for the Colonies, What arrangement has been made between the Ceylon and the English Government for reducing the charge on the Imperial Exchequer for the Military Expenditure in that Colony; and whether, in consequence of the great prosperity of the Island, there is an early prospect of releasing this Country altogether from that charge, and placing Ceylon, in that respect, on the same footing as India?

MR. CARDWELL: Sir, the military expenditure of Ceylon is £200,000. It is paid in equal proportions by the Imperial and the Colonial Governments. In the present year, 1864, an additional sum of £30,000 has been set apart out of the colonial resources to be applied to this purpose. An inquiry is about to take place in the Island with a view to reduce the amount of expenditure, and I hope and believe that in a short time the hon. Gentleman will be gratified by the whole expenditure being defrayed out of the resources of the colony in the way he wishes.

GERMANY AND DENMARK—THE CONFERENCE.—QUESTION.

MR. BERNAL OSBORNE said, he would beg to ask the First Lord of the Treasury, Whether the Conference has arrived at any decision respecting the maintenance of the Treaty of London, and whether the noble Lord is in a situation to communicate it to the House; and whether the suspension of arms between Denmark and the conflicting Powers has been prolonged?

VISCOUNT PALMERSTON: With regard, Sir, to the first part of the Question, I trust that neither the hon. Member nor the House will think that I am wanting in respect if I am unable, with propriety, to state what have been the proceedings of the Conference with regard to the general matters which they have in hand. In the first place, an agreement was come to by the Plenipotentiaries, that the proceedings should be known only to themselves until some final arrangement was arrived at, and I am sure that the House will see that communications from time to time of what may have passed at particular meetings of the Conference, so far from rendering more easy a satisfactory arrangement, would probably interpose difficulties which it would not be easy to overcome. With respect to the latter part of the Question, I am at liberty to say that no arrangement has yet been made for the continuation of the suspension of arms, which will last till the 12th of this month, but there is good reason to hope that at the next meeting of the Conference some arrangement for that purpose may be made.

MR. DARBY GRIFFITH said, he wished to know whether the armistice would not expire on Sunday next?

VISCOUNT PALMERSTON: As Sunday is the day fixed, the armistice will, if it is not renewed, expire on that day.

SIR LAWRENCE PALK said, he would beg to ask the noble Lord whether he can state on what day the next sitting of the Conference will be held?

VISCOUNT PALMERSTON: No day has yet been fixed, for this reason; that the Plenipotentiaries are waiting for answers to Despatches which have been sent to their respective Courts. Some few days must elapse before those replies are received, and then the members of the Conference will be summoned to re-assemble.

MR. HENRY SEYMOUR said, he wished to know whether any arrangement has been made to prevent the war being renewed between the expiration of the armistice and the next meeting of the Conference, if that meeting should not take place until the existing suspension of hostilities is at an end.

VISCOUNT PALMERSTON: No such arrangement could be made. There is no reason to doubt that the Conference will meet again before the expiration of the armistice.

THE WAR IN NEW ZEALAND.

QUESTION.

MR. ARTHUR MILLS said, he would beg to ask the Secretary of State for the Colonies, Whether any official confirmation of the recent news from New Zealand has been received by the Government?

MR. CARDWELL: Sir, we have not received so much news as has appeared in the newspapers. Through our Consul at Alexandria we received the earlier information contained in the newspapers, which was favourable to the success of our arms. The second part, which is of a mixed character, and apparently involving the discomfiture of our arms more or less, has not been received through any official source.

SIR ROWLAND HILL.

Message from Her Majesty *brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:—

VICTORIA R.

Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important improvements in postal administration, and being desirous, in recognition of such services, to confer some signal mark of Her favour upon him, recommends to Her faithful Commons that She should be enabled to grant Sir Rowland Hill the sum of Twenty Thousand Pounds.

Referred to the Committee of Supply.

Sir Lawrence Palk

COUNTESS OF ELGIN AND KINCARDINE.

Message from Her Majesty *brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:—

VICTORIA R.

Her Majesty, taking into consideration the distinguished Services performed throughout a long series of years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, and being desirous, in recognition of such Services, to confer some signal mark of Her favour upon his widow, Mary Louisa, Countess of Elgin and Kincardine, recommends to Her faithful Commons that She should be enabled to make provision for securing to the Countess of Elgin a pension of One Thousand Pounds per annum for the term of her natural life.

Committee thereupon on *Thursday*.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

OFFICERS OF THE INDIAN ARMIES.

QUESTION.

COLONEL SYKES rose to call attention to the grievances of the Officers of the local Armies of India. Since the Royal Commission reported upon this subject six grievances had been added to those of which the Officers previously had to complain, and the dissatisfaction was now extending to the Native portion of what was formerly the Regular Native Army of India. According to the accounts which he received, what was called "the re-organization" of the Native Army of India had occasioned very considerable disquiet, mistrust, and suspicion. Some explanation of this phrase "re-organization of the Army of India" was necessary to a right understanding of his Question. In early days—about 1757—the East India Company raised men to defend their factories, and these gradually increased in number till companies grew into battalions, battalions into brigades, and brigades into armies; but during the whole of that time the officering of those regiments by European gentlemen or adventurers was dependent upon accident, and in the history of the Bengal army they rarely heard of more than ten or twelve officers to each. The experience of fifty years showed that such a proportion was inadequate to give full efficiency to Native troops, and in 1796 a re-organization took place, by order of the home authorities, under which twenty-four officers were assigned to each regiment. From 1796 to 1856, however, our dominions in India extended so rapidly that officers were withdrawn from the regiments in large numbers to perform what were called staff duties, political, civil, army, staff, &c., and it constantly happened that not more than from ten to fifteen remained to do duty with their regiments. Such a state of things did not escape the attention of the Indian Government, and a letter from the Governor General to the Court of Directors, dated the 5th April, 1856, stated that urgent representations had been made to him of the paucity of European officers, and he recommended the appointment of supernumerary cadets to the Indian Service. That letter was answered by the Court of Directors on the 10th of September, 1856. In their reply they said they need hardly state that the mere appointment of one or more officers to the rank of ensign in addition to those on the establishment of the Native infantry, was not the proper remedy required to meet effectually the exigencies of the Indian Army. From their youth and inexperience, and want of rank, such additional officers would form no adequate substitute for the older and experienced officers withdrawn from regimental duty, and they distinctly stated that the withdrawal of officers to the extent that reduced the numbers to ten or twelve could not be done except with great risk to the discipline of the regiments. They admitted that the want was pressing, and they went on to say that they took that opportunity of expressing their opinion that Native regiments should always have present with them for regimental duty in time of peace thirteen officers—one for command, ten eligible for the command of companies, two eligible for the regimental staff, besides a few young men. The mutiny of the Bengal Army broke out; and then a feeling unhappily sprang up—chiefly amongst those who were ignorant of the character of the Native troops and did not look to their past devotion—for it was by their aid our Indian Empire was chiefly obtained—that the army should be immediately reduced and ultimately put down. That had been done. The reason for that proceeding was stated to be economy; 230,000 Native troops being considered an overwhelming number. The Bengal army, with the exception of fourteen Regiments, which had remained faithful, disappeared; the Bombay and Madras armies remained faithful with the exception of two regiments, and there was a reduction of between 110,000 and 115,000 men out of the 230,000, at a saving of a million of money. But what had been the result? Why, that the European troops had been doubled. From 40,000 men when the mutiny broke out in Bengal, they increased at one time to 112,000, and there were now seventy-two thousand European troops in India with a reserve force of 9,000 in England, at a cost of £2,000,000 to India. And the practical result of the saving of £1,000,000 by the reduction of the native troops was to increase the cost of the Indian Army £2,000,000 by the additional 40,000 European troops. The Staff Corps also was established, which had ever since been a source of the greatest difficulty and injustice. It was stated that the selection for the Staff took away the *élite* of regiments. But it did nothing of the kind; it took away all the officers who had interest, and in nine cases out of ten the *élite* remained behind because they had no interest. Personal illustrations were always unsatisfactory; but he knew in his own case that he passed as interpreter in two languages before he was twenty, and yet might have remained all his life with his regiment, but that he was fortunate enough twelve years after he had passed as interpreter in two native languages to obtain private interest that withdrew him from it. Nothing was more deceptive than this phrase "re-organization;" but which the armies at large called "annihilation." At one stroke of the pen Native soldiers who had become veterans in the British service, and whose ancestors had fought gallantly for the Crown, were without reference to their self-respect and soldierly pride converted into Irregulars by an Order dated December 28, 1863, and the number of officers doing duty with those regiments was reduced at one blow from twenty-four to six. The Act of Parliament guaranteed to all officers that their usages and privileges should be maintained, and one of those privileges was that no officer belonging to another regiment should come into their ranks and supersede their regimental rights; but the Act of Parliament had been violated. The General Order of December which recognized the Indian army, affected the position of every officer of every regiment in the local armies.

Three regiments of cavalry in the Bombay army, which carried on their standards the names of the battles in which they had been engaged in Affghanistan, Persia, and elsewhere, were converted into Irregulars; and they now found among them officers who had never before belonged to them, nor had ever served with them. It rested with the Commander-in-Chief to take away the old officers of the regiments, and put them aside entirely in favour of perfect strangers. In the Bombay army there was only one regiment out of three regiments of cavalry and thirty of infantry, in which there had not been an intrusion of that kind into the regiment. There were fifty-six cases of officers posted to regiments who had never served in those regiments before. This was contrary to the usages of the service, contrary to policy, prejudicial to discipline, and how such a course could have been pursued was to him, an officer of half a century's standing, perfectly unintelligible. All these fifty-six officers were occupying the places of the old regimental officers, who had been divorced from their regiments, and who existed only upon paper in what was called the cadre of the regiment, and were strangers to the old Native officers and men. The effect of the working of the Staff Corps had been that the officers, by their promotion in that corps, after fixed periods of service without reference to their regimental standing, when they returned to their regiments superseded officers of older standing in the regiment, and who had been longer in the army. The House would understand the feeling created by these measures among the old Native officers, some of whom had served for fifty years uninterruptedly in their regiments, and also among the Sepoys, many of whom had served for twenty years, and who looked upon their regiments as their homes, and the officers of their regiments as their friends and fathers. The course pursued was undoubtedly dangerous, because it was exciting a feeling of dissatisfaction, distrust, and suspicion that might inflict upon this country injury of a very serious character by loosening the loyal ties, which had formerly existed between the Sepoys and the Government. He would give the House two or three illustrations of the effect of the posting of officers to regiments to which they did not belong. A communication dated January 24, and which he supposed was addressed to the right hon. Baronet (Sir Charles Wood), complained of a measure which deprived half-a-dozen officers of their rank in their regiments, hindered their prospective advancement, and cancelled or annulled the agreement made by the East India Company, and which had been transferred to and undertaken by the Crown; and the right hon. Baronet was asked whether he would persist in approving a measure which, by sending strangers to regiments to fill the places of old regimental officers, injuriously affected the efficiency of the army. Another communication from India of the same date spoke of a General Order as a most shameful piece of jobbery, and gave an instance of a lieutenant on the General List who had never been posted to a regiment, being made adjutant of a Native regiment, and responsible for the discipline of 800 men, after a residence in India of only three years. The writer stated that Sir Hugh Rose had been warned of the danger of placing boys in command of the Natives, and in posts which men of ten years' standing before the mutiny could hardly hope to attain. The case of Captain Richardson, of the Bombay army, eighteen years in India with his regiment, but now only attached to his own regiment, was another instance in point. It was very hard for such an officer to find an officer of the Staff placed over him. Only on Saturday last he had received by the mail a letter, dated May 11, 1864, reciting the case of Captain Farquharson, of the 2nd Light Cavalry, who was senior squadron officer of the 3rd Cavalry, although he belonged to the 2nd Light Cavalry, and who had been recently appointed to an acting paymastership, which would take him from the 33rd regiment for eighteen months. Captain and Brevet-Major W. A. Dick, who belonged to the 3rd Cavalry, but now second in command of the Scinde Horse, who had been twenty-one years in the service, and who had been with the regiment in Affghanistan, where it had gained so many laurels, applied for permission to rejoin his old regiment. He was refused, and, to everybody's astonishment, an infantry officer and a captain of eight months' standing only, who had never served in the cavalry, was appointed by Sir William Mansfield to fill the vacancy. And another officer of the 3rd Bombay Light Cavalry was equally refused permission to rejoin his regiment, that the stranger infantry officer might be provided for. All the cavalry officers were calling out, and many of them were furious; and well they might be. He had been in the service half a century, and never in all his experience did he know of an instance such as that. There might be reasons of urgency or expediency of which the public was not aware to justify that extraordinary departure from usage, and that outrage upon the feelings of the officers. He hoped and trusted there were, for Sir William Mansfield's sake; but, in the absence of such reasons, he had no hesitation in saying that that appointment was a scandalous abuse of power, and as such he would leave Sir William Mansfield to justify it. But there was another power given to the Commander-in-Chief with regard to the re-organization of those regiments. They were considered Irregulars, and as not having the rights of regulars at all which involved regimental seniority. The Commander-in-Chief had a right to appoint any one at his pleasure or caprice. In the case of the former Irregular regiments, few in number, it was an act of prudence and policy to select the most active officers and put them into those regiments. But here were the old regular veteran regiments, of the armies of Madras and Bombay, and with regard to them it was a different thing. There was an Order by Sir William Mansfield, contained in the *Overland Times*, dated from the 28th of February to the 14th of March last, in which the Commander-in-Chief was pleased to intimate that it had been ruled by the Government of India that in all cases the officers appointed to command a regiment under the new system in virtue of his appointment should command a regiment, the second in command should rank next in the corps, and the other officers according to army standing. Well, suppose Sir William Mansfield selected a junior officer and made him commandant, and another second in command, all the senior officers would be compelled to obey their juniors. Was there ever such a subversion of discipline, or of the ordinary rules and usages of an army? He knew his right hon. Friend (Sir Charles Wood) was anxious to promote the welfare of the army, but most unhappily he had been subjected to influences which had subverted his judgment and warped his better feelings, and he had done that which most probably would result in disaster. He had no hesitation in saying that such things never would have taken place under the East India Company, who would not have disgraced themselves by such injustice. He begged to ask, Whether the recent appointment or employment (except in emergent cases) of Officers of the Indian Armies with regiments to which they do not belong, in supersession of the regimental rights of the officers or usages of those regiments, is not contrary to the spirit of the Act 21 & 22 *Vict.* c. 106, which guaranteed

> "That the Military and Naval Forces of the East India Company should be deemed to be the Military and Naval Forces of Her Majesty, and should be under the same obligations to serve Her Majesty as they would have been under to serve the said Company, and should be liable to serve under the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company;"

And whether such appointments have been approved by the Secretary of State?

MR. VANSITTART said, that there was no doubt, as mentioned by his hon. and gallant Friend, that the Officers of the Indian Army generally had great grounds for complaint. In referring to the Report of the Commissioners and the appendix which had been placed upon the table a few days ago, it could not fail to strike any candid mind that those officers had been superseded in the most grievous manner. The Commissioners in the 42nd paragraph of their Report were constrained to acknowledge it, inasmuch as they said that the Parliamentary assurances had not been adhered it. The injustice complained of might be ascribed entirely to the creation of that new-fangled corps, called the Staff Corps; for by the rules of that body all promotion went to advance officers who had been so fortunate as to be attached to it, to the prejudice of officers who were serving in their own regiments. In fact, persons had been appointed to the command of regiments they had never heard of. Instances had been brought to his notice of officers belonging to the Madras Presidency having been sent over to the Bengal Presidency to supersede officers who had never left their regiments. But this injustice was not entirely confined to the Military Service—it extended even to the Civil Service of India, because civilians serving in the Punjab and out-provinces having obtained furloughs to return to Europe in order to recruit their shattered health found upon coming back that their appointments had been conferred upon striplings who commanded sufficient interest, and had been fortunate enough to be attached to the Staff. They were thus thrown for promotion upon the

North West Provinces. He had received a letter from an eminent authority, who was thoroughly conversant with all the circumstances of the case, who stated that promotion in the North West Provinces had been most materially retarded by all the civilians who had taken furloughs in the Punjab and North West Provinces having been superseded by military men. Under these circumstances it appeared to him a matter of no surprise that a feeling of great dissatisfaction and indignation prevailed in India, and it was high time that it should be remedied. The remedy was a simple one; he would at once abolish this highly favoured Staff Corps, which had been so hastily established by the Secretary of State for India, and which had been the means of crushing many a noble spirit, and creating such unspeakable woe and misery.

Mr. TORRENS said, that when the right hon. Gentleman the Secretary of State for India introduced his Bill for the amalgamation of the Royal and Indian armies, he did not seem to have sufficiently considered the difficulties attending that step, and the detailed provisions which were required, and that circumstance was a sufficient justification for the opposition offered by some hon. Members. The right hon. Member for Oxfordshire (Mr. Henley) in consequence took steps to secure for the Indian army all the privileges which they had previously enjoyed; and those who opposed the Bill were only induced to withdraw their opposition on the distinct pledge of that House and the Government, that the rights and privileges of the officers of the Indian army should be respected. It is now three years since that pledge was given, and how had that pledge been kept? He was sorry to say for the sake of the honour of the House that it had been broken; and he entreated the right hon. Gentleman, for the sake of the honour of the House and for his own, to redeem the pledge that was given, and in reliance on which opposition to the Bill was withdrawn.

Captain JERVIS trusted that there would be no delay in placing before Parliament the warrant on which Sir William Mansfield had acted; but before that warrant was before the House, he would carefully avoid any allusion to cases to which the hon. Gentleman who introduced the subject had alluded. He would wish to point out, however, that it was four, not three, years since the pledge referred to was given. It was given on the 3rd of July, 1860; and although he had consented to postpone his Motion for a Committee pending the Report of the Commission—and it reported in October last—yet nothing had since been done in the matter, except the issue of an Order in the Bengal Presidency, which had made matters ten times worse.

Sir CHARLES WOOD was understood to say that he did not think it desirable at present to go into all the questions referred to by the hon. and gallant Member behind him (Colonel Sykes). He regretted much that the warrant to which allusion had just been made was not on the table of the House; but it was not his fault—he had done his best to get it completed. The preparation of it had received from the noble Lord the Secretary for War, and from the Commander-in-Chief, as well as from himself, considerable attention and pains, and they had endeavoured by every means to reconcile the claims and wishes of both classes of officers, and he hoped the result would be satisfactory to the House. The principle had been agreed upon some time ago, but a variety of modifications had been proposed; but it took more trouble and pains to come to a fair conclusion than could be supposed. The warrant had now been completed, and he hoped that in two or three days it would have received the sign manual. Before it was signed he could not, of course, in accordance with the ordinary practice, lay it upon the table. He did not quite understand what had fallen from the hon. Member for Windsor (Mr. Vansittart) relative to the Civil Service. Of course, when an officer came home on leave he *ipso facto* vacated his office, and it became necessary to appoint another to the vacancy; and when the former returned to India he must wait till some other appointment was open to him.

Mr. VANSITTART said, what he wanted to convey, and what he believed he did convey, was, that all the civil appointments in Oude and the Punjab, when a civil officer returned to England to recruit his shattered health, were filched away from them and given to the officers of the Staff Corps.

Sir CHARLES WOOD would say to the hon. Gentleman who had just spoken, as he would to the hon. and gallant Member who had introduced this subject, that it was exceedingly inconvenient that, on a question of this general kind, particular cases like those which had been referred to should be cited without notice. Had the hon. and gallant Member for Aberdeen (Colonel Sykes) previously furnished him with names of the officers whose cases he intended to refer to, he might have been able to inquire into them, and offer some explanation to the House. From what he had seen of Indian affairs, he believed that the appointments were given, not by favour or interest, but to the best men; and seeing the way the service had been performed at all times in India, the hon. and gallant Member was not justified in saying that unfit men had been appointed to the different posts. He deprecated the sweeping assertion that Sir William Mansfield had been guilty of a scandalous perversion of authority, for had unfit persons been appointed, the duties of the offices could not have been performed in the satisfactory manner in which they had been. All that he could do on the present occasion was, to deal with the general question. The hon. and gallant Member (Colonel Sykes) said that it was not true that the best men were taken for Staff employments; that the best men were kept with the regiments, and that those taken for Staff employments were chosen by favour. But when complaints were formerly made of the want of discipline in the regiments, many persons attributed it to the practice of taking the best men from the regiments for the Staff employments, and stated that the practice was so dangerous that it was a wonder there was any discipline left at all. The universal testimony given of the inconveniences of that practice was one of the strongest motives why he (Sir Charles Wood) had taken part in the institution of a Staff Corps in order to provide a body of officers for the regiments organized on what was called the Irregular system, and for Staff employments of different kinds without having recourse to a practice, so universally condemned, of taking officers from their regiments. The hon. and gallant Member complained that the Native army was being considerably reduced; but if there was one point on which no difference of opinion, he thought, was entertained, it was this—namely, that to provide for the safety of the English rule and of English subjects in India, it was advisable to increase the English garrison there, and to reduce the Native army.

COLONEL SYKES said, his argument was based on the question of finance.

SIR CHARLES WOOD said, no doubt the English troops were more expensive than the Native ones, but the difference of expense was by no means one that could be set against the safety of our Indian possessions. There had been a great reduction in the number of officers in the different regiments. There was not that feeling of confidence and attachment to their officers in these regiments which the hon. and gallant Officer said would be destroyed by the new system, for the mutiny had proved that in the old regiments the officers were not, as was supposed, acquainted with the feelings of their men. All the regiments which were raised during the mutiny were framed on the Irregular system, which not only required fewer officers, but gave opportunity of employing Native officers in higher grades. It secured an efficient body of troops, at a much less expense. The House should bear in mind that India was mainly saved to England by these Irregular Native troops, who formed a great part of the force which took Delhi; and therefore efficiency as well as economy had been furthered. What had been done had not been done on English or Imperial grounds, but on Indian grounds, and with the sanction and advice of the present Viceroy of India, Sir John Lawrence (the highest authority we could have on Indian matters), and of a majority of the Council of India. Then came the question, how were those Irregular regiments to be officered. That could only be done by the creation of a Staff Corps. That was the best, if not the only mode of providing the requisite number of officers. The hon. and gallant Member for Aberdeen had stated that officers had been superseded in their own regiments by officers of the Staff Corps; but he (Sir Charles Wood) was not aware of the existence of a single case of the kind. [Colonel SYKES: There are many cases.] If there were, they had occurred in direct opposition to the positive orders which had been issued by the Government. The hon. and gallant Member complained of officers being sent to command regiments in supersession of what he seemed to think were the regimental rights of the officers of that regiment. But suppose that in one regiment all the officers had elected to join the Staff Corps except the six senior captains, and in another all had gone except the six junior subalterns, would the hon and gallant Member say that the six captains ought to be left to do all the subaltern duties in one regiment, and the six subalterns to do all the captains' duties in the other; or would he not rather leave three captains and three subalterns in each regiment. Certainly he did not admit that such an arrangement would be at all derogatory to any regimental rights. In making these arrangements the Government had had no object in view but the good of the service generally, and he was sure that the Commander-in-Chief, in all he had done, had endeavoured to do that which was for the benefit of the general body of officers.

Sir MINTO FARQUHAR said, that when the subjects of the transfer to the Crown and the re-organization of the Indian army were before the House he was present and took a humble part in the debates. Throughout the speeches that were made on these occasions, those holding high positions in the Government said that it was but fair and right that full consideration should be given to the claims of the Indian army. The right hon. Baronet was then warned of the difficulties which must attend the amalgamation of the Indian with the Royal Army. Those difficulties had arisen; and the right hon. Gentleman, notwithstanding his cleverness and his desire to do justice, had been unable to contend with them. Upon that occasion a full pledge was given to the officers of the Indian army, that all their rights and privileges should be faithfully preserved to them. The right hon. Gentleman had been saying that he had to take care that no injustice was done to the officers of the Royal army. Now he (Sir Minto Farquhar) would be the last person to sanction the slightest injustice to the Royal army—indeed he had a son in that army—but why did the right hon. Gentleman mix up the two armies? He ought to have known that if no injustice was to be done to the Royal army, how difficult it would be to carry out his promises to the Indian army. The petitions sent to this country from officers in the Indian army were not a single petition, or half-a-dozen, or twenty, but absolutely hundreds—officers who felt that the pledge made to them had not been carried out. The hon. and gallant Member for Harwich (Captain Jervis) and himself in 1862 asked for a Committee to investigate the subject-matter of these petitions. The right hon. Gentleman, after taking a month to consider the subject, said he did not think it would be advantageous to the service to have such a Committee. Thereupon his gallant Friend immediately placed a notice on the paper, that he would move the appointment of a Committee himself; and when, after having the circumstances put before them, the pressure of the House was about to be put on the right hon. Gentleman, he came forward and proposed to meet the case by a Royal Commission. He thanked the right hon. Baronet for that Commission—but what did that Commission prove? Why, that in many cases the pledge of the House had not been fully and entirely carried out. When the right hon. Baronet was asked to lay the details of his amalgamation scheme, before he carried it out, on the table, his reply was, "You must leave the details to the discretion of the Executive." Again, there was the question of the warrant. That was sent out to India, and carried out without the House having any previous opportunity of expressing an opinion upon it. The Royal Commission stated cases in which the promise had not been fulfilled. Then, who established the Staff Corps? Why, the right hon. Baronet. He was frequently told that if he did establish it, as proposed by him, he would to a certainty do an injustice to other officers. He (Sir Minto Farquhar) must remind the right hon. Baronet that it had always been argued that the amalgamation of the two armies was brought forward by Government as an Imperial measure for Imperial purposes; and that, having been admitted by Parliament, Parliament was in honour bound to insist that the promises made and guaranteed to the officers of the late Indian army should be completely fulfilled.

DENMARK AND GERMANY—THE CONFERENCE.—QUESTION.

Lord HENRY LENNOX: Sir, before you leave the Chair, I am anxious to put a Question to my hon. and gallant Friend the Member for Liskeard (Mr. Bernal Osborne) whether he is satisfied with the nature and the tenour of the reply he just now received from the noble Viscount at the head of Her Majesty's Government? for, if he is satisfied, I feel no hesitation in saying that he is the only Member in the House who is so; and when to-morrow morning the newspapers carry the intelligence over the country, I venture to say that few of their readers will sympathize with the answer of the noble Viscount. The noble Lord and the Government have all along discouraged any attempt on the part of the House to inquire what was going on in the Conference; and if complete secresy had been observed throughout Europe with regard to what was going on in the Council Chamber in Downing Street I should be the very last to undertake the responsibility of pressing upon

Her Majesty's Government or my hon. and gallant Friend a course which would jeopardize the satisfactory issue of the deliberations which are being held there. But such is not the case. Though Her Majesty's Government maintain silence on the subject, the journals of Paris, Vienna, and Berlin teem with news of what passes, or is supposed to pass, in the Council Chamber of Downing Street. It will be recollected that when the Session began, the noble Viscount at the head of the Government, and his noble Colleague in another place, came down night after night and declared that it was the firm intention of Her Majesty's Government to abide by the Treaty of 1852. On a subsequent occasion the noble Viscount announced that the efforts of the Government had been successful in bringing about a Conference, which was immediately to meet to settle the most difficult and perplexing question to which I am now referring. The noble Lord added, amid the sympathizing cheers of his party, that the Conference was about to assemble on the basis of maintaining the integity of the dominions of King Christian IX. The noble Viscount and his noble Colleague having over and over again declared, that the Government was pledged to that policy, is, I think, a sufficient excuse to my gallant Friend to press his Question on the Government. I wish, therefore, before you, Sir, leave the Chair, to ask my hon. and gallant Friend whether he will give to the House an assurance that he will on an early day again call the attention of the House to this subject—I am sure that if he does he will receive the sympathy of a majority of the House and of the country—and endeavour to elicit from Her Majesty's Government whether the statements which are contained in the foreign journals be or be not true; and whether it be a fact that the Government, who early in the Session declared in favour of the Treaty of 1852 and the integrity of the Danish dominions, are now, by their representatives sitting in the Conference, which would not be sitting at all except on the basis of the effectual annihilation of the Treaty of 1852, by which alone King Christian sits on the throne of Denmark; and whether that basis is conducive to the dismemberment of Denmark?

Mr. BERNAL OSBORNE: I do not know what assurance I can give the House on this subject. Before I give any I should wish hon. Gentlemen on the other side to give me some assurance that, in the event of my again resuscitating the discussion on the Treaty of 1852 I shall not be met by the "Previous Question." The course which I have hitherto taken in this matter has not met with very great encouragement from hon. Gentlemen opposite. My noble Friend now asks me whether I feel satisfied with the answer which I to-night received from the noble Lord at the head of the Government? Well, Sir, I may say in reply, that so far as my own private feelings are concerned—though I am thankful for the smallest favour—I do not feel exactly satisfied with that answer. I may add that it struck me from the first that this Conference was instituted rather to preserve the integrity of the Treasury Bench and to prevent the dismemberment of Her Majesty's Ministers than to maintain the integrity of Denmark. I would remind the House, too, that we have been going on in this way from day to day, and from week to week, and that we seem likely to go on in the same manner until at last the month of July will have arrived, when hon. Gentlemen on both sides will be leaving town, and this question will die a natural death. For my own part, I am surprised at the reticence which the House has observed on the matter. Up to a certain point the Government were probably right in deprecating the discussion of the subject, and I, perhaps, was wrong in bringing on my Motion when I did. Now, however, that we have arrived at the 6th of June, and we see that the Question is allowed to drag its slow length along from day to day, I think the House of Commons ought to be put in possession of some definite information with respect to it. What, I would ask, is the present position of the House and of the country generally? Why, that while the lowest inhabitant of the most petty capital on the Continent learns from his paper what is taking place at the Conference, we get "the best information" from foreign newspapers. So that it comes to this—that we, the subjects of a constitutional Sovereign, are the worst informed persons in Europe on a subject which is transacted in our own capital under our very noses. How long, I should like to know, is this to continue? If I were to use the word "farce," Sir, in connection with these proceedings I should, I believe, be called to order by you; but this I may say, that the House of Commons is placed in regard to them in a most humiliating position, and is being tricked into silence by the Members of the Government, who appear to have taken the vows usually taken by the monks of La Trappe. Whether they are digging their own graves is a different question; but of this I am certain, that if we submit to be put off day after day with evasive answers, in which the noble Lord the Member for Tiverton is so great a proficient, that he would be eminently qualified on that score alone for the degree which he took the other day at Cambridge, we shall be digging the grave, not only of the dignity of the House of Commons, but of the national honour.

MR. DISRAELI: Sir, I hardly know anything in our Parliamentary system which to my mind is more to be admired than the reserve which obtains in Parliament when it is known that Her Majesty's Government are engaged in important negotiations upon which the question of peace or war may turn. I think it a characteristic of our system which marks it out from all other attempts at Parliamentary government, and is one of the surest guarantees for the endurance of constitutional rule. But I must say that, after listening to the observations and accepting without annoyance the taunt of the hon. Gentleman who has just addressed us about moving the "Previous Question,"—I having moved the "Previous Question" on a former occasion, when I thought it was for the interest of the country and due to Her Majesty's Government—I must say that I was disappointed by the answer which the noble Lord gave to the Question which was put to him by the hon. Gentleman at the commencement of our proceedings this evening. Wishing for the sake of the highest considerations, for the advantage of the country, to acknowledge in the fullest spirit the sound privilege which attaches to a Government in the position of carrying on negotiations—and negotiations by a Conference — I think that, in the circumstances in which we now find ourselves, it would have been salutary, and it would have been wise and politic on the part of Her Majesty's Government, to have shown more candour and frankness than has been exhibited by the noble Lord to-night. Because you must remember that Parliamentary reserve under these circumstances depends upon one constitutional condition, and when that is observed the Parliamentary reserve is perfectly intelligible and constitutional. The condition of the reserve of Parliament when a Government is engaged in negotiations is that Parliament is acquainted with the principles upon which the negotiations are conducted, and approves the general policy of the Government. That is the condition which has always been acknowledged, and on which the salutary system of Parliamentary reserve under these circumstances is founded. But what the House of Commons is alarmed about—I am sure I do not misrepresent the general feelings of the House in this matter—what at this moment agitates the House is, that they are not convinced that the policy which was frankly announced by the Government before these communications commenced is the one which they are now pursuing; and the House and the country too are becoming anxious because they are not satisfied that the condition of Parliamentary reticence any longer exists and is observed. I do not want to penetrate the secrets of the Conference, but it has been well said by the Gentlemen who have addressed us, that there is not that reserve in other countries which is observed in England. I myself read in a German paper the other day an absolute account of what took place on a most critical day in the Conference, and that not by way of rumour or *on dit*, but with all the forms of diplomatic accuracy, and I have reason to believe from subsequent inquiry that it was an authentic document. Now, Sir, although the House of Commons and those who sit on this side of the House are more than desirous, when these critical and important questions arise, not to interfere with the course of Her Majesty's Government or to embarrass negotiations, it is utterly impossible, it would be most pedantic for us to pretend that we are entirely ignorant, or believe that we are entirely ignorant, of what is taking place within a few yards of the House in which we are assembled; and there are rumours—rumours which appear to us of an authentic nature — which are enough to disquiet and disturb us all. No one could expect that while conducting negotiations of this kind the noble Lord would enter into any details; we should not expect minute communications from a Government who are conducting negotiations upon matters of detail which must change almost every day or even hour; still, it would have been satisfactory to the House if we had been informed by the noble Lord, that though the negotiations are not concluded —

though the Conference was sitting and might sit for some time, still he could assure the House that the principles of policy which he had announced to the country were those upon which the Government entered into the Conference, were those which were guiding and animating their councils; that he believed that there was a fair prospect that they would succeed; and that if they did not succeed, Her Majesty's Government would have had the opportunity of vindicating, as far as their opinion was concerned, the policy which they recommended, and would appeal with confidence to the candid consideration of Parliament. But when we hear, as we do hear, that the course which the Government is pursuing is one exactly contrary to that which was announced in this House, it is impossible to expect from an assembly in which the popular element prevails to so large an extent as it does in the House of Commons, that we upon these Benches should hold ourselves in dignified reserve, and should not expect from the Ministers, whom under such circumstances we are inclined and prepared to trust, some communication to guide and enlighten public opinion. I therefore very much regret that the noble Lord has not said something which the House had a right to expect. I think that when we are informed that the question now in agitation is the continuation of the suspension of hostilities, the noble Lord ought to have given some general assurance to the House as to what had been the course of the negotiations. It would certainly have been satisfactory to the House to have heard something that would have persuaded us that what every man says in the city is not correct. I should have been glad to hear something from the noble Lord which would have assured us that Her Majesty's Ministers are not pursuing in the Conference a policy directly contrary to that which was announced in this House as the basis of their negotiations, and by the announcement of which, allow me to remind the House, they have obtained this Parliamentary reticence and reserve. It is because the noble Lord frankly declared what was the policy of the Government that he obtained that reserve. It was not because we are indifferent. It was because when such great interests were at stake the general policy of the Government was satisfactory to our convictions and to the conscience of the nation that we felt it was our duty to be silent; but I must say that the silence of the noble Lord and his answer to the Question that was asked at the commencement of the proceedings this evening fill me with great anxiety and apprehension. If the policy of the Government has been entirely changed—if at the moment when the renewal of the suspension of hostilities is in debate that policy has been entirely changed—I say that it is due to Parliament that some announcement should be made. We all know what was the general policy of Her Majesty's Government. In matters of this kind no one wishes to pin the Ministry to minute particulars. The noble Lord told us frequently, he told us continuously, that the policy of Her Majesty's Government was to maintain the Treaty of 1852—or, rather, I should say, describing as he did the scope and tendency of the policy of 1852, it was to maintain the integrity and independence of Denmark. That was what the noble Lord has constantly told us; and because he went into the Conference to maintain that policy, and to uphold the integrity and independence of Denmark, the House of Commons has been silent, and it has in my mind exercised a wise and salutary Parliamentary reticence; so that it should not be said that we interfered and threw obstacles in the way of a happy solution of these circumstances of great difficulty and peril. But if, as rumour tells us, it is now otherwise—which appears to me too incredible to accept—if it be true that the Government who but five months ago were making overtures to the Emperor of the French to stir up a European war in order to maintain the integrity of Denmark; if, incredible as the fact may be, the men who followed such a policy—I think, at that time, a most dangerous, but at least a candid policy—should be the men who, having at last succeeded in calling together a Conference, are themselves accomplishing the destruction of the integrity and independence of Denmark—then I say that some explanation is due to the House of Commons, and the noble Lord may rest assured that neither Parliament nor the country can long be silent under circumstances so extraordinary. No one wishes to interfere with the course of Her Majesty's Government, if that course is a frank one; but, I say, no Minister is entitled to ask for Parliamentary reticence and reserve during the progress of negotiations if he has not first fulfilled the great condition of such Parliamentary reserve — that his policy shall be known to the country and generally approved by Parliament. If he follows a policy totally contrary it may be right—it may be possible to justify it; but when that change takes place, especially at a moment like the present, when the continuation of an armistice is in question, he is bound to come forward and frankly tell us, "Our policy is changed. We are perfectly prepared to vindicate our course. All we ask is, that you should continue your confidence to us, or at least that you should call our conduct in question, and let it receive either the sanction or reprobation of the House of Commons." If the hypothesis—which I should call wild, were it not for the authentic rumours and, I fear, accurate information which have reached me—is correct, I must say that it is impossible that any body of men should have been more elaborately deceived and mistaken than the House of Commons has been. Is it that we have relied merely upon the assurance of the Government? Is it merely that the noble Lord has come forward and told us that the policy upon which he was conducting his negotiations—that the basis upon which subsequently he entered into the Conference—was to maintain the integrity and independence of Denmark? Is that all? If that had been all we might have said that the noble Lord might be able to allege circumstances which might explain his conduct—that we might have misconceived him—that we might have placed too favourable a construction upon the declaration of the Minister. But that is not all. The noble Lord brought, as it were, Europe into witness and testimony of his policy. When we pressed the noble Lord for information he was always ready with assurances that "It is not merely the English Government that are prepared to maintain the integrity and independence of Denmark. Austria is equally anxious; Berlin is now desirous to maintain the integrity and independence of Denmark. So futile are your fears that I myself have this moment received a despatch." He told us one night, I remember, when I asked for some information — and the House was delighted to hear it from so high an authority and from so authentic a quarter—that Prussia was as desirous to maintain the integrity of Denmark as was the noble Lord himself. I should think the House of Commons and the country generally must have been surprised at the attitude maintained towards the Government. I do not regret it, for I would rather we should err on that side—nay, I think the noble Lord, with his long experience of difficult matters, must himself have been a little startled at the temper shown by the House of Commons. When on any evening he came into the House and found it anxious and agitated in consequence of news which had reached it, the noble Lord could hardly have speculated on the felicitous conclusion of his own management. Let the House remember what has occurred, and then let them contrast with that the silence and reserve which have been observed—silence and reserve not arising from indifference, from want of sympathy with others, from any want of feeling as to the magnitude of the conjuncture, or any want of perception as to the great interests at stake, but arising from a sentiment of patriotic prudence on both sides of the House, and a determination, under the circumstances, to assist the Government. Let me remind the House of some of the great incidents which it was the duty of the noble Lord to announce, and the replies which the noble Lord gave to appeals that were addressed to him. First of all, the House will remember the anxiety originally felt when the subject was first brought under our consideration. Parliament was about to be prorogued, when we had an assurance from the noble Lord that sent us all to our constituents without a care — I am sure it must have made every heart in Copenhagen happy and serene when the House of Commons was assured by the Premier that if difficulties ever arose, Denmark would not find herself alone. There are many like myself who — I will not say trembled, but hesitated, when they heard that war might be imminent, remembering, on the one hand, that grave national interests, and, on the other, that national honour, were concerned. But we were soon informed that we need not be nervous, for the noble Lord, whose prescience as a politician is celebrated, while he informed Denmark that she would not be alone if attacked, assured England that there was not the slightest probability of any such eventuality. When we met again, the Federal Execution, which before had been ridiculed, was impending. The House was prepared if Execution were carried out on constitutional principles that it could not interfere with the action of the Diet in Holstein; and I do not believe that we should have done so. But then came the passage of the Eider. That was a great point on which the House and the country had fixed their attention, and there was a general understanding that if the Eider were passed Her Majesty's Government must take such steps as would assert the spirit of their policy. But the Eider was passed, other rivers were passed, and at last Jutland was invaded. The House cannot have forgotten the answer which the noble Lord gave to my question on that subject. He said the invasion of Jutland was an atrocity. That was the language used by the head of the Government—language which might rank with some of the great invectives that are recorded, and it shows what was the spirit of the Government at that time. After those various occurrences we found ourselves in the midst of Conferences and negotiations. And the House, notwithstanding the disappointments to which it had been exposed—notwithstanding matters affording ground for the belief that the conduct of the Government was very far from satisfactory—generously supported Her Majesty's Government the moment that a Conference was called. The House of Commons did so because the noble Lord told us frankly and candidly, and often repeated the statement, that the Government entered into that Conference for a definite object and with a definite view. We do not want to hold the noble Lord pedantically to the fulfilment of any particular detail which he may have announced at such a moment. All we want is that the spirit of his policy shall be observed and maintained. It was because we credited the noble Lord with this assurance that we were silent. A suspension of arms took place for a month; and that I held to be an incident of great importance, having ventured to remind the House that a Conference without an armistice or cessation of hostilities is generally fruitless and unsatisfactory. The month has now expired or is about to expire; and were there no rumours or suppositions, no causes to justify men in thinking that that is happening which is not for the honour or the interests of England—were there no causes existing to make the House suppose that the policy of Her Majesty's Government has in any way changed—were everything as smooth as a summer sea, and were there no grounds for anxiety and dark mistrust in the public mind—it would still, I maintain, have been the office and duty of the Minister on an occasion such as the expiration of an armistice to come forward and give some account to Parliament of the progress of these negotiations. He ought at least to have re-assured the public mind and given them some confidence in the conduct of these discussions, and have reiterated the spirit of that policy which Parliament had sanctioned, if not by a formal vote, at least by its silence. The House will see that the noble Lord ought to be called to account, even if there were no cause for anxiety. But if what I have ventured to call a wild hypothesis be true, if it be the fact that Her Majesty's Government in this interval have entirely changed their policy, if they themselves are participating in the partition of Denmark, which only five months ago they were stirring up an European war to prevent, then I say it is a mockery of the House of Commons if, under such circumstances, the noble Lord remains silent.

VISCOUNT PALMERSTON: Sir, We have just had a magnificent display of virtuous indignation from the right hon. Gentleman, who knows that he is attacking me in a position in which I cannot go into the defence that he challenges. He is like a man that attacks another who has his arms tied behind him. He knows that, because he has been in office. He knows that I am tongue-tied at the present moment, and that I cannot enter into an ample reply to the attacks which he has showered upon me. Sir, the right hon. Gentleman declares that he has a policy; he always moots this policy, and reproaches us, who, he thinks, have not a policy. Well, I challenge him to say what his policy is. Let him tell us fairly what he wants the Government to do; and let him ask this House to give a vote in support of Her Majesty's Government if they will adopt the policy which he thinks they ought to carry out. Let him propose that this House will support the Crown by all the means that may be necessary to give effect to the policy he contemplates. When he does that I shall say he is sincere in the course that he adopts in this House. We know what a negotiation is, especially a negotiation carried on with a great variety of Powers, having different views and different interests at stake; and the right hon. Gentleman ought to feel that to state from day to day what have been the points of difference, what have been the results of this interview or that Conference, must endanger the result which everybody who is anxious for the peace of Europe must desire to see attained. And therefore, in spite of the taunts of the right hon. Gentleman, I shall not be induced to violate what I consider my duty, and to throw impediments in the way of a successful result by telling the hon. Gentleman that which I dare say would be satisfactory to him, and which I can quite understand would be satisfactory to the House, from day to day, and from meeting to meeting, what each member of the Conference has proposed, and what each member of the Conference has objected to. ["Oh!"] Yes, that is what the right hon. Gentleman asks ["No, no!"]; that is exactly what he wants. ["No!"] The foreign papers tell him certain things, and he wants me here to go into those very details which he sees in the foreign papers. There is a great difference in statements made by a Minister of the Crown in this House and reports which are circulated through Europe and are told in the foreign newspapers. The right hon. Gentleman may take as much or as little as he pleases of those statements. But though I have the greatest desire to show every possible respect to this House, and though I am quite aware they ought to be informed of everything which can with propriety towards the public interest be communicated to them, I will not, even to gratify the desire of this House, depart from what I consider to be my duty. When Members calmly reflect on the motives which prevent Her Majesty's Government in the present state of affairs from going into details which they are anxious to hear, I am sure they will see that we are acting rightly. When the negotiations now going on have arrived at a stage at which, consistently with the national interests, the Government can make known what we have agreed to or proposed, I am quite satisfied we shall be able to convince the House that in this matter we have acted in accordance with our duty and with the soundest opinions that we have been enabled to form.

Mr. SEYMOUR FITZGERALD: Sir, I think that those who have listened to the speech of my right hon. Friend must feel satisfied that the noble Lord who has just sat down has entirely misrepresented him. There is a reticence and reserve based on the ground that premature disclosure would be injurious to the public service. There is also a reticence and reserve which it may be prudent for Ministers to observe when frankness may be injurious to the Government. It is not true that my right hon. Friend or the House wishes the noble Lord to give day by day details of all that has occurred in the Conference, or to state what has been said by this or that Plenipotentiary. That is not what my right hon. Friend wants. That is not what the House of Commons desires at the present moment. When this Conference was first proposed I put a question to the noble Lord and asked him on what basis he proposed to go to this Conference. The noble Lord replied that, in order to avoid hurting the susceptibilities of certain Foreign Powers, the noble Earl had assembled the Conference on the basis of maintaining the peace of Europe. ["Hear!"] Yes—but the noble Lord added (and I will thank the hon. Gentleman who cheered to cheer this also) that the only principle on which the Government could go into the Conference was that of maintaining the integrity of Denmark. But was that all? We all know that the noble Lord the Foreign Minister addressed a despatch to France and Russia in the winter for the purpose of inviting their concert and co-operation to settle the affairs of Denmark; and when the noble Lord was asked what he meant by "concert and co-operation," he distinctly said that he meant the lending of material assistance to Denmark by the three great Powers. The noble Lord upon being asked upon what event that material assistance was to be given to Denmark, said it was to be given if any proposition were made for the dismemberment of that monarchy. It is not from day to day that we want to know what is going on; but it is now stated in such form and on such authority that the House cannot discredit it, that not only has the Government taken the question into consideration, but that they have themselves been parties to propose that very dismemberment which they denounced only a few months ago, and which they said would be a just cause of war, and with respect to which they said they were prepared to join France and Russia in lending material assistance to prevent. We want to know, has the Government done that? We want to know whether they are themselves parties to an expressly opposite policy from that which they announced to this House. We want to know whether the Government have taken up a course and position which, I undertake to say, five out of six in this House and out of it would consider a humiliation and a disgrace to the country. We wish to know from the noble Lord, before we agree to continue confidence in the Government, whether that rumour—that more than rumour—whether that statement, which is generally believed to be true, is true—that the Government have been parties to that course which, before the Conference, they were the first to denounce?

Lord ROBERT CECIL: Sir, I regret that no member of the Treasury Bench has thought fit to answer my hon. Friend, but that the Government seem determined to bring this debate to a conclusion without giving the House of Commons any of the information that it seeks. The noble Lord has told us calmly to reflect upon the motives of Her Majesty's Government. I have done my best calmly to reflect upon them, and I have come to the conclusion that the answer to that appeal is, that this is the 6th of June. The noble Lord knows that if by such answers he can veil himself behind his position of negotiator—if he can put off day by day the necessity of giving the House of Commons the account he is bound to render—if he can put off explanations until an advanced period of the summer, the Government is safe, at least for this year—and to the noble Lord and those who sit with him the welfare of Denmark, the maintenance of treaties, and the fulfilment of the pledged word of England, are trifles compared with that which is paramount in their minds, namely, the advanced stage of the Session. I think the noble Lord is making an experiment on the patience of the House and the country, which will not be answered by the results. It is idle to talk of details. We all know he has made a complete change of policy. We all know, from sources which we cannot doubt, although they are not officially confirmed, that the dismemberment of Denmark has been approved—nay, proposed—by Her Majesty's Government themselves. I say it is idle to attempt to withdraw their conduct from the judgment of the country and the House of Commons. The reason why the House of Commons and the country are becoming impatient of the length of time that the Conference has dragged on, and are beginning to intrude on that sacred reserve which the noble Lord claims for the position of negotiator, is that they are made to suspect that under the auspices of the noble Lord, England, under pretence of serving and defending Denmark, is in reality betraying her. She has pushed Denmark from concession to concession—she has first forced her to retire from Holstein, then to abandon Rendsburg, then to consent to an armistice, then to abandon Schleswig south of the Schlei, and now there are rumours that the noble Lord intends to yield to the extravagant and flagitious demand of the Germans, and hand over a Danish population to German rule. I venture to say that neither the House of Commons nor the country will long submit to the silence the noble Lord wishes to impose on them, but that they will require from him that account which he is constitutionally bound to render, and not permit him to stifle discussion, under pretence of friendship for Denmark, by asking the House not to interfere while negotiations are going on.

Mr. KINGLAKE said, he thought it would be lamentable if the language used on this or the other side of the House should have the effect of extorting from Her Majesty's Government any disclosures perilous to the cause of peace. He frankly acknowledged that he appreciated to the full the argument addressed by the right hon. Gentleman the Member for Bucks to the Government, for he put it with great force, that the silence of the House during several weeks had been purchased by the declaration made by the Government of the views and principles with which they were going into the Conference. But he must call upon the House to remember, that during the discussions which took place at an earlier period, just before the Conference commenced, the Government, being asked repeatedly to state on what basis they proposed to go to the Conference, at length stated, though with the greatest reluctance, that the parties to the Conference were meeting without any other basis than a common desire of restoring peace to the North of Europe. Surely that statement was a retractation of that other and impossible principle which the Government propounded to the House at an earlier period of the Session; and he thought, therefore, that those who valued the peace of Europe should welcome the retirement of Her Majesty's Government from a position which was perceived, all over Europe, to be untenable, rather than taunt them with the words which they used earlier in the Session.

Mr. DARBY GRIFFITH said, that there was a fear lest the delay would be injurious chiefly to one party, and that the weakest. The present period of the year was more favourable than any other to naval operations in the Baltic, and it might be said by the friends of Denmark that the Conference were tying the hands of the weaker party by further postponement. It was plain that the noble Lord's expectation was, that the weaker party would be brought to consent to a prolongation of the armistice. The noble Lord, however, in taking such a course was undertaking a great responsibility. The policy pursued by the noble Lord's Government exposed them to the imputation that the delays which were unfavourable to Denmark were favourable to Her Majesty's Government. If the armistice was prolonged so as to be carried into July, Her Majesty's Government might deal with the matter almost as they pleased. Being pretty familiar with the feelings of the Danes upon the subject, he (Mr. Darby Griffith) knew that what they wanted was some geographical boundary line, which would separate them permanently from a people so unfeeling and unscrupulous as the Germans had proved themselves to be; and if the Government, without extending the armistice too long, were able to discover such a line, he, for one, would not complain, but would rather rejoice at the separation of two nations who were now as hostile to one another as the Russians and the Poles.

Sir HARRY VERNEY said, he was glad to hear the hon. Gentleman speaking of the separation between the different portions of the disputed territory. Any union whatever of the German population of Schleswig and Holstein with the Crown of Denmark would not lead to permanent peace. Whatever was to be done should be done with the assent of the population, otherwise permanent peace would not be secured. It would not do for that House, or any other authority, to deal with the people of the Duchies without ascertaining their wishes by means of a constitutional vote of the people, or of an assembly elected for the purpose. He hoped Holstein would not receive any accession of Schleswig territory which might contain a hostile population; nor, on the other hand, would it add to the strength of Denmark if an unfriendly population were united to it.

ECCLESIASTICAL REGISTRY.

QUESTION.

Mr. HENRY SEYMOUR said, he rose to ask the Secretary of State for the Home Department, When the promised Ecclesiastical Registry Bill will be introduced by the Government, and if he will lay on the table of the House the Correspondence between the Government and the Bishops, that this House may know what are the objections of the Prelates which prevent Her Majesty's Government from introducing any measure for the reform of the Ecclesiastical Courts? He had on various occasions brought this subject before the House, but unfortunately without effect. From year to year Her Majesty's Government had promised that some Bill should be introduced for the reform of those courts. In 1856 they themselves introduced a Bill, drawn by the present Lord Chancellor when Attorney General, which dealt fully with the matter, and which received the general approbation of ecclesiastical reformers in both Houses of Parliament. That Bill was, however, unfortunately defeated in the other House by a small majority; but it drew from the Irish Prelates an unanimous declaration addressed to the noble Lord at the head of the Government, thanking him for having introduced such a measure, and stating that no private emoluments for themselves or their families should induce them to stand in the way of the passing of a similar measure of reform. The Bill was thrown out by the efforts of certain English Prelates, who had misrepresented various portions of the Bill, as was afterwards proved when it was too late. Another Bill was introduced by certain Prelates who had opposed the former measure, but it then appeared that they would never consent to any Bill for the improvement of Church discipline which would not place the parochial clergy completely under their control. The head and front of the offending of the Bill of the noble Lord was that it did not do that, and that was the reason, which they dared not avow, why certain Prelates opposed it. When Lord Derby's Government came into office in a year or two afterwards another Bill was introduced to the same effect with regard to Ireland; it passed in another place, got two readings in that House, and was prevented from becoming law only by the dissolution of Parliament. That Bill provided an efficient remedy for those defects in the administration of Church discipline, and those abuses of patronage which to a very great extent he was sorry to say still disfigured ecclesiastical jurisdiction. Since that time various efforts had been made. Year after year he had himself introduced a Bill, and he had never received an answer to one single fact which he stated in that House, and which he brought forward upon the authority of Committees. Some fourteen years ago a Committee was presided over by his right hon. Friend the Member for Kilmarnock (Mr. E. P. Bouverie), in which the late Sir James Graham took a distinguished part, and which pointed out abuses which prevailed and large fees which were levied for the benefit of those upon whom the Prelates wished to shower their benefits. The Report stated that these abuses were equally against ecclesiastical law and the common weal of the Kingdom, and deserved the attention of Government. Since that period a Liberal Government had sat for the greater time on the Treasury Benches; but nothing seemed to induce the Liberal Government to introduce Liberal measures with spirit. There had been a political fallow for the last four years, during which period scarcely one measure a year of any importance to the Liberal party had been introduced. In the present year, as in the last, they dragged on a miserable and sickly existence, and in the end they would be driven from the Ministerial side of the House with ignominy by those who, without declaring any policy of their own, could yet obtain possession of the Treasury Benches, simply on account of the universal disgust pervading the whole country at the inactivity of the Government. Year after year the Home Secretary had promised that this Question should receive attention—still there were no signs of the promised ecclesiastical reform. But it appeared that even a portion of the Prelates outstripped the Government in liberality, the Irish Bishops being anxious to see defects in their Church remedied, while the chief obstacles to a reform in the Irish Church were Her Majesty's Liberal advisers. On Thursday last the Archbishop of Armagh introduced in the House of Lords a Bill, in the very sense of the one brought in by Lord Derby's Government, with every prospect of success. The right hon. Gentleman the Home Secretary, told him at the beginning of the Session, that a general measure of Church reform, comprehending a Church Discipline Bill, as well as a reform of the Ecclesiastical Courts and Registries, was too large a measure for the Government to undertake; and all that the right hon. Gentleman could summon up courage to attempt was a very small portion of those reforms, and introduce during the present Session a Registry Bill. Still, such a measure as that might lead to a general reform, because one of the principal impediments to improvement had been the question of registries, upon which offices there had been—for the most—expended £50,000 or £60,000 a year, levied as a tax on the laity for marriage licences and other purposes. That sum went in every bishopric to support the registries, in the offices of which, according to the Committee of 1848-9, might be traced the families of all those who had discharged the episcopal function in the dioceses of England. Some of the offices had been held by ladies, and some by children of three or four years of age. A late police magistrate was put into one of the offices by his father, a bishop, and enjoyed to the day of his death a sinecure of £400 a year, paying another to perform the duty. Another registrarship was held by an officer in the Artillery, who likewise paid a small sum—some £100 a year—for a person to do the work; and yet some of these registrarships were worth £1,000, £1,200, or £1,400 a year. The registries were in many instances very unfit for the preservation of documents. Very few were fire-proof, so that there was great risk to all documents deposited in them. The Prelates had rejected the proposal of the Government on the subject because they wished to keep their registries in their own hands. If they were to be kept up it ought not to be by a tax on the laity—if Bishops insisted on keeping up registries to provide for their families and dependents, they ought to find the funds themselves, and ought to limit the emoluments to the salaries considered sufficient by Act of Parliament. There had been want of firmness, energy, and tact on the part of the Government in the preparation and carrying of Bills in that House. A little of these qualities might be infused into the Government with great benefit to the country. The right hon. Gentleman had said that the Government were ready to bring in these Bills, but that the Prelates were not unanimous on the subject, and were averse to cutting off their old sources of profit. That was natural. No doubt they required a little gentle pressure from that House and the public, and especially from the Government, to induce them to consent to these necessary measures of reform. The Irish Prelates were unanimous in their desire for a measure on the subject, and he desired to know what were the objections of the English Prelates to such a measure, and what reasons they had urged which had been apparently so effective with the Government as to induce them to postpone this reform so long? Nothing was more detrimental to public policy and to the character of the House and the Government than to appoint Committees to inquire into abuses, and when the Committees reported that abuses existed to take no step to remedy them. There seemed to be a general reticence on the part of the Government in their home as well as foreign policy. He had understood the right hon. Gentleman (Sir George Grey) to say, that though he had agreed to postpone a certain portion of the measure of ecclesiastical reform, yet that he was determined to introduce the question of a Registry Bill. When the House met he (Mr. H. Seymour) called attention to the question; and the right hon. Gentleman said it had received the careful attention of the Government, and that he thought he might promise a little bit of reform in the shape of a Registry Bill, and that he thought it would be introduced before Easter. After Easter the Bill was not ready, and as Whitsuntide was now passed it was doubtful whether, if the Bill was introduced, it would be carried this Session. He regretted that a liberal Government should have left a subject of such importance as this to the clergy to remain unsettled for four years. He would ask whether the difficulty said to exist in filling ministerial offices in the Church had not some connection with the anomalous position of the clergy in regard to their Ecclesiastical Courts? He wished to remove what many considered to be a stigma on the Prelates and the clergy. The clergy—a body of 25,000 men—were placed under the jurisdiction of the Ecclesiastical Courts in certain cases. At present the difficulty of weeding offenders out of the Church was so great, that many were allowed to remain in it. In one case a clergyman could not be proceeded against till the late Archbishop of Canterbury received from certain persons an indemnity amounting to several thousand pounds. In another case a compromise was effected in consequence of the enormous cost of carrying it through the Ecclesiastical Court. The case of Mr. Bonwell cost the Bishop of London £1,500, and he knew of a parish in which, in order to get rid of a notorious offender, a compromise had been made by which he had been induced to retire in consideration of an annuity for life. Both the clergy and the parishioners suffered from such a state of things. In justice to the clergy, to the public, and to the House, they ought to be informed why these abuses had been left so long unremedied. He begged to ask when the Ecclesiastical Registry Bill would be introduced, and whether the right hon. Gentleman would lay on the table the Correspondence he had alluded to between the Government and the Bishops, that the House might know what were the objections of the Prelates which prevented Government from introducing any measure for the reform of the Ecclesiastical Courts.

Sir GEORGE GREY said, his hon. Friend had—unintentionally, no doubt—ascribed to him words which he had never used, and had not correctly represented what he had said in answer to the questions addressed to him on the subject. The hon. Gentleman seemed under the impression that he (Sir George Grey) had said that, having prepared a Bill for the reform of the Ecclesiastical Courts, he had had a correspondence with some of the Prelates; that they, from interested motives, desiring to retain in their own hands for the benefit of their families certain appointments, objected to the measure, and that the Government yielded to their objections. Nothing could be further from a correct statement of the facts. He had never said anything conveying such an imputation.

Mr. HENRY SEYMOUR had only expressed a hope that there were other reasons for their opposition.

Sir GEORGE GREY said, that any idea that there had been any correspondence with the Bishops on the subject, was wholly unfounded. What he stated had reference to a Bill prepared with great care by the Lord Chancellor for the reform of the Ecclesiastical Courts, and the amendment of the law of clergy discipline, and it was to this effect — that the Bill having been prepared, the noble and learned Lord had had conferences with some of the Prelates, which satisfied him that if he proposed the measure it would not receive that amount of support which would secure its success. Apart from the question as to where the funds for the prosecutions were to come from, and upon which the only proposal had been that they should be provided from the funds in the hands of the Ecclesiastical Commissioners, the main difficulty was the constitution of the ultimate court of appeal. Upon that question great difference of opinion existed, and the Lord Chancellor thought it better to endeavour if possible to devise some plan which was not open to the same objections, than to press his measure upon the House. He (Sir George Grey) stated, however, that with regard to the Ecclesiastical Registry Bill the objections that were entertained with reference to the other proposals did not exist, and that he was authorized by the Lord Chancellor to say that he hoped, in the course of the present Session, to introduce a Bill on the subject in the other House. He (Sir George Grey) never himself undertook to introduce such a measure. He regretted that the noble and learned Lord had not yet been able to give effect to his intention. There were causes which had delayed the preparation of the Bill, but he still hoped that it might be presented in the course of the present Session. He entirely agreed with his hon. Friend that it was the duty of the Government not to postpone what they considered a substantial measure of Church reform in consequence of any opposition by the Prelates; but at the same time it was desirable that any reform of this kind should be carried with as general an assent as it was possible to obtain, and he could not but think the noble and learned Lord had acted judiciously in endeavouring to meet the difficulties of the case by a conference with the Bishops. No correspondence had taken place between himself and the Bishops on the subject, and he believed the communications between the Bishops and the Lord Chancellor were entirely verbal.

Motion *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Considered in Committee.

(In the Committee.)

£10,000, New National Gallery at Burlington House.

MR. COWPER said, he desired to take that opportunity of making some explanation on the subject. The Vote had its origin in the conviction on the part of the Government that the time was come when an attempt should be made to solve the difficulties which for the last twenty years had impeded the settlement of a long vexed question, and had compelled the retention of the national pictures in a building which was unsuited for their proper exhibition. In 1840 a plan had been prepared for making very extensive alterations in the existing National Gallery; a number of Committees and Commissions had inquired into the subject. The first Committee which made any definite Report on the subject was that which sat in 1848. They stated that they could not but regard the present building as deficient in space, and wanting in dignity and elevation, and they recommended that a large and improved building should be erected on the same site. In 1850 another Committee, consisting of almost the same Members, was appointed. Among their names were to be found those of Sir Robert Peel, Lord John Russell, Mr. Disraeli, Mr. Sidney Herbert, and Sir Benjamin Hall. They, however, thought better of the opinions which they had previously expressed, and stated that upon re-viewing the evidence they would not recommend that any expenditure should be incurred on the existing site. Then followed the Commission of 1851, on which sat Lord Seymour and other experienced persons, who, having fully considered the subject, decided against the site in Trafalgar Square, and recommended a site of fifteen or twenty acres fronting Hyde Park or else in Kensington Gardens; but they gave the preference to the latter. The next Committee was the one moved for by Colonel Mure, which followed the same course, and pronounced against Trafalgar Square, and recommending Kensington Gore. A Bill was brought into the House of Commons with the view of giving effect to that recommendation; but the House seemed unwilling, without further inquiry, to allow the National Gallery to be removed to so great a distance from the centre of London. The result of the debate and the division which took place on that occasion was that another Commission was appointed, at the head of which was Lord Broughton. That Commission reported that they found their choice practically limited to two sites, Trafalgar Square and Kensington Gore—but gave the preference to the former, stating that they did so in the expectation that the building which might be substituted for the present National Gallery should be one which would be worthy of the British people, which would command universal admiration, and do honour to the age. The cost of the building and site thus recommended was in the same year estimated in a paper which had been laid on the table of the House at £500,000. They proposed to take the barracks and workhouse, and also that portion of the west of St. Martin's Lane which lay between the workhouse and St. Martin's Church. The estimate framed was however, he believed, too low, and a building such as was described would be more likely to cost a million than only half a million of money. In 1861 there was a Committee of the House of Lords on the subject, which held out the prospect that a noble gallery might be erected on the present or any other site, but that, in the event of that prospect not being fulfilled, then a limited addition to the present building might be made. He had quoted these recommendations of the Committees and Commissions in order to show how strong was the weight of authority in favour of looking elsewhere for a site for the new National Gallery than Trafalgar Square. He would now proceed to state what the views of the Government were with regard to the building for which the present Vote was asked. The desire of the Government was to have the very best building that could be erected. He proposed that it should be all on one floor; that it should be lighted from the top; that there should be three spacious galleries of 200 feet in length and 40 feet in width, running parallel to one another; that these should be crossed by three other galleries of the same dimensions, and that between the interstices there should be galleries of smaller size and height. The effect produced by that arrangement would, he thought, be very grand. There would be ample space for all the pictures that might be received during many years, assuming the pictures to increase in the same ratio as hitherto. But the time would come when even the space provided under this plan—36,000 square feet—would be insufficient. One half of the pictures in the National Gallery had been obtained by gift or bequest, and he believed that if ample space were provided bequests and gifts would largely increase in number. They knew that the gift of Sir Francis Bourgois was lost to the country because the Chancellor of the Exchequer of the day was either unable or unwilling to build a gallery to receive the pictures; and the manner in which the pictures given by Mr. Vernon, Mr. Jacob Bell, and Mr. Turner had been exhibited had been no encouragement to donors. It would be the most miserable parsimony to grudge the expenditure necessary to provide galleries to receive the pictures which public spirited individuals might present to the nation. The space proposed to be given to the new gallery was calculated by the wants of the present gallery. The present gallery contained 470 pictures, which it was calculated would require to hang them properly about 2,250 feet lineal, exclusive of door and window spaces. The whole of the Burlington House site consisted of three acres and a half. About half of this was occupied by the gardens, upon which buildings might be placed which would give ample accommodation for the present needs and anticipated extensions of the gallery in future years. When those buildings became insufficient, an extension might be made over the part of the site now occupied by the buildings which surrounded the quadrangle, and a suitable architectural elevation might be substituted for the buildings of Burlington House. The upper gallery toplighted would run round either all or the greater portion of the quadrangle, and the ground floor might be devoted to the use of the learned Societies and the University of London. If it was desired, that portion of the quadrangle next to Piccadilly might be treated like the front of Somerset House; the entrance might be through an archway in the centre of the building, and in that building might be placed the halls, theatres, and large rooms to be used by the learned Societies and the University in succession at different times. That was the way in which provision was made for future extension; but by building on the ground now vacant, leaving Burlington House untouched, all the present and proximate wants of the National Gallery would be provided for. The cartoons might, if it was thought fit, be brought up from Hampton Court; and, for his own part, he should desire that, as London already possessed the greatest works of sculpture—the Elgin Marbles—it should also have the greatest works in drawing—the Cartoons of Raphael. The cost of the building now to be erected was estimated at £152,000, and there was, he believed, no reason to fear that that estimate would be exceeded. The building would be a cheap one for its size and situation. The sides being concealed by the Albany and the Burlington Arcade it would be impossible to have any architectural facades to the east or west; but to the north there would be an opportunity of having a two-story building of stone, with proper architectural embellishments, in which it was proposed to place the offices of the Trustees and the apartments of the resident officers of the National Gallery. Without minutely comparing this site with others, he might remind the Committee, that while it was in the immediate neighbourhood of the great thoroughfare Piccadilly, it would have the advantage of being separated from it by the short distance that would make it less of a resort for idlers who would come for other purposes than to look at pictures. It was the habit of persons who happened to be without an umbrella in a shower of rain to go into the National Gallery for shelter; it was also the habit of persons who walked about the streets with their luncheons in their pockets to go into the National Gallery to eat them; and any one who had been there much would have observed that, owing to its proximity to the barracks, the soldiers were in the habit of meeting their friends there. It thus became to such an extent a lounging place for conversation, that the study and enjoyment of persons who went to see the pictures were very much interfered with. Piccadilly was central and easy of access to poor and rich, but the gallery would be out of the noise and throng. The effect of placing the entrance to the Geological Museum in Jermyn Street instead of in Piccadilly, had been to keep it chiefly for those who desired to inspect the collections and were interested in the subjects which they illustrated. The court-yard of Burlington House would supply a dignified entrance, and a convenient place for carriages to wait for persons who were visiting the gallery. Among other advantages attending the design was one easily understood; this was, that the site was actually ready. There was no purchase of a site, no necessity for pulling down and rebuilding; the moment the Vote of the House passed steps might be taken for commencing the new buildings. After the numerous Committees and Commissions that had investigated the subject, he thought the Committee would feel that it would be a very great advantage if they could have some certainty that steps would be immediately taken to begin the necessary work. If, however, this proposal should not be adopted, and they were thrown back upon another long round of Committees and Commissions, and to inquire over and over again into the subject—looking to all the possible sites that might be suggested—and many there had been already suggested which were not, however, half so good as Burlington House—he thought it possible that another twenty years might elapse before they came to any formal and satisfactory conclusion upon it. He thought he could undertake to say that the present would be the cheapest proposal that could be made—["No, no!"]—the most convenient and altogether the best that could be found. ["No, no!"] He was sure it would enable them to get a better gallery than they could have anywhere else, and therefore, on that ground, as well as on the grounds both of economy and convenience, and in the hope of getting a perfect gallery in all its internal arrangements, he hoped the Committee would support the present proposal.

Lord JOHN MANNERS, in rising to move the rejection of the Supplementary Estimate for the new National Gallery, Burlington House, said he was disposed to concur in one observation which had been made by the right hon. Gentleman.

Lord ELCHO, who had risen at the same time, interposing, said, he thought it would greatly facilitate the discussion if the noble Lord would allow him to put the following Questions to the right hon. Gentleman. First, Whether he could state to the Committee the relative space contained in the Burlington House site compared with the present National Gallery buildings, the barracks, and the workhouse in the rear; and second, whether he could give them any information what accommodation space this portion of Burlington House would give, in comparison with the other large galleries of Europe?

Mr. COWPER said, the military authorities had on many occasions strongly protested against their taking the barracks; but supposing they were to take in the barracks and the workhouse, it would give an area of three and a half acres, which was the size of the Burlington House site. The proposed Gallery at Burlington House would certainly be larger than the Galleries of Berlin or Munich, and more floor space than the Louvre, though not more wall space.

Lord JOHN MANNERS was about to say, when he was interrupted by the noble

Lord, that he quite concurred with the right hon. Gentleman that it would be very unsatisfactory to go the round of a fresh series of Committees and Commissions upon this subject, and that was one of the principal reasons which had induced him to put his Amendment on the paper, so that there might be no mistake in future with regard to the real intentions of Parliament upon this subject. He wished the House, by accepting the proposition, to place in the most unmistakable manner on record, the reiteration of their determination that the National Gallery should remain in Trafalgar Square. While, however, he agreed with the right hon. Gentleman in his desire to escape more Committees and Commissions, he could not agree with his short and not very accurate description of the labour of these Committees and Commissions during the last twenty years. The whole tendency and scope of the evidence taken before them and their decisions had been unfavourable to the removal of the National Gallery from what the late Sir Robert Peel called "the finest site in Europe." He admitted that the right hon. Gentleman was correct in saying that the Committee of 1850 had recommended the removal of the national pictures from Trafalgar Square; but he did not tell them that the Committee recommended it under the apprehension that the pictures, if continued there, would be deteriorated by the smoke. That objection, however, had been entirely removed of late years, and he thought the right hon. Gentleman was rather unkind towards his noble Friend at the head of the Government (Viscount Palmerston), in not complimenting him on the great success that had attended, he believed, almost the only effort of Parliamentary legislation which the noble Lord had been successful in passing—namely, the Smoke Prohibition Bill. The result of that measure, he had been assured by those who had charge of the pictures, was to banish all fear of deterioration from the smoke—the only possible damage likely to arise to the pictures now being from the dirt which arose from the vast multitudes of people who went to look at the pictures—the numbers being, it seemed to him, a very good reason why they should not change the site of the National Gallery. That the right hon. Gentleman might not say he was overstating that part of the case, he would read a few lines from the Report of the Committee of 1850. They said that the present gallery did not afford sufficient space for the due exhibition of the pictures, but that a considerable addition of space might be obtained by the removal of the Royal Academy from their portion of the gallery; and the Committee further said that if the present site was in all respects suitable for the accommodation of the national pictures, the Committee would at once recommend that the portion now occupied by the Royal Academy should be added to the National Gallery; it appeared, however, to the Committee that the present site, although well adapted for an edifice, was considered by most of the witnesses as unfavourable for the preservation of pictures. That was the only ground alleged by the Committee; but the objections to which they referred had now been entirely removed; and if the Committee were re-appointed to-morrow, there could be no doubt they would recommend the course he was calling upon this Committee to pursue. On going through his catalogue of the Commissions and Inquiries that had been held on this subject, the right hon. Gentleman omitted that which took place about four years ago, and which went to show, in addition, the settled wish of those who took an interest in the subject that the national pictures should remain in Trafalgar Square. It was well known that his right hon. Friend (Mr. Disraeli) announced that the Derby Government did not only recommend that the whole of the site in Trafalgar Square should be taken up for the national pictures, but that they had entered into negotiations with the Royal Academy to consent to convert at their own charge a portion of the Burlington House site, which would give them the requisite accommodation. That announcement, he believed, met with the general concurrence of the Members of that House, and of those out of doors who were interested in the question; and the present Government, by the course they pursued twelve months after they came into office, showed that they adopted and sanctioned and adhered to the decision of their predecessors. But perhaps they would be told in regard to this, as they had been in other important matters, that though they had come to the wise resolution of treading in the footsteps of their predecessors, they had not the moral courage and good sense to act up to it, and they had relapsed into that artistic heresy of which he complained. Well, he would show that, for at least a year after they came into office, the present adhered to the plan of the late Government. In 1860, when the right hon. Gentleman the First Commissioner of Works asked the House of Commons first for £13,000, then for £15,000, and afterwards for £17,000, for the purpose of enlarging and improving the National Gallery, an hon. Member who suspected the intentions of Her Majesty's Government put question after question to the right hon. Gentleman, and a very awkward storm of disapprobation was raised at his proposal. It was then late in the Session, there were few independent Members present, and the Government were masters of the position; but so critical had that position become, that before the Vote was taken the noble Lord, as was his wont, put the right hon. Gentleman and his explanation entirely on one side, took the matter into his own hands, and assured the suspicious independent Members that Her Majesty's Government were absolutely determined that the pictures should remain in Trafalgar Square. He would refresh the right hon. Gentleman's memory with regard to what then took place. The noble Lord at the head of the Government said on that occasion—

> "The Government assumed that the building in Trafalgar Square was to be given up to the National Gallery, and that that building, if so given up now, would suffice for some years for all the pictures belonging to the nation. . . . They proposed, therefore, to adopt the simplest possible course—to deck over the middle gulf and make an even floor upon the upper story, which for the present would afford sufficient space for the exhibition of the national pictures, and when the Royal Academy should otherwise be provided for would make the building more adapted for the purposes of a national collection, and for years to come would avoid the necessity for the large plan and great expenditure which had been suggested."—[3 *Hansard*, clx. 1541.]

He (Lord John Manners) should have thought that this was stringent enough, but the few Members who were in the House were still suspicious. More questions were put, and the noble Lord was obliged to speak a second time before the Vote was taken, and he said—

> "The plan proposed was calculated to make the present building more suitable than at present for the permanent reception of the national collection."—[*Ibid.* 1544.]

Could any words be stronger? The Committee divided, and in consequence of these assurances, by a majority of eight, the expenditure of £17,000 for the purpose of adapting the building in Trafalgar Square for the permanent reception of the national pictures was carried. He could not tell how it was, but so suspicious were certain hon. Members of the intention of the Government that, on the bringing up of the Report, the debate was renewed, and the noble Lord had again to come into the field, and he said—

> "Now that the Royal Academy should go elsewhere was, he apprehended, a question already decided. The material point to be determined upon was where they were to go. The arrangement now making involved the intention of appropriating the whole of the building to the national pictures."—[*Ibid.* 1591.]

After that statement what could the House think of the conduct of Her Majesty's Government in coming to that House, and without any fresh evidence to rely on, and he might say without any substantial reason, to ask the House to forget that they had spent £17,000 on the faith of those assurances, and embark on a further expenditure of £150,000 for ten years, and at the end of that time upon a further expenditure, which he would leave the Committee to estimate? The right hon. Gentleman was rather liberal in his additions to the plans of the architects. One Commission thought that a very handsome building, might be erected for £500,000, but the right hon. Gentleman said they had understated the amount, and that the building to be worthy of the dignity and reputation of the country, could not be erected for less than a million. The right hon. Gentleman gave them no figures on which he founded his estimate, and he gave them no idea of the size of the building which he thought suitable for the dignity and reputation of the country. If, therefore, they were to begin, on his recommendation of a modest building, at £150,000, and then, after destroying the whole of Burlington House, to remodel everything and build over the three acres and a half, he should be doing no injustice to the right hon. Gentleman were he to say that an architectural design of that kind might well cost the million which he proposed to the House as a proper figure to put to the recommendation of the Commissioners. He should be disposed to say, having reference to the very remarkable statements made by the noble Lord in 1860, that if the Government proposed a scheme for the removal of the National Gallery to Burlington House, it would be something very like obtaining money under false Parliamentary pretences. No language could be stronger than the noble Lord's, and in consequence of that the House voted the £17,000. He would not press that point further. Every hon. Gentleman would be able to estimate for himself the value of those strong and decided asseverations of the noble Lord; but he said if, after the expenditure of the £17,000, they were now to incur a further outlay of £150,000 at once (and no human being could tell how much at the end of ten years), and to which they must add that £17,000 to the expenditure asked for then, the right hon. Gentleman ought to be able to show he had entered into an arrangement with the Royal Academy, in virtue of which they would refund to the Government the £17,000 which, under these circumstances, would have been expended for their sole and exclusive benefit. The Committee would observe that throughout the right hon. Gentleman's speech he had not uttered a single syllable what the future relations of the Government to the Royal Academy were to be. He had not told them under what form the arrangement with the Royal Academy was to be carried out—whether the £17,000 was to be refunded; whether the Royal Academy had entered into any arrangement as to rendering up the present building, which the noble Viscount stood alone in regarding as a creditable and handsome one, or for refronting that which the right hon. Gentleman had declared to be an ugly, poor, and miserable building. He had left the Committee entirely in the dark as to what was to be done with the building in Trafalgar Square when he had handed it over to the Royal Academy. All he had done was to assure the Committee that he did not intend at present to spend more than £150,000 in the rear of Burlington House, and at the end of ten years to come down and ask for more. The right hon. Gentleman went into the question of site, and not being successful in showing that the plan was a very economical one, he attempted to show that the Burlington House site was the best one for a national collection of pictures. He must say that he did not think that in that part of his argument the right hon. Gentleman had been more successful than in his appeal to the financial part of the question. It was admitted that the objection of smoke was got over, but he did not know whether the Committee required to be informed of the admirable nature of the Trafalgar Square site for a great national collection. The right hon. Gentleman, however, having pointed out a site which he had declared to be preferable, the Committee would not object to hear a few testimonials from men who were entitled to speak with authority upon this question. The late Sir Charles Barry, in 1848, expressed a decided opinion in his last examination in favour of the present site being retained, and he said he was more and more confirmed in opinion, that of all the sites in London it was the most desirable. The hon. Member for Bath (Mr. Tite), in 1863, in his evidence before the last Commission, expressed himself favourable to the site, and said the general feeling in its favour had been well expressed by the late Mr. Alderman Cubitt, who said he was accustomed to go there easily—he knew his way there, and he thought it was a proper place for a national collection; and Mr. Tite added he thought it was a very common feeling, and he agreed in opinion with Sir Charles Barry. Mr. Hurlstone was of opinion that a central situation for a National Gallery was of vital importance, and that without that condition it did not fulfil the objects for which it was established. The present National Gallery was now occupying the finest site in Europe, and it possessed the advantage of an almost infinite capability of extension by a quadrangle in the rear, and of becoming inferior to none on the Continent for convenience and extent. Much of the evidence in favour of the Trafalgar Square site was given before certain great metropolitan improvements had been effected. If Trafalgar Square was the most accessible and most central situation ten or fifteen years ago, it was infinitely more so now. They had taken means for effecting the purification of the Thames, and for making an embankment along its shores; they had given facilities for railways to come into the heart of London, and at the present time they had a great railway station at Charing Cross, which would bring in thousands of the working classes to witness and admire the national pictures at Trafalgar Square. There were also a multitude of steamers plying on the Thames, which landed their passengers in close proximity to Trafalgar Square; and at no distant period the course of metropolitan improvements and new railways would tend to bring increased numbers from the northern districts. For the reasons he had stated, from the evidence before the Committee of 1861, and the Commission of 1863, and bearing in his recollection all the circumstances in connection with this subject, he saw no reason for the removal of the site in Trafalgar Square. The right hon. Gentleman talked of the inconvenience of the present site in Trafalgar Square, and told them that people took their umbrellas in. Was he serious in adducing this as an argument to the House of Commons for the removal of the National Gallery? And the right hon. Gentleman told them that the soldiers went in. Goodness gracious! why should they not? You could do the people no greater kindness than by giving them access to anything that would educate their taste. He should have thought that the right hon. Gentleman, attached as he was to a Government professing such a desire to elevate the lower classes, would not urge this as a reason for transferring the collection. Why did they not act on this principle on the present occasion? Why were they to remove the collection from the site that was fitted for and suitable to the great body of the people? Well, there is a reason, and the Committee will probably think it an extraordinary one. Before the Committee of the House of Lords in 1861, Lord Overstone stated his opinion that Burlington House would be the best site, and being asked his reasons for that opinion, said—

> "In the first place, I think it is important, as regards a site for the National Gallery, that it should be in immediate connection with the great thoroughfares, at the same time, however, affording retirement and seclusion from them, and it seems to me that Burlington House presents, in that respect, peculiar facilities and advantages."

The right hon. Gentleman had enlarged on that, and pointed out what a benefit having a long passage to traverse would be to people who had to snatch half an hour or an hour from their daily labour to approach that passage. And then the noble Lord went on to say—

> "I think, in the second place, the present elevation of Burlington House is peculiarly graceful and elegant"—

But at the end of ten years, according to the right hon. Gentleman, it was doomed—

> "The equal of which, in the general opinion of the community, we should stand little chance in producing if we made the attempt. . . . . In addition to that, such a removal of the National Gallery to Burlington House would enable the Royal Academy to remain in its present position, which, from its extreme publicity, is well suited for the purposes of the Royal Academy, while it is, on the same account, rather disadvantageous for the purposes of the National Gallery."

He (Lord J. Manners) ventured to take a totally different view. In his opinion, for the same reason, it was advantageous for the National Gallery. According to his view the National Gallery was something for the use of the nation, and not for any class. If it was on a site convenient for students that was a recommendation; if it was on a site convenient to the man of leisure, who could go at any time and often, all very well; but, above all other considerations, they should have a site that was convenient to the great masses of the people who had not leisure, and to whom every half hour was of importance. And so far from such a site not being a good one he thought it was the best, and differed entirely from those who thought a secluded site the best. Then, after Lord Overstone had given his evidence, Sir Charles Eastlake — Sir Charles Eastlake was not exactly, as Mrs. Malaprop said, three gentlemen at once, but he was undoubtedly two—the Director of the National Gallery and the President of the Royal Academy—and he (Lord John Manners) wished to take this opportunity of tendering his cordial tribute to his services in both capacities; but Sir Charles Eastlake being asked to give his opinion on this question of site, naturally felt himself in a difficulty, and the Committee would, no doubt, be amused by a reference to two parts of that gentleman's evidence. Sir Charles Eastlake, being asked by Lord Colchester why it was considered essential that the buildings for the Royal Academy should be erected upon that portion of Burlington House which was next to Piccadilly, replied—

> "For the objects of the Royal Academy during the annual exhibition, it is essential that they should be near a thoroughfare."

Lord Colchester then asked—

> "You would object to their being placed in the garden behind the existing houses?"

And Sir Charles promptly replied—

> "It would be tantamount to the extinction of the institution."

The Committee—all able men—were naturally startled by so strong an expression of opinion, and he was further asked—

> "What would be your opinion of Burlington House, with the present open space in front of it, and the gardens behind it, as a desirable or undesirable site for the National Gallery?—I think it would be a very good site."
>
> "Can you suggest any better site?—I cannot."

Then Lord Stanley of Alderley — not a person, be it remembered, hostile to Her

Majesty's Government, but a Member of the Cabinet—put this question—

> "Is not the present site as good, if not better, than Burlington House, and would not all the reasons that have been urged to the advantage of the present site for the Royal Academy equally apply with regard to the exhibition of the National Gallery?"

That was certainly a very awkward question, and Sir Charles replied as follows:—

> "I confess I think there is some truth in the reasons I have heard given by Lord Overstone, with regard to the comparative seclusion of Burlington House; I think that a quiet preparation before approaching pictures by the Old Masters is desirable. It never struck me before; but I have been impressed with that and other observations I have heard from Lord Overstone."

And again he is asked—

> "You think that calm preparation, which is desirable before approaching the Old Masters, is not necessary before entering upon a collection by modern artists?"

To which he replies—

> "I quite think so. I think that the works of our fellow citizens are more nearly allied to present and public interests; and that the transition is easier from the crowds of London to the efforts of living artists than to productions which belong to a remote period."

Now Lord Overstone, who started this view of the subject, seemed to be impressed by the very peculiar position which the Director of the National Gallery and the President of the Royal Academy had been made to occupy through his fault, and he put this question—

> "Is not it the case that modern works have more the character of a show, while the exhibition of the Old Masters has more the character of study?"

To which the President of the Royal Academy replies—

> "I do not like to use the word 'show,' with regard to the excellent pictures which we sometimes see on the walls of the Royal Academy, but I admit the principle completely."

The Under Secretary (Mr. Layard) said this was the true principle to go on. If that was so, had the country been under a delusion for many years? They had always assumed, and he did so now, that the national collection should be on a site where the nation could see it. Now, with respect to the Royal Academy, his noble Friend the Member for Haddingtonshire (Lord Elcho), who was going to support this proposal, had found great fault with the management of that institution. He (Lord John Manners) did not profess to be a virtuoso, or to know much about the character, constitution, and results of the Royal Academy. He did not wish to say a single word against that body or the works which they had exhibited—he had great regard for the first, and great admiration for the second. But when they were asked, without a word of explanation from the Government, as to what was to be done respecting the Royal Academy, to hand over to them the finest site in Europe, he must entreat the Committee to reflect for a moment upon the essential distinction between the functions of the Royal Academy and of the National Gallery. The Royal Academy, from the necessity of its existence, could open its doors, and then only for a money payment during a very short period of the year. For a money payment during three months of the year only the public were admitted within its walls. The National Gallery was open without payment four days in every week all the year round; and, therefore, when the House of Commons was called upon to sanction a transfer of this sort, and to hand over this most valuable, this most desirable, and this which was described as "the finest site in Europe," to a private body, who charged a shilling for every person who went in, and who could not, from the nature of their operations, open their doors for nine months in the year, he thought this a very serious consideration of itself. They had heard something of "reticence and reserve," and when they added the "reticence and reserve" practised by the right hon. Gentleman the First Commissioner of Works as to any stipulation or engagement entered into by the Royal Academy when they obtained possession of this national building, he thought the Committee would agree that this was a most rash and hasty conclusion to which Her Majesty's Government had arrived. So much as to site. Now, as to space. The right hon. Gentleman gave the Committee to understand that the true policy was to build new galleries vast enough to receive all the presents and bequests which in all time to come might be made to the nation. He thought this a most curious principle. It was notorious that the National Gallery had received as presents much which those intrusted with the management would rather not exhibit. It was said that if pictures were not liked they might be rejected. But when whole collections were left to the nation, it was necessary to accept or to reject the whole. He submitted, therefore, that it was a dangerous principle to build galleries in order to receive every bequest or gift that might possibly be made to the nation. The proper principle to proceed on was to build on a site capable of future additions a gallery large enough to receive the pictures the nation already had, and not one large enough for anything beyond that which they might or might not hereafter receive. If they provided sufficient space for the pictures they had, and sufficient space could hereafter be made available for those they might acquire, then the Committee had done all that was required. He believed there was ample space at Trafalgar Square to accommodate all the existing pictures, together with the probable accretions to the collection, at a slight expense. The time must come when the accretions must be brought to a termination. We could not go on adding to the collection indefinitely. Something like 2,000 pictures would be a collection to which it would not be advisable to make additions. He repudiated, therefore, the notion of having gigantic brick and mortar erections, for the accommodation of innumerable pictures—good, bad, and indifferent. The right hon. Gentleman said there was an available space at Burlington House, fully equal to the area of Trafalgar Square; but there was room in the National Gallery's own premises, after incurring only a small expense. Witness the evidence of Sir Charles Barry and Mr. Pennethorne before the different Committees. A scheme had been prepared by an officer of the National Gallery, according to which, at a very slight expense, an additional gallery, 200 feet by forty, could be obtained in the rear of the existing National Gallery without buying a single inch of land. The right hon. Gentleman said that scheme had not found favour with the military authorities; but he (Lord John Manners) had reason to believe that the highest military authorities had no objection whatever to the scheme. If further space were required in process of time, it was a great mistake to suppose that the military authorities were wedded to the site of Trafalgar Square for their barracks. They were perfectly ready to have their barracks put in another position; this was a mere question of cost, and there was no difficulty in the matter. The space which might thus be acquired on the present site, with a portion of the barrack-yard, would afford accommodation to the National Gallery for years to come, and might be cheaply and well given. There was a proposal of Sir Charles Barry for refronting the National Gallery, and adding three or four times the existing accommodation. He (Lord John Manners) did not recommend that plan, nor any other in particular; but there it was. Besides, Mr. Pennethorne had made a plan with a like view. So also had Captain Fowke, and his scheme would add tenfold to the present accommodation for about £50,000. All these schemes were before the House, with the sanction of eminent and practical names; and all he said with regard to them was, that they constituted reasons why the Committee might safely reject the proposed Vote, on the ground of expense, on the ground of space, and on the ground of site. It had been urged that if the National Gallery were retained at Trafalgar Square, and the Royal Academy spent £50,000, £60,000, or £70,000 in building rooms at Burlington House, they would have no money left to carry out their needed and projected reforms. This meant merely that if this Vote were passed the building in Trafalgar Square, upon which in 1860 some £17,000 was expended, was to be handed over to the Royal Academy in perpetuity, with no condition that they were to spend any money at all in improving it, and indeed with no probability of their doing so; for if the money is to be spent in effecting the reforms suggested by the noble Lord's (Lord Elcho's) Commission, it will not be available for other purposes. This was a proposal which would hardly find favour with the House or the country. He believed that if the House had any regard to space, to economy, and to the feelings and wishes of the great body of the people out of doors, he might with confidence ask them to reject the Supplemental Estimate, the more so as such a course would have the effect of settling the question, at all events for the present generation. Those who voted for the removal of the National Gallery to Burlington House would do their best to lose a situation which was in the highest degree popular, and at the same time admirably adapted to the requirements of such an institution; while those who voted against the proposal of the Government would have the satisfaction, if they succeeded, of knowing that they had prevented the carrying out of a mischievous, uncalled for, and extravagant scheme. The noble Lord, in conclusion, said he would vote for the rejection of the supplemental Estimate for the new National Gallery, Burlington House.

MR. GREGORY said, he intended to vote for the proposal of the Government with a perfect conviction that we had arrived at the point at which the scheme of the right hon. Gentleman was the only one that could be accepted. He believed that no person ever passed the present National Gallery building without feelings of disgust. There were buildings to whose unpretentious ugliness one became reconciled; but about the National Gallery building there was something perpetually intolerable and offensive. Inside, matters were almost worse. The whole of Europe might be ransacked without finding a building so unfitted in every respect for the reception of a national collection of pictures. If they wished to amend the exterior they must pull it down; they could only render the interior fit for use by gutting it entirely. The noble Lord opposite (Lord J. Manners) had referred to the opinion of Sir Charles Barry. Well, he (Mr. Gregory) had been looking to the evidence of Sir Charles Barry in 1848. He said—

> "I am of opinion that if the site of St. Martin's Workhouse were purchased, if an alteration were made in the barrack-yard, if a piece of Castle Street were stopped, and if the portico and other portions of the building were taken down, and if considerable additions were made to the present building, then I should consider the site to be one of the best in England."

But the noble Lord had forgotten to state that when Sir Charles Barry was asked in 1857, whether he still continued to believe that the present site of the National Gallery was the best, he replied that he had modified that opinion, and that he considered the British Museum was the best site for the Gallery of Pictures. The question was, first of all, with regard to space. We had to house all the pictures, many of which were at present insufficiently housed. We had to bring into one collection the pictures now scattered about. But there were the national drawings, at this moment at the British Museum, and to dissociate which from the national pictures appeared to be a ridiculous solecism. The noble Lord had spoken of the determination evinced by the House of Commons, under Lord Derby's Administration, that the National Gallery should remain where it was and the Royal Academy be sent away; and he asked where was the further evidence to account for a change of opinion since that event. Well, since the Government of Lord Derby the subject had been under the consideration of a fresh Commission, and that Commission had recommended the removal of the Gallery to Burlington House. The Commission had also given it as their opinion that, even if the space now occupied by the Royal Academy were given up to the National Gallery, the remedy would be only temporary, as the pictures might be expected to outgrow in a few years the space available in the entire building. In a few years it would be necessary to obtain the ground occupied by the barracks, and the baths and wash-houses in the rear; and this would involve considerable practicable difficulty as well as expense. The hon. Member for Bath (Mr. Tite) had been referred to by the noble Lord; but that hon. Member when examined before the Royal Commission said that, while retaining his opinion in favour of the existing site, he had re-considered the subject, and thought that it would cost half a million of money to place on it all that was necessary for the purposes of the National Gallery, while the Government scheme was estimated to cost no more than £152,000. Considering the cheering with which the noble Lord's speech was received, chiefly from below the gangway, it would seem that those vigilant guardians of the public purse had no scruple whatever in spending £500,000. [" No, no !"] He confessed he was not prepared to pay this sum to buy fresh ground, when, at that moment, they had got ground in two places, each fit for sites for our Galleries and Museums. They had bought ground at Burlington House, and they did not know what to do with it. They had bought ground at Kensington, and they were racking their imagination and brains to find out what to do with it. He wished that hon. Members would go to the National Gallery oftener in order to see the class of women by whom it was frequented. The visitors really appeared to him to consist of housemaids and soldiers. He had been there frequently himself, and so could bear personal testimony to the fact. The noble Lord had spoken of the accessibility of the present Gallery, but he regarded Burlington House as being also extremely central—it was one of the most acceptable places in the whole of London, and he did not believe that the public would be the slightest sufferers by the change. Considering that this was a matter in which action ought to be taken at once, and considering that the plan which the right hon. Gentleman proposed not only provided for the present pictures, but for future acquisitions, and considering that all this could be done for a comparatively small sum of money, he would most cordially support the proposal of the right hon. Gentleman.

MR. AUGUSTUS SMITH said, that one very strong recommendation of the present site of the National Gallery was that it formed a very fine space capable of enlargement, and made the building what a National Gallery in every other capital appeared, a conspicuous object. A heavy expense had been incurred in adjusting the square in front of it, and the building, though many hon. Gentlemen objected to the architecture, was, in his eye, plain, simple, and handsome; the portico, which was removed from Carlton House, being very beautiful. At the time the building was erected complaints were made that it wanted heighth; but if the dome and what were called the "pepper-boxes" were taken away, a very fine gallery might be constructed above the present rooms, and elevation would thus be given to the whole structure. The sum of £17,000, which was expended in altering the interior, was granted expressly on the condition that the building should permanently remain the National Gallery. The right hon. Gentleman the First Commissioner of Works had said that the proposed new gallery would all be lighted from above; but it was a great mistake to have a picture gallery entirely lighted in that way. A large proportion of pictures were painted from a side light, and there ought to be a side light in portions of a National Gallery, in order that some pictures, and particularly cabinet pictures, might be viewed in the same light as they were painted in. The National Gallery was so favourably situated that an additional set of apartments erected on the top of the present would be completely placed above the thick atmosphere of London, which did not ascend above a certain height. True, there was a large chimney belonging to the Government waterworks at the back constantly belching out smoke; but that chimney was under the special charge of the right hon. Gentleman the Commissioner of Works, and, when an Act of Parliament had been passed to do away with smoke, it was disgraceful that so much smoke from that chimney was allowed to be sent forth. At Burlington House the light would come entirely from two dark streets—Cork Street and Burlington Street. He believed that the cost of the present National Gallery, taking into account the money spent on the ornamentation of the square and for the purpose of making alterations in the gallery itself, amounted to upwards of £200,000, and he asked whether that expenditure was to be entirely lost, and the whole thing handed over to the Royal Academy. What would be the expense of the new gallery? The right hon. Gentleman confessed to £150,000, but that estimate was likely to be more than doubled in the end, and it was perfectly ludicrous to suppose that anything would be gained by beginning to construct a new National Gallery. He hoped the House would adhere to its previously-expressed opinion, and that the Government also would regard its promise, while for himself he should support the Motion of the noble Lord.

MR. COWPER said, that after the speech of the noble Lord he wished to make a few remarks in reply. In the first place, he thought the noble Lord did not agree with the hon. Member who spoke last in fervent admiration of the existing building. It was humiliating to the nation that its fine pictures should be placed in a building so unworthy of them. It was an ignoble, disjointed, mean, and petty building, and yet full of pretension. The exterior was unsatisfactory, and the internal arrangements were equally so. The rooms were too low for the proper lighting of the pictures and too small for the circulation of the visitors. It was wanting both in the dignity and the convenience of a national building. As the noble Lord knew, the gallery was not large enough to contain all the pictures that ought to be hung. If, however, it was possible to remain content with the present building, he would not propose to interfere with it; but when it was a question of building, it was proper to consider the right place and the right way of building. The suggestion of the noble Lord to run a light gallery over the barrack-yard was open to the objection that it would interfere with the light and air of the barracks, while the visitors to the gallery would be annoyed by the noises in the barrack-yard underneath them. The noble Lord's proposal would not prevent the large expenditure which had been alluded to, as although the gallery as constructed according to the noble Lord's proposal would contain all our pictures now banished to Kensington, yet a demand for enlargement would speedily arise, and then any addition would involve the expenditure of a very large sum of money. The scheme of the noble Lord would be inconvenient and unsatisfactory, and, if adopted, would deprive the country of an opportunity of obtaining the best gallery in Europe. He did not so much refer to the exterior, and they knew that in most galleries the internal arrangements had been sacrificed to the architectural demands of the exterior; yet he thought the scheme of placing a long gallery at right angles with the present building would produce a very ridiculous effect, contrasting the new and handsome elevation with the present low and mean building. There were no satisfactory picture galleries in France or Italy, and the only models for imitation were to be found at Dresden and Munich. But recent experience of galleries built for temporary purposes had taught us much, and in the Exhibition buildings at Dublin, Manchester, Paris, and at Kensington, they had seen galleries where pictures had been properly hung, and conveniently seen by multitudes of persons. For those Exhibitions the architects had thought only of placing the pictures and the free circulation of the visitors, and therefore they had been completely successful. All the advantages secured at those places could be secured in the new site; but the noble Lord's proposal was a retrograde step from which we could never recover. Before it had become clear that the existing gallery was insufficient for the national pictures, the Government did all in their power to make it as useful and convenient as possible. They covered over the central hall which, separating the National Gallery from the Royal Academy, was of no use and of no architectural beauty, and thus they obtained what was now the only good room in the building, and enabled the country to receive the Turner bequest without the risk of delay and without the expense of building. If the plan which he proposed were adopted, the new gallery would be erected at Burlington House, and then it would remain for Parliament and the Government to decide to what use the building in Trafalgar Square could be applied. Although he thought the national pictures required a building of greater dignity and better arrangement than the present National Gallery, yet he did not think that for exhibitions of modern pictures annually held these faults would be so marked. He thought, therefore, that it would be a good thing to hand the building over to the Royal Academy. He proposed that, not for the benefit of the Royal Academy, but for the benefit of the national pictures, which could be best provided for in a building expressly erected for the purpose at Burlington House. But no arrangement had been entered into with the Royal Academy. That would be a matter for further consideration. If the Royal Academy were allowed to possess that building—and it was very important that the annual exhibition of modern pictures should be in a place where they could be well seen, since crowds of people took the utmost interest in them, and there could be no doubt that exhibition promoted art—if the Royal Academy were to take possession of that building it would, of course, not be expected that they should have it without paying for it. There was one way in which they might pay for it—namely, if the opinion of those persons should prevail who greatly desired to see improvements of the facade of the National Gallery, the Royal Academy might be required to do that work. If, on the other hand, it was thought desirable that they should pay rent, the Royal Academy would be able to do so. And they should remember that the alternative proposition made by the late Government in 1857 did give gratuitously a site to the Royal Academy, and that site being about a quarter of the whole ground, which cost £140,000, what was proposed to be given to the Royal Academy would be worth £35,000 or £38,000. Whatever other arrangements should be made, he hoped the Committee would not lose the opportunity of getting a gallery which would be worthy of our pictures, and the internal arrangements of which would at least carry out this practical purpose—that the pictures should be seen. It should be remembered that there was a good deal of smoke around Trafalgar Square. Smoke was still found in the building, and was doing material damage to the pictures. Again, sufficient protection was not given from fire. If the pictures were burnt the loss would be irreparable. Modern pictures might be painted over again, but nothing could supply the place of the Old Masters. With reference to the question on the paper as to finding further accommodation for the University of London at Burlington House, he feared there was not much prospect of that without interfering with the accommodation required for other objects.

MR. SCLATER-BOOTH said, that if the noble Lord (Lord John Manners) had remained a short time longer in office something would have been done in this matter. He could not assent to this Vote unless there should be some agreement come to between the Government and the Royal Academy. Six years ago the Royal Academy would have accepted the offer of the noble Lord to build their own gallery in Burlington Gardens, and if the Government had given them a site of the value just mentioned, that would have given a sufficient hold upon them to oblige them to come to any terms the House might have chosen to lay down. That arrangement was broken up; the Royal Commission did not appear to have advanced them at all, and the right hon. Gentleman (Mr. Cowper) now came down with a scheme the only recommendation of which appeared to be that it was the very reverse of the scheme of the noble Lord. In his opinion the site of the National Gallery was the best site for the national pictures. The Royal Academy was a very popular exhibition for three months in the year, and wherever it might go the public would be sure to find it out, and visit the collection as readily as they did in its present situation. Nor did he see what claim they had to have the whole of the site handed over to them. The right hon. Gentleman attributed to the noble Lord a wish to build a gallery at right angles to the present building, reaching over the barrack square; but all the noble Lord said was, that there was every facility for obtaining increased accommodation if it was required. He, however, believed that there was sufficient accommodation in the building for the present collection, and that there would be for years to come.

LORD ELCHO said, that his vote on this subject would be solely dictated by an honest belief as to what would be for the real interest of art. His noble Friend thought it for the interest of art that the pictures should remain in Trafalgar Square, but in that he differed from him. He thought it would be for the interests of art that the pictures should be transferred to Burlington House. In 1856, when he brought forward the subject of a Royal Commission, he had a wild vision of all these fine works of art being collected together at Kensington Palace. That was a Utopian scheme, and he no longer believed in it. The Commission of 1856 reported in favour of the retention of the pictures on the present site, but they qualified it so far that they said it should be sufficiently enlarged. He read the Report as mainly directed against the attempt to remove the pictures to Kensington Gore. The spirit of the Report was that the collection should be placed in a central situation; and when they considered how London was spreading on all sides, the difference between the centralness of Trafalgar Square and Burlington House was hardly worth mentioning. The subsequent Commission of Inquiry into the Royal Academy two years later reported last year. What was the conclusion with reference to the national pictures? That if they were prepared to make the additional accommodation at Trafalgar Square it would be well that the national collection should remain there; but, if they were to remain, they must be prepared to purchase the barracks and build others elsewhere. He believed the Chelsea barracks cost £250,000 and the site £100,000. His hon. Friend took a Utopian view, and wished to sweep away the barracks, the baths and washhouses, and other buildings, and to erect a new National Gallery for the sake of the public. But there was not the slightest prospect of the Government proposing, or of that House sanctioning, in our day, any such scheme as that. If, indeed, they were willing to do that in the interest of the pictures, let them do it, and probably they would get as good a gallery as at Burlington House. But he did not believe they were prepared for such an expenditure. They would rather go on patching, cribbing a bit from the barracks here, and another bit there. When his noble Friend came to that part of his case, the House evidently felt that it was the weakest part, for the cheers which had previously greeted him then ceased. His noble Friend said all he proposed to do was to find space for the present collection; and when he came to speak of a provision for the future, it merely amounted to the covering over of a small portion of the barrack-yard. The alternatives which the House had really to look in the face were either a large expenditure for sweeping away the barracks and the workhouse, and then building on that site, or the adoption of the plan of the Government for transferring the collection to Burlington House. Under all the circumstances of the case he recommended the adoption of the practical and useful suggestion of the Government. The feeling among many hon. Members appeared to be, that the proposal of the Government was a job for the benefit of the Royal Academy. Now, no one would accuse him of an over-favourable disposition towards the Royal Academy, and he had always felt surprised that he should ever have had the honour of being invited to dine there, because on more than one occasion he had deemed it his duty to call attention to the defects in the administration and constitution of that body. But the House ought to dissever the question of the accommodation for the national pictures from the question of the accommodation for the Royal Academy. Let them settle what was best for the national pictures, wholly irrespective of the Royal Academy. They would, he believed, do what was best for the national pictures if they adopted the proposal of the Government. Having done that, it would be left for the House next year to consider whether they should hand over the rest of the building to the Royal Academy, which was now in occupation of one part of it. If the Government were ever in a position to make that proposal, he hoped they would take care to exact from the Royal Academy such conditions for the interest of art as would justify the handing over of that portion of the building to it. Though the Royal Academy was nominally a private institution, it was essentially a public institution, or so far so, at least, that no private association of artists could compete with it—that it had a monopoly of art in this country. And it was the duty of the House of Commons so to regulate that monopoly in the interests of artists and of art that it would be a sound and rightly conducted national institution. It would not follow, if they transferred the national pictures to Burlington House, that therefore the building in Trafalgar Square should not be improved. One of the conditions to be imposed on the Royal Academy might be that it should spend on the present building the sum it proposed to expend elsewhere. What with the fountains, what with the statues to Havelock and Napier, with the Nelson column, and one thing or another, they had done what they could to disfigure the finest site in Europe. [An hon. MEMBER: The Lions.] Sir Edwin Landseer had been four years engaged upon these lions, and Baron Marochetti stated that Sir Edwin Landseer daily worked harder on them than he did. ["Question!"] Let them not discourage a distinguished artist who was giving his time and skill for a mere trifle. ["Question!"] He had thought it might not be uninteresting to hon. Gentlemen to know from one who had seen Sir Edwin at work, that when completed these lions would gain for him a name as a sculptor of animals equal to that which he now possessed as a painter. In conclusion, he hoped that the Committee would not hastily reject a Vote which he was sure was one the Government had brought forward in the interest of art.

MR. AYRTON said, that if when the noble Lord opposite (Lord John Manners) made his clear and conclusive speech the House had been as full as it was now, the Government must have been induced to withdraw the Vote in deference to the general feeling. The noble Lord had shown that at the period when the right hon. Member for Buckinghamshire announced to the House that the National Gallery was to remain where it was, the statement was received with unanimous satisfaction on both sides. The noble Viscount now at the head of the Government in 1860 fully accepted that announcement; and in asking for a Vote of £17,000, pledged himself that the National Gallery should remain where it was for the reception of the National pictures, and that an early arrangement should be made for the Royal Academy to quit the building. How was it that, in face of such statements, the question had remained in abeyance? It was on account of the ideas entertained by the managers of matters at Kensington, who, in one of their earliest Reports, claimed to have the National Gallery removed thither; and the influence of that illustrious body continued until the right hon. Member for Buckinghamshire announced, simultaneously with his statement that the National Gallery should be devoted to the national pictures, that the Government had dissolved its partnership with the Kensington people. Why had the noble Viscount not kept his pledge? It was said there had been the Report of a Commission which had changed the current of opinion both in and out of the House. The noble Lord (Lord Elcho) did not seem accurately to recollect the transactions of his own Commission; for on the question of the site for a new National Gallery, they stated that they forbore, as being beyond their province, from giving any opinion. The views of the Commissioners, so far as they had entered into the question, were rather remarkable. Their idea was, that it was necessary to provide accommodation in the form of rooms for the Royal Academy, in order that the Government might be able to exercise what they thought a legitimate control over the Academy. They proposed that the Government should nominate certain lay Academicians, who were to have no knowledge of art, and who, in addition to the duties intrusted to them in the management of the Royal Academy itself, might be expected to render important services in Parliament and elsewhere. For example, they were to satisfy the natural curiosity of Members of either House with respect to the proceedings of the Academy, and they were to advise the Chief Commissioner and the Government upon all subjects relating to art, in order that such mistakes as had hitherto occurred might be avoided in future. Such was the purpose for which Parliament was now asked to make a present of £140,000, at least, to the Royal Academy. The evidence taken before the Commissioners threw a light upon the probable views of the lay Academicians, for he found the noble Lord (Lord Elcho), after stating that the site in Trafalgar Square was a fine one, asking whether, if they obtained possession of it, the Royal Academy would undertake to remove the unsightly things there; and, as he had not then fallen in love with the lions, which he had since seen, whether they would take away the Nelson Column among the rest. It thus appeared that for £140,000 Parliament was to buy the right to put lay members into the Royal Academy, that those distinguished gentlemen, with no professional knowledge of art, were to regulate all the proceedings of the Government and the Chief Commissioner in all matters of art; and, finally, that the Royal Academy were to be accommodated with rooms, on condition that they should remove the Nelson Column and all the rest of the monuments in Trafalgar Square, leaving the lions to the admiration of the noble Lord the Member for Haddingtonshire. He thought the House would pause before giving up a public site to a private body, especially since there was a large amount of public property behind the National Gallery, which, without the frontage, would be of no use at all. It was not true that the noble Lord the Member for Leicestershire (Lord John Manners) had proposed any particular scheme. What he had said was, that there was public property behind the National Gallery, and that the very persons paraded as authorities by the Government had themselves suggested plans which would be quite sufficient to provide for all the wants of the nation for many years, as far as the exhibition of pictures was concerned. But, besides that, the House had the pledge of the noble Viscount at the head of the Government—a pledge on the faith of which a large sum of money had been voted—that the National Gallery, if all devoted to the exhibition of pictures belonging to the nation, would itself be sufficient for many years to come. Moreover, it was to be remembered that Trafalgar Square was not a mere thoroughfare, but a point to which many great thoroughfares converged; omnibuses and cheap conveyances of every kind passed through it in hundreds, the great penny thoroughfare of the Thames came close up to it, and that in the immediate vicinity there was now a railway in communication with all parts of the kingdom. It was in all respects a locality in which a public institution like the National Gallery should be placed. What reason, he asked, was there that the nation should be driven from its own natural habitation in order that the Royal Academy, a mere visitor, might take possession of its property in perpetuity? He believed the Royal Academy was willing to accept the proposition of the right hon. Gentleman the Member for Bucks; and he was quite sure that, if allowed to erect its own building at its own cost, it would flourish more than if taken under the control of the Government, seduced into silence and acquiescence by a bribe of £140,000.

MR. FERRAND said, that much had been said in the interest of art—he wished to make a remark in the interest of the taxpayers. On Friday last the right hon. Gentleman the Chancellor of the Exchequer had read a severe lecture to some hon. Members who ventured to suggest that justice should be done to certain naval officers at the expense of a few thousand pounds; and he called on the House to support him in resisting the Motion, and spoke of the suffering which a large portion of the taxpayers endured by reason of the imposts which he was obliged to levy from them. Now, however, the right hon. Gentleman, when a Vote of £150,000 was asked for, for the removal of the

National Gallery from the site which a majority of hon. Members considered the best suited for it, sat in silence, and said not a word on behalf of those who would have to find the money. Why did he not lecture the right hon. Gentleman (Mr. Cowper) for proposing the present Vote? He (Mr. Ferrand) appealed to the financial reformers below the gangway, and reminded them that in a few months they must appear before the electors, and that their votes would be commented upon on the hustings; and that, if they supported the Government in this gross job, they would many of them find themselves at the bottom of the poll.

Mr. HENRY SEYMOUR said, the chief argument in favour of the Government proposal had been stated to be that of economy. Now, in 1848, Sir Charles Barry on being asked to give his opinion as to what could be done with the site in Trafalgar Square, prepared a plan which showed that the National Gallery might be so extended and improved as to afford six times the amount of accommodation now given to the national pictures and the Royal Academy combined. Sir Charles Barry had shown how by taking part of the site of the workhouse and a part of the barracks a gallery might be erected sufficient for the wants of a century to come. When a railway company could go to any quarter of London and build a large terminus, laying out in various ways the ground round about it, why should the Government alone be impotent to procure sufficient space for an important public institution? It was the Kensington Gore scheme which prevented the Report of the Committee of 1848 being acted upon. Anybody looking at the Reports of that Committee might see there was a practical course traced out which the Government had nothing to do but to follow with advantage to the country. On the ground of economy he supported the proposition of the noble Lord opposite.

Mr. WALTER said, he had not the honour of being acquainted with a single member of the Royal Academy, and had not to acknowledge even the compliment which was paid to his noble Friend (Lord Elcho), so much, it seemed, to his surprise. He looked at this question as simply one of fact, which any hon. Member could decide for himself from his own observation, and without reading the Report of the Commission. The fact was that we had two great institutions side by side—the National Gallery and the Royal Academy. They were both under the same roof, and the building had become so crowded that they were elbowing each other, and one of them must be turned out. The question was, which of the two should be ejected. That was a matter, it seemed to him, which ought to be decided by the degree of popularity which one of these institutions had obtained over the other. He himself was a lover of the Old Masters, and could not, therefore, be supposed to speak with any prejudice in favour of the works of their modern rivals. He was bound, however, to say —and anyone who had looked into the case would corroborate it — that of the two institutions the Royal Academy enjoyed by far the larger share of popularity. He would venture, were it Parliamentary, to make a bet that for one person who went to see the Old Masters fifty at least went to see the exhibition of the Royal Academy. ["No!"] He had no hesitation in asserting that as a fact, and he appealed to anybody who had the means of getting at the statistics to confirm it. He did not put this forward as an evidence of good taste; in his judgment, it showed a want of taste —he mentioned it merely as a fact. It required a different kind of education from that which the public usually received to appreciate the Old Masters, and there were other reasons which accounted for the preference popularly accorded to modern paintings. People had friends among the living artists, and there was a greater demand for their works. He might use the very argument of his hon. Friend behind him, as to the advantage of a central situation like Trafalgar Square, and its great accessibility by the river and the railway, in support of his case. If it were true that the Royal Academy was more frequented than the National Gallery, then they ought to afford to the public greater facilities for visiting it. He did not regard this as a question of public expense. He had no doubt there was about the same economy in the one view as in the other; but he looked at the matter as one of public convenience; and discarding a good deal of prejudice which he must own he had once entertained, he held that, in the interest of the public, it was better that the arrangement now proposed should be carried out than that the Royal Academy should be turned away.

Viscount PALMERSTON: Sir, I wish, in the first place, to explain the change of opinion to which reference has been made. Undoubtedly, in 1860—I think it was—I adopted the decision of the late Government, that the National Gallery was to remain in Trafalgar Square, and that the Royal Academy was to have assigned to it a portion of the ground in Burlington House Gardens, close to Piccadilly, where it might erect a suitable edifice for its own purposes. Subsequent considerations, however, have induced me to alter that view, and I now think that, on the whole, the arrangement which we propose would be best—namely, that the National Gallery should be built on the ground to the rear of Burlington House, and that the Royal Academy should, under certain conditions, have the use, not the possession, of the building in Trafalgar Square. Now, this is really not a party question. We ought all of us to have the same object at heart, and that is, first, to provide a proper receptacle for the collection of ancient pictures which we now possess, and next, to promote the display of modern art and the education of the artist, so that the public may know from year to year what the progress of art is in this country. With regard to the latter aim, I must say that it seems to me to have been entirely lost sight of in the discussion of this evening. And yet it lies at the root of the whole system of a National Gallery. For what purpose is a nation to have a collection of admirable pictures? They are intended not simply for the gratification of those who go to look at them, but to serve as a means of instruction in the formation of a great and distinguished school of national art. That is the main object of a National Gallery; and it should be combined with a Royal Academy which shall afford the means of instruction to those who had devoted themselves to this profession, and of exhibition to those whose pictures are deemed worthy of display. With regard to the National Gallery, we have more pictures than the present building can contain, and we want additional accommodation. The question is, how to obtain that accommodation at the least expense. The noble Lord (Lord J. Manners) proposes a scheme which would inevitably lead to great expense—it is, that we should enlarge the present building in Trafalgar Square. In order, however, to make such an enlargement as would suffice for the pictures we now possess and those we are likely to obtain, we cannot proceed on the make-shift plan of constructing a gallery set upon iron pillars at the back of the present building. In order to make the gallery answer the purpose it would be necessary to take the barrack yard, to buy the workhouse and the other buildings connected with it; and, to satisfy those who look at the matter with a critical eye, the front of the present building would also have to be altered. That would necessarily involve very great expense; and when the hon. Member for Plymouth (Mr. Ferrand) calls on the Gentlemen below the gangway to recollect that they will have to render an account to their constituencies within a limited period of time, I may use the same argument to induce them to vote for that plan which will produce the best accommodation with the least charge on the public revenue. A good gallery for the exhibition of pictures requires peculiar internal arrangements, and provision must be made for these. Within the ground at Burlington Gardens we can obtain a suitable receptacle for our pictures, ample in accommodation, and satisfactory in regard to the means of displaying them, and we can get this at a less expense than that at which we could procure the same accommodation at the other place. By one plan you will get excellent accommodation at a small cost; by the other you will be led into an enormous expenditure, the amount of which I defy any man precisely to limit; and when it has been incurred you will not have the same advantages for exhibiting your pictures. I do hope, therefore, that this House, which prides itself on its economy, and which often spends hours in discussing very minute sums in the different Estimates, will not, by acceding to the Motion of the noble Lord, lay the foundation for an immense expenditure, but will adopt the more economical and efficient scheme proposed by my right hon. Friend.

Mr. BERNAL OSBORNE: Before the Committee goes to a division I hope it will seriously consider the position in which it is placed by the speech just delivered by the noble Lord. I well remember, on an evening when the House was remarkably thin, when there were barely forty Members in it, that the noble Lord induced those forty Members to pass a Vote of £17,000 for the enlargement of the Gallery in Trafalgar Square precisely for the reason that he had made up his mind that Trafalgar Square should form the site for the permanent gallery for the receipt of the national collection. At that time the right hon. Gentleman the First Commissioner of Works—I was going to call him the First Commissioner for Taste—I beg his pardon—had not discovered that these domes were only fit for a suburban villa; he had not discovered that these rooms were narrow, disjointed, petty, and dusty; but he told us that if that £17,000 was laid out on this building it would make it everything which could be wished; and, moreover, that it would adapt it singularly for a permanent National Gallery. To-night, however, the right hon. Gentleman has not only made these discoveries, but he has actually succeeded in doing that which is still more wonderful—he has converted his noble relative; and now the noble Lord having whiled that £17,000 from our pockets, comes down and says, "I have since seen reason to alter my opinion—you must lay out £150,000 on this Burlington House scheme." Really, if I had not had an answer ready to my hand—an answer, too, from the noble Lord's own Chancellor of the Exchequer—I should not have troubled the Committee this evening. My hon. Friend the Member for the Tower Hamlets (Mr. Ayrton) had been twitting the Government for their large expenditure on Burlington House, and this is what the Chancellor of the Exchequer says in reply—and it is certainly very curious, that this speech has been allowed to stand without a preface. The hon. Gentleman said—

> "He regretted as much as the hon. Member could do that such long periods should elapse before any conclusion could be arrived at as to the disposal of buildings of that kind, the price of which had been paid and which entailed a large annual charge for interest. He had no hesitation in saying that this and other circumstances of a like kind were entirely owing to the lamentable and deplorable state of our whole arrangement with regard to the management of our public works."

Then he goes on to explain the cause of this very much as I should do myself, and it really seems as if the right hon. Gentleman had foreseen the speech which the First Lord of the Treasury has made to-night—

> "Vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated, were united in our present system. There was a total want of authority to direct and guide."

Mr. Bernal Osborne

And he concludes in these words—words which I should have been afraid to utter myself, and which certainly seem to require a special preface all to themselves—

> "He believed such were the evils of the system that nothing short of a revolutionary reform would ever be sufficient to rectify it."

In the face of declarations such as these, in the face of vacillations such as I have described, not only on the part of the right hon. Gentleman the First Commissioner of Works, but of the noble Lord at the head of the Government, who has told us to-night that he got that £17,000 not exactly on false pretences, but from not having properly looked into the matter, is the House prepared to vote this estimate of £150,000? Recollect what has been the cost of this wretched place we are sitting in—£750,000 was the original estimate; £3,000,000 has been the cost. The House of Commons will be wanting in its duty to the country if, in spite of the speech of the noble Lord—who, however well fitted to lead us in foreign affairs, is a very bad leader on anything connected with economy—it does not refuse to enter on this expenditure; and I call on those who have any feeling for the public purse to support the Motion of the noble Lord late First Commissioner of Works.

Motion made, and Question put,

> "That a sum, not exceeding £10,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the erection of the New National Gallery at Burlington House."

The Committee *divided:*—Ayes 122; Noes 174: Majority 52.

(1.) £51,127, to complete the sum for the Houses of Parliament.

(2.) £39,147, to complete the sum for the Treasury.

(3.) £19,883, to complete the sum for the Home Office.

(4.) £53,015, to complete the sum for the Foreign Office.

Mr. DARBY GRIFFITH said, he would take that occasion to ask for some explanation in respect to the despatches written by and received at the office of the Secretary of State for Foreign Affairs. He thought that some distinguishing mark should be placed upon the despatches published in the blue-book, in order to show which of them were communicated by telegram, and which had been written in the ordinary way. He must complain of the off-hand and unceremonious manner in which he had been answered by the Under Secretary for Foreign Affairs when he asked for information on the subject. That hon. Gentleman, in the absence of the noble Viscount, had replied to him in a manner more worthy of the senior partner of the firm of Quirk, Gammon and Snap, than of an official whose duty it was to furnish such information as was required by that House from the Department which he represented. The privilege of asking questions was one of the most important they possesssd, and he (Mr. Darby Griffith) would never allow it to suffer injury or prejudice in his humble hands.

MR. LAYARD said, that he could only repeat the explanations he had given upon that subject on former occasions. A large portion of the Government correspondence was at present conducted through the electric telegraph. The despatches were sent in cipher, and the answers to them were communicated in the same form. The Government afterwards published the substance of them, although in different language. The objection to marking despatches sent in cipher with an indication that it had been so sent was that by that means materials would be furnished by which ingenious persons so disposed might obtain a key to the cipher used.

MR. DARBY GRIFFITH said, that he was not satisfied with the explanation. He looked upon this as a mere piece of official obstinacy and red-tapism.

Vote *agreed to.*

(5.) 23,421, to complete the sum for the Colonial Office.

(6.) £17,306, to complete the sum for the Privy Council Office.

MR. AUGUSTUS SMITH asked for some explanation of an item of £10,600 charged for Contingent Expenses.

MR. PEEL stated that this sum was required to defray the expenditure of the Privy Council Office under the Public Health Act. £3,000 was annually placed at the disposal of the Privy Council to pay medical and other officers who were from time to time deputed to conduct inquiries and experiments; £2,000 was for the national vaccine establishment; £2,000 for vaccination inspection, and the remaining £3,600 was a matter of account arising from the medical department of the Privy Council having been unaware of the rule that payments should only be made out of the Votes for the current year.

SIR JERVOISE JERVOISE, in reference to the charge for expenses connected with the inspection of sheep to prevent the spread of disease, desired to call attention to the fifth Report of the medical officer, ordered to be printed on the 14th of April. He believed it was the desire of the medical officer that the Report should be of great benefit to the country, and he had no doubt the effect of the appointment would be to correct some of the fallacies of the faculty; but, on the other hand, he thought the contents of the Report were enough to raise a panic in the country. Every fifth animal, and by consequence every fifth mutton chop, was stated to be diseased, while there was not only death in the pot but in the pail. The total loss by preventible diseases in cattle was estimated at £6,000,000 yearly. He wished to know who was to be held responsible for such statements, inasmuch as the medical officer who had despatched eminent veterinary surgeons on commissions of inquiry, not only through this country but abroad, disconnected himself in a note at the end of his Report from the opinions put forward by them. The Report stated that much of the epidemic disease was attributable to foreign origin; but if they referred to the Customs Report they would find that the medical officers of that Department stated that in the year when the small-pox broke out amongst the sheep in Wiltshire that not a single sheep entered into London suffering from that disease. On the Continent 2½ per cent covered the losses of the Cattle Insurance Offices, but in this country the Cattle Insurance Offices had to be wound up in consequence of the cattle dying so fast. He was anxious to know how the Inspector and his assistants were paid.

MR. H. A. BRUCE said, the Secretary to the Treasury had already explained the source from which those gentlemen were paid. He did not exactly understand what it was the hon. Gentleman complained of in the Report. He appeared to admit the great ability of the Report generally, but he took exception to Professor Gamgee's Report on cattle diseases in general, who was engaged under the direction of the Inspector to make that Report. There was great doubt as to the origin and extent of the diseases of cattle, and a Select Committee was investigating the subject, and the Inspector had gone into it in such a manner as the great interests of the country demanded. The hon. Gentleman seemed to object to the Vote on account of the discrepancy between the Reports; but, considering the difference of opinion that prevailed on the subject, he did not see how they could require two medical officers to agree before they were paid.

Vote *agreed to.*

Lord ELCHO said, that before the Chairman reported Progress, he wished to express a hope with regard to the Vote for the National Gallery. The Committee having rejected the Vote of £150,000 for a new National Gallery in one of its economical fits ["No!"]—well, then, in one of its uneconomical fits ["Oh!"]—he wished to know what course the Government intended to take. The feeling of the Committee appeared to be in favour of retaining the National Gallery in its present site, but any person who had attended to the discussion must have come to the conclusion that the House of Commons desired to have a building in every way worthy of the nation. If not, there was no meaning in the Vote the Committee had come to. Now, he found by a letter to the Treasury, written by Sir Benjamin Hall some years ago, that the estimate of Mr. Hunt, the Surveyor of Public Buildings, for enlarging and improving the National Gallery—an estimate demanded by the Treasury a few years ago—was £500,000; and he wished to know whether, before the Session closed, the Government would be prepared to ask the House for a Vote towards the erection of the new National Gallery, which the Committee wished to occupy the site of the present building. ["No!"] If this was not the wish of the Committee, it had only stultified itself by its Vote that night. He would not press for an answer to his question at that moment, but he would express a hope that the Government would take the matter into consideration.

Mr. SCLATER-BOOTH said, that the noble Lord had assumed a great deal in the interpretation he had put upon the Vote. The House of Commons had simply rejected the scheme of the Government, and had expressed no opinion with regard to a building worthy of the nation. They had expressed no wish that a new National Gallery should be built in Trafalgar Square, but the feeling rather was that a very moderate extension of the present building would be sufficient. What the

Committee wanted was to get rid of the Royal Academy. That body had plenty of money, and could afford to build itself a gallery.

Mr. HIBBERT wished to know whether the Government would, in consequence of the Vote come to that night, take any steps to make the whole of the National Gallery available for the purposes of the national pictures?

House *resumed.*

Resolutions to be reported *To-morrow;*

Committee to sit again on *Wednesday.*

RAILWAYS CONSTRUCTION FACILITIES (*Re-committed*) BILL [Bill 111].

COMMITTEE.

Order for Committee read.

Mr. HASSARD said, this Bill was applicable only to railway companies, and he could not see any reason why it should not be equally applicable to gas and water companies, many of which would be established in small places if they could get an Act of incorporation or an Act of Parliament without going to an enormous expense. In some cases the capital required would not exceed £1,500 or £2,000, while the expense of obtaining an Act would be about £500.

Mr. MILNER GIBSON observed, that the Committee did not clearly see their way to laying down any general conditions applicable to all works, and had, therefore, refrained from making any recommendation on the subject.

Mr. SEYMOUR FITZGERALD pointed out that, under the 3rd clause, powers were given to companies to make railways where there was no opposition; and under the 9th clause limit was imposed to the opposition. This latter clause he objected to, for there was no power of opposition, in case of consent of all the landowners on the line, by any party other than a railway or canal company, although damage might be done to parties whose land was not scheduled. He would not, however, object to the Bill going into Committee.

Mr. MILNER GIBSON said, that landowners under this Bill were in a better position than they would be under a Private Bill. All persons whose lands were touched by the proposed works must not only have given their consent, but the agreement between the purchaser and landowner must be produced before the Board of Trade before the certificate could undergo consideration. If the House would allow the Bill to go into Committee it would find that all the cases referred to were properly provided for.

Bill *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

WEIGHING OF GRAIN (PORT OF LONDON) BILL—[BILL 119.]

SECOND READING.

Order for Second Reading read.

MR. CRAWFORD moved the second reading of the Bill. The City of London possessed by prescription and by charter from James I. the right of measuring all grain brought within the port of London. It was proposed by this Bill that this privilege should be commuted for a charge upon the weight of the grain, the result of which would be that Mansion House charges amounting to £2,000 a year would be relinquished. The grain according to the proposal made would be weighed for 25 per cent less than the sum now charged upon the measurement. The Corporation would relinquish a sum of £5,000 per annum. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had given notice that inasmuch as the Bill seeks to impose a Tax, in part for the private use and benefit of the Corporation and for no public purpose, on all grain imported into the port of London, the Bill ought not to be proceeded with until the Standing Orders relating to Private Bills had been complied with. This was entirely erroneous. The Bill had the assent of the trade, the assent of the chairman of the Corn Exchange, and of the chairman of a public meeting held for taking the matter into consideration. It was not for the private use of the Corporation of London; the Corporation had no private interests, but applied its revenues for the public good. The Bill was not solicited by the Corporation after the manner of Private Bills, but was a necessary supplement to the Inland Revenue Bill of the year. The whole of the trade of London was affected by its provisions, and it had the same rights and affected the same interests as the many Acts relating to London which had been brought in as Public Bills.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR JOHN SHELLEY moved the adjournment of the debate.

MR. AYRTON protested against entering upon the Bill at two o'clock in the morning. Hon. Members were not to sit there to aid the Corporation in levying taxes to enable them to give dinners. He would not prolong the discussion, but would call the attention of the Speaker to the fact that there were not forty Members present.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir John Shelley.*)

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, June 7, 1864.

MINUTES.]—PUBLIC BILLS—*First Reading*—Life Annuities and Life Assurances* (No. 116); Facilities for Divine Service in Collegiate Schools* (No. 117) [H.L.].

Second Reading—Union Assessment Committee Act Amendment (No. 102).

Committee—Penal Servitude Acts Amendment (No. 66); Admiralty Lands and Works (No. 88); Insane Prisoners Act Amendment* (No. 111).

Third Reading—Naval Agency and Distribution* (No. 83); Naval Prize* (No. 87), and *passed.*

UNION ASSESSMENT COMMITTEE ACT AMENDMENT BILL—(No. 102.)

SECOND READING.

LORD WODEHOUSE, in moving the second reading of this Bill, said, that its object was to remedy certain defects of detail in a measure passed in the year 1862 for the purpose of insuring a more accurate assessment to local rates. That measure had in general worked satisfactorily, but it appeared that alterations were required in some of its provisions. It did not give the Assessment Committees the power of appearing in appeals against their own decisions, and magistrates were thus compelled to decide upon these appeals without hearing the arguments upon both sides.

The present Bill would remedy that defect by providing that the Assessment Committees should have an opportunity of defending, with the consent of the Board of Guardians, decisions at which they had previously arrived. It would also provide that justices should not be disqualified from sitting in quarter sessions on any appeal, by reason of their being rated in some other parish of the union than that by which the appeal was brought. These were the principal provisions of the measure, the details of which could be best considered in Committee.

Moved, That the Bill be now read 2ª.—(*Lord Wodehouse.*)

Lord ST. LEONARDS said, that he did not object to some provision being made for supporting assessments on appeal, but no court in England had the power of appearing in defence of its own decisions as was now proposed, and he thought, therefore, that some other means should be adopted of enabling the magistrates to hear both sides in these cases.

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

PENAL SERVITUDE ACTS AMENDMENT BILL—(No. 66.)

COMMITTEE.

Order of the Day for the House to go into Committee read.—(*The Lord President.*)

Lord BROUGHAM said, he did not object to going into Committee; on the contrary, he highly approved of the Bill, and of one provision especially, which he found the Government intended to give up—the supervision of ticket-of-leave men between their liberation and the expiration of their sentence. This supervision was absolutely necessary for the safety of the community, and for the good of the convicts themselves. The ticket-of-leave was granted as a reward of good conduct, and a stimulus to further reform; and as their real struggle only commenced when they returned to the scene of temptation, it was in vain to suppose them fit for mixing in society on their release. The system of supervision under Sir Walter Crofton, to whom the country owed so much, had proved most successful in Ireland. Of this he could speak confidently; for at the Congress of Social Science three years ago in Dublin, Sir Walter Crofton's operations had been fully examined by his (Lord Brougham's) colleagues, and found to be in all respects admirable and perfectly successful. 160 convicts were superintended by no more than two policemen, and with complete success. Among those who examined this was his learned friend and great philanthropist, the Recorder of Birmingham, Mr. Hill, head of a family to whom the country, and especially the working class, were under such obligations — one of the family, Sir Rowland, having yesterday been the subject of a Royal message. Mr. Hill, from many years' experience, decidedly considered the return of convicts to the community without supervision and warning to their employers to be of undoubted inexpediency and of questionable honesty. He would read a passage from a letter he had received from that experienced magistrate, who, after stating his opinion of supervision, adds—

> "I should, however, pause before pronouncing such opinions, if I believed supervision to be detrimental to the ex-convict who had determined to return to paths of honesty and continue in them. But I am well convinced to the contrary—namely, that supervision has to the honest man many advantages with few or no drawbacks; and as to the persecution of well-intended persons by the police, which has been alleged, I have made this the object of inquiry for years, and believe the charge groundless; and that the rule, with no exception, is precisely the reverse."

In fact, the convict has the advantage, besides his being kept to his duties, of receiving the support of his superintendent by the testimony to his character, which will weigh strongly with any employers. On the whole, therefore, he (Lord Brougham) felt most anxiously that the Irish system which had so completely succeeded, should be adopted in this country — all the difference, if any, between the character of the people in the two countries, being rather an argument in favour of the extension, as showing the supervision to be more difficult there than here. He should, therefore, earnestly entreat the House to reject the Amendment of which notice had been given, to omit the fourth or supervision clause.

Lord LYTTELTON said, he approved both of what the Government had done and what they had refused to do, with regard to sending convicts to Australia. With the undoubted fact that the Australian colonies generally objected to receive our convicts, he thought we were bound to respect their wishes; but, at the same time, it was unreasonable and unjust for the South Australian colonies to object to convicts being sent to Western Australia, where the colonists were very desirous of receiving them. He hoped the Government would adhere to the course they had adopted, and would not allow memorials from the more powerful Australian colonies to override their judgment.

House in Committee:

Clause 1 *agreed to.*

Clause 2 (Length of Sentences of Penal Servitude).

Earl GREY moved an Amendment that criminals, after two previous convictions, should be subject to a minimum imprisonment of seven years. He thought it perfectly absurd that where a criminal had been convicted some fifteen times he should only be sentenced to three years' imprisonment.

Amendment moved at the end of clause to add the following words : —

> "And if Two previous Convictions of Felony, including summary Convictions under the Criminal Justice Act, shall be proved against a Prisoner found guilty of an Offence now punishable by Penal Servitude, he shall be liable to Penal Servitude for Seven Years, and this shall be the least Sentence that can be passed upon him."

Earl GRANVILLE thought the Amendment was undesirable, and that it would be better to leave the punishment in the cases referred to to be apportioned by the Judges, as was the case at present.

Earl GREY said, that was true; but they had exercised that discretion so leniently that it had become necessary that Parliament should interfere and prescribe a minimum of punishment. He had seen cases where criminals had been convicted fifteen times, and then a sentence of only three years' penal servitude was passed. That was a perfect mockery.

Lord CRANWORTH supported the Amendment, believing that to a man thrice convicted of felony it would be a mercy to sentence him to a long period of imprisonment, under circumstances best calculated to induce a reformed course of life. He suggested that the Amendment should be postponed till the Report, in order that the phraseology might be assimilated to the law as it now stood with reference to a second conviction.

Amendment *agreed to:* Clause *agreed to.*

Clause 3 (Punishment of Offences in Convict Prisons) *agreed to.*

Clause 4 (Forfeiture of Licence).

Lord HOUGHTON moved an Amendment to omit certain words, the effect of which omission would be to do away with the proposed system of registration of criminals by the police. He thought the clause generally was very loosely drawn, and contained phrases hardly of ordinary legal import—the word "locality" he thought was one for the first time proposed to be introduced into an Act of Parliament. The ground of his asking their Lordships to reject these words was, because he thought the principle a bad one in itself, and especially bad in its application to the present Bill. He thought it bad, because it had always been the happy privilege of this country to use the police force for the purposes of subserving the law, of preserving the peace of society, and of detecting crime. They had never yet invested the police of this country with the powers which it was proposed to give them by this Bill. To make it a misdemeanor for a discharged criminal not to report himself to the police was a regulation far better adapted to the police system of other countries than of our own. But this feeling must give way if the peace of society required such a deviation from our usual habits. But, he asked, would the object which they had in view, namely, the return of the criminal to an honest life, be facilitated by such a regulation as this? If there was anything they desired to secure more than another, it was to remove the man as far as possible from the restraints of prison life, if he showed himself worthy to be removed from them. The object was to send him into society as free as possible from the evil he had done, and that in no fantastic or sentimental sense, but simply that he might learn the maxim that honesty is the best policy. It had been said that this system worked well in Ireland. But would it be possible to do the system of Sir Walter Crofton any greater injury than by making a partial and inappropriate application of it to England? He would endeavour to show by one single figure what was the influence of police registration upon discharged prisoners in the neighbourhood of London. The Discharged Prisoners' Aid Society had for several years aided discharged prisoners to emigrate. In the year 1861 they aided 769 such persons. But when the system of registration was introduced, a falling off took place in this number. In 1862 they succeeded in assisting only 689, in 1863 only 451, and in half of the present year only 165 persons. So that their Lordships would see that the effect of this police supervision was that from 150 to 200 discharged prisoners were now at large, who, but for this supervision, would have been assisted to emigrate by the society. He earnestly wished the words to which he objected to be excluded from the clause. He looked upon the measure as an experiment, which deserved to be fairly tried. He only asked that it should be fairly tried, by assisting the criminal to re-submit himself to the action of the laws, instead of by embarrassing him.

Moved, to leave out from ("therein") to ("or") in line 38.

THE EARL OF CARNARVON hoped the House would not consent to the Amendment. He was quite unable to understand what his noble Friend proposed to substitute. Were they to give the criminal a free and unconditional remission, or a remission accompanied by supervision, or a remission under a mere nominal supervision? A real supervision was intelligible, but his noble Friend took the supervision in part, and rejected a part. He wanted to have all the benefits of supervision without its inconveniences. If the Amendment passed, all that the public would have to depend upon, as far as the security of life and property was concerned, would be the changes recently effected in the discipline of prisons upon the sole authority of the Secretary of State, which changes had been made hastily, and might be recalled to-morrow; and when that took place things would exactly remain where they had been before. That would, he thought, be the most unfortunate result to which they could come after the numberless discussions they had had on this subject. The objections of his noble Friend to the clause resolved themselves into the single allegation that the police would be disposed to interfere with ticket-of-leave holders in their attempts to get employment. His noble Friend argued as if they were about to infringe upon the liberty of the subject; but he must distinctly protest against the doctrine that these convicts had a right to liberty. They had forfeited it by their crimes against the laws, and when they were released it was only by an act of grace or favour, which it was for the State to accompany with such restrictions as it thought fit to impose. The statement about the police preventing these persons from getting honest employment rested, it should be borne in mind, entirely on the story which some half dozen or dozen ticket-of-leave holders had told on their re-commitment for another crime. But he did not deny that there might not be some isolated cases of that kind. The police were a mixed body, like any other, and doubtless comprised some men who would occasionally abuse their power; but he maintained that in 99 cases out of 100 the abuse, when it actually took place, occurred, not from a system of supervision, but rather from the want of such a system. A policeman would suspect a man to be a ticket-of-leave holder, who was relapsing into crime, and he accordingly dogged his steps. It was impossible to distinguish an habitual offender from an occasional offender without a system of registration; and how were they to have a system of registration without the agency of the police? Turn the question how they would, they must always come back to the necessity of a regular machinery for a proper police supervision. It was far better to have an open and actual control and supervision than a secret one; and the way to get rid of the evils of an irregular and objectionable espionage was to establish a regular system of responsible police supervision. One of the objects which ought to be kept in view was that a distinction should be drawn between habitual and casual criminals, but how could that possibly be effected except by some system of registration. They must not, in the midst of all their abstract reasoning on this question, forget the plain fact that the system existing in Ireland, and which undoubtedly had worked successfully, was based on a strict police supervision; and it should, moreover, be remembered that in Ireland there had not been one instance of complaint against the police for abusing their powers in this matter. So long as the man was in prison he was free from temptation, but the moment he came out he was thrown back on himself, and the strength of his old habits was likely to influence him. The Discharged Prisoners' Aid Society had proved itself very useful in receiving prisoners on their discharge from prison, and many of them who had been benefited by it, had been convicted five, six, or eight times.

LORD CRANWORTH said, that he feared that their Lordships might be influenced in their views by a too liberal construction of the words of the clause. Many noble Lords in reading the clause in its present state thought they might be supporting the system of supervision by the police. He had no sympathy with those who advanced the argument, that to require a convict to place himself under supervision would interfere with the rights and liberties of the subject. The matter properly to be considered was, what system would answer best for the public. It was proposed that the convict should once every month report himself at the police station near his residence; but what security was there in this for his good conduct? And the very condition would prove an obstacle against his getting employment, but it would be no advantage to society. He could not leave his employer and report himself to the police without coming under the notice not only of his employer, but of his fellow-workmen, and there was not an honest man but would object to be associated with convicts. The condition that he must report himself in London—the nest of rogues—would, perhaps, be complied with by his coming before Sir Richard Mayne; but this would be no guarantee. Under any circumstances, if a released convict violated any of the conditions of his ticket-of-leave, he would be sure to be pulled up by the police, whether he reported himself monthly at a station or not, and the provision in the clause under discussion, while it did not pretend to do any good, might, in reality, do a great deal of harm. In Dublin, or the metropolitan district of Ireland, to which so much allusion had been made, the police had never been employed to supervise released prisoners; and when the Commissioners recommended, not without hesitation, that it might be expedient to try the Irish system in England, they did not mean that there should be what had been absurdly called police supervision, which would give no security at all; but that the work ought to be done through the agency of an office connected with the convict establishment, and employing proper officials for the purpose. This was the plan really adopted in Ireland. It was of the very essence of useful supervision that it should be unconnected with the police.

THE EARL OF LICHFIELD agreed that the clause as it stood would afford no additional security whatever to the public; and it was contrary to the experience of those most familiar with the question. The mere fact of a man reporting himself to the police once a month was no guarantee as to what he was doing during the rest of the time. Indeed, such was the cunning of habitual offenders, that he had no doubt when one was going to commit a crime he would take care to report himself beforehand, by way of keeping up appearances. On the other hand, he was satisfied that the system proposed would be very injurious to convicts who were anxious to obtain honest employment, because it would tend to attach to them a bad character in the eyes both of employers and fellow-workmen. Reference had been made to the Irish system, but he believed that under it there was a large number of re-convictions—as large a proportion as of those who had been in the English convict prisons. In any case, it would be quite inoperative in the large towns of this country. No attempt had been made to enforce it in Dublin, and Sir Walter Crofton had owned that, even if attempted there, it would not be efficient. At the same time, he was most anxious to see a system of supervision conducted either by the convict department or through the agency of the Discharged Prisoners' Aid Societies.

LORD LYVEDEN said, the clause had been inserted by the House of Commons, and he thought it one of the best portions of the Bill. A man who had broken the laws of his country was not entitled to the ordinary freedom of the subject, and he believed that the monthly Report would prove a constant check upon the ticket-of-leave men. He thought the masters were not unwilling to take them into their service; when they were detected by their fellow servants they were sent adrift. There was no doubt that there was a great difficulty about the matter.

EARL GREY said, that the majority of prisoners being discharged in this country, it was important to consider what was the best mode of subjecting them to such supervision as was necessary to insure the enforcing of the conditions of the licence. The noble Earl (the Earl of Carnarvon) seemed to think that the Bill would leave things as they were, but that was a mistake. As the law stood, if a ticket-of-leave man committed a second offence, and was sentenced to six months' imprisonment, the term ran on simultaneously with his old sentence; but by this Bill he would be required to work the new sentence out when the old one had expired. At present there was no power of taking up a man suspected of being a ticket-of-leave man; and there were no means of formal investigation as to whether the conditions of the ticket-of-leave had been broken. By this Bill the breaking of the conditions of the ticket-of-leave became a substantive offence; and the charge would come before the magistrates and be formally adjudicated upon. It was true that there was an objection to requiring a man to appear once a month before the police; for if this regulation were enforced it would be impossible that his fellow workmen should not know of it; and when the fact become known it was fatal to his hopes of continuing his employment. On this ground the system had to be given up in Ireland. In laying down a number of regulations he thought that Parliament was stepping out of its proper place, and that it was not right to tie up the discretion of the Government in this way. The Government should be held strictly responsible; but, on the other hand, discretion should be left to them as to the measures they would adopt to attain the end. He should be disposed to strike out all the conditions mentioned in Schedule A of the Bill; for, if this were not done, it would be impossible for the Government to vary or improve them in any instance. It should be observed, in Dublin the supervision over convicts was not exercised by the police, but by a gentleman specially appointed for that work. In the rest of Ireland the system existed, but the fact that the supervision was not carried out in Dublin, showed that it was not considered practicable in large towns. He believed that the supervision of convicts in Western Australia was extremely good; but he had been informed by Colonel Henderson, who had the charge of penal discipline in that colony, that the rule requiring the convicts to call upon the police once a month, worked so badly that it had to be abandoned. He should support the Amendment, although he thought that it might have gone further.

Lord PORTMAN supported the Amendment.

The LORD CHANCELLOR said, he did not thoroughly agree with either of his noble Friends. If a licence-holder were required to report himself once a month, it would be the same as if he were sent out of prison with a brand on the forehead: but, at the same time, it was impossible to deny that some authority should have the power of noting where each one of these criminals was, and that they should be placed under some influence that should keep them under the impression that they were the objects of watchful superintendence. His wish was rather to modify the conditions of the licence, which were very vague and uncertain; and he knew not who was to be the judge whether they were broken or not. One was that the man should not lead an idle or a dissolute life—another was that he should not habitually associate with notoriously bad characters. What magistrate was to be intrusted with the power of deciding upon such offences? He proposed to strike out the words "once in each month," and insert the words "if required so to do by the conditions of the licence." The position of the licence-holder would then be this — that having once reported himself to the police, he would not be subject to report himself again unless required so to do, at such time and place, in such manner, and to such persons as the chief officer of police should from time to time point out. In this way the supervision might be modified according to circumstances, and might be so managed as to prevent the disclosure of the man's condition to his associates and fellow-workmen, and might be carried into effect so as not to interfere with the recovery of his character and social position. As to the Amendment, he suggested the withdrawal of that part of it which seemed to strike out of the Bill the words "or shall have changed his residence without having previously notified the same to the police."

Earl GREY thought that the Amendment now proposed was hardly necessary, if they adopted the suggestion to leave the conditions of the licence to be settled by the Government.

The Earl of DERBY said, that if he understood the suggestion of the noble and learned Earl it would be necessary that there should be different conditions to each separate licence; and that whether a convict should report himself or not should be left to the Secretary of State in each case. The clause was one which it was difficult to deal with without notice, and therefore he suggested that it should be accepted in Committee, and that the noble and learned Lord's Amendment should be printed and considered upon the Report.

Earl GRANVILLE said, he did not understand his noble and learned Friend to favour the principle of the clause, which was the obligation of these licence-holders to report themselves once a month to the police.

The LORD CHANCELLOR agreed that it would be better to reserve the consideration of his Amendment. As to the principle of the clause, he had explained that, in his opinion, this obligation to report once a month was equivalent to branding a man with a stigma.

After a few words from The Earl of HARROWBY,

LORD HOUGHTON said, he was willing to modify his Amendment in such a way as that the necessity for the ticket-of-leave man to report himself every month should be done away with; but leaving him still under the obligation of informing the police of any change in his place of residence.

On Question, That the words proposed to be left out stand Part of the Clause? their Lordships *divided*:—Contents, 49; Not-Contents 41: Majority 8.

Resolved in the *Negative.*

An Amendment made, by inserting the words "being a male" in line 36.

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

The Report of the Amendments to be received on *Monday* next; and Bill to be printed as amended. (No. 118.)

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Rutland, D.

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Blantyre, L.
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Stanley of Alderley, L.
Stratheden, L.
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Taunton, L.
Truro, L.
Wenlock, L.
Wodehouse, L.
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ADMIRALTY LANDS AND WORKS BILL—(No. 88.)—COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 13 *agreed to.*

Clause 14 (Exception from Incorporation of Provisions as to Sale of Superfluous Lands).

THE EARL OF POWIS moved to omit certain words which gave to the Admiralty power to sell surplus lands to others than the original owners. The power of selling surplus lands was of recent date, and he thought the Admiralty ought not to possess a power which might be exercised to the injury of individuals. If the Admiralty happened to buy land for the purpose of erecting defences or making docks, and afterwards found that they had some which they did not want, it was not right that it should be sold in the market, and thus deprive the original owner of the right of pre-emption.

THE DUKE OF SOMERSET thought the noble Earl had misunderstood the effect of the Bill, which contained no compulsory powers. By the terms of the Land Clauses Act land not required was to be offered to the original owners, if it were situate in the country, but if it were situate in a town, or was fit for building purposes, then it was to be sold generally. The Admiralty did not generally require to purchase land in the country, but bought it in the neighbourhood of towns. Thus, they had recently bought a street of houses in Plymouth, and if they were to resell the land to the former owners these persons would immediately rebuild a class of houses which it had been the desire of the Admiralty to get rid of for the benefit of the public service.

THE EARL OF DONOUGHMORE was understood to have supported the Amendment.

THE LORD CHANCELLOR defended the clause. It would not be wise to impose these restrictions on the Admiralty. The land was taken by agreement, not compulsorily, under the Lands Clauses Act.

EARL DE GREY AND RIPON said, that the Amendment would have the effect of imposing greater restrictions upon the Admiralty than were applied by the War Department.

THE EARL OF POWIS said, the land under the Lands Clauses Consolidation Act was taken by agreement, not compulsorily. By the proposed clause the land would be taken compulsorily.

THE LORD CHANCELLOR denied that that was the effect of the Bill.

THE EARL OF DERBY said, that the power sought to be taken by the Admiralty was certainly of a compulsory character. It appeared to him that the Admiralty ought to act under the same restrictions as were imposed by the Lands Clauses Consolidation Act. The noble Duke (the Duke of Somerset) admitted that the Admiralty desired to have the power of taking not only the land that was actually necessary for the purposes under the Bill, but also of acquiring possession of buildings and land in the immediate neighbourhood, with a view to a sale of the latter, as the noble Duke appeared to intimate, to persons who would make a better use of them than the owners.

THE DUKE OF SOMERSET observed, that the object they had in view was to secure decency and order in the neighbourhood of those lands. He would, however, undertake to have the clause so framed that would carry out the view of the noble Earl.

Amendment *withdrawn*.

Clause *agreed to*.

Amendments made: the Report thereof to be received on *Monday* next; and Bill to be printed as amended. (No. 119.)

The Duke of Somerset

FACILITIES FOR DIVINE SERVICE IN COLLEGIATE SCHOOLS BILL [H.L.]

A Bill to provide additional Facilities for the Performance of Divine Service for Collegiate Schools and Colleges in Communion with the United Church of England and Ireland—Was *presented* by The Bishop of OXFORD; and read 1^a. (No. 117.)

House adjourned at a quarter past Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 7, 1864.

MINUTES.]—SELECT COMMITTEE—On Education (Inspectors' Reports), nomination of Committee (*List of Committee*).

PUBLIC BILLS—*Resolution in Committee* — Uniformity Act *.

Ordered—Uniformity Act; Railway Travelling (Ireland) *; Municipal Corporations (Ireland) *; Justices of the Peace Procedure *; Superannuations (Union Officers) *.

EDUCATION (INSPECTORS' REPORTS.)

SIR WILLIAM MILES *reported* from the General Committee of Elections: That, in pursuance of the Instruction of the House, they had nominated the following Five Members to constitute the Committee on Education (Inspectors' Reports):—John George Dodson, esquire; Sir Philip De Malpas Grey Egerton, baronet; Lord Hotham; The honourable Charles Howard; Edward Howes, esquire. And that they had also named The Lord Advocate and Lord Robert Cecil to serve on the Committee to examine Witnesses, but without the power of voting.

Report to lie upon the table.

VOTES OF CREDIT FOR CHINA.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, Whether it is intended to surrender to the Exchequer the £93,163 remaining in the Paymaster General's hands out of the Votes of Credit for China?

MR. PEEL, in reply, said, the details of the expenditure had not as yet been made up. There were certain outstanding claims which would have to be met, and it was necessary for the Government to keep a sum in hand to dispose of them. When they were liquidated the balance would be paid into the Treasury.

NAVY—ROYAL NAVAL RESERVE.

QUESTION.

MR. H. BERKELEY said, he wished to ask the Secretary to the Admiralty, If he has any objection to lay upon the table of the House a Return of the number of men absent from the United Kingdom belonging to the Royal Naval Reserve, specifying how many are gone Foreign, and of those how many were gone to the Federal and Confederate States of America.

LORD CLARENCE PAGET said, in reply, that he had no objection to lay on the table a Return of the Royal Naval Reserve, specifying how many of the men had gone Foreign. With regard to those men who might have joined the Federal or Confederate States services, the Admiralty were only aware that a few had done so, who, the moment the fact was ascertained, were discharged from the force. He should be happy to furnish the hon. Gentleman with a Return of the numbers of those men.

DISCRIMINATING DUTIES.

PAPERS MOVED FOR.

MR. LINDSAY said, he rose to move an Address for

> "Copy of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive, relating to the abrogation of the Discriminating Duties still levied upon British Vessels and their cargoes trading with those Countries."

In 1850, when the repeal of the navigation laws came into operation, he was aware that there were many persons who entertained serious doubts of the wisdom of that important change. Many were of opinion that the repeal of those laws would seriously injure the merchant shipping of this country; and upon those grounds it was strenuously opposed, not only by numerous Members of that House, but by a large proportion of the shipowners of the country. He was desirous now of troubling the House with a statement of a few facts, with a view of showing how mistaken those persons had been in their apprehensions. In 1849, the year before the repeal of the navigation laws, the tonnage of the shipping of Great Britain amounted to 3,500,000 tons. In 1862, being thirteen years afterwards, our tonnage had increased to 4,950,000 tons. In 1849 we owned of steam shipping 167,000 tons. He estimated that we owned last year—for no Return had as yet been made—800,000 tons. In 1849 the aggregate of the entries inwards and outwards with cargoes amounted to 9,700,000 tons of British shipping. In 1863 the amount was no less than 15,000,000 tons. But, great as was the increase with regard to British shipping, and in our trade with foreign nations, that increase fell into insignificance compared with the enormous increase which had taken place in the exports of British manufactures and British produce; and the House must bear in mind that free trade in shipping had much to do with this enormous increase of our exports. In 1849 the declared value of our exports amounted to £59,000,000 sterling. Last year the value of our exports had increased to £146,000,000. Now, it would be apparent to every man, when he looked into this question, that the shipowners must be very largely benefited by this increase of our exports, because it proved that they obtained thereby a much larger field for the employment of their vessels. It was with that view that the Legislature in 1849 wisely resolved to do away with the navigation laws, and to allow ships of all nations to enter and to leave our ports upon the same terms as our own vessels, with the exception of small local dues which were still exacted in various outports in the shape of municipal and other private charges. The people generally of this country, as well as our shipowners, were large gainers by this change. When we resolved to repeal the navigation laws we entered into communication with all other nations on the subject. We told them of the policy we proposed to adopt, and asked them whether they were prepared to follow our example in this respect. All other nations did agree to adopt that policy, with four or five important exceptions — namely, France, Spain, Portugal, Holland, and the United States, each of whom declined to reciprocate our policy. France still maintained that it was for the interest of her shipping and her people that she should maintain a protective system. The other nations to which he had referred expressed themselves in a similar way. He would pass over the United States. Mighty events were now going on in that unhappy country, which would result in great changes, political and social, in the new world. Before long, no doubt, the navigation of America—the coasting trade of that mighty country, extending from New York to California—would be thrown open to the ships of all nations. When the separation between the Northern and Southern States took place, which must be the case sooner or later, the policy and interest of the South would assuredly be to adopt free trade; and, above all, free trade in ships. He had spoken of Holland as not having reciprocated our policy, because, although the Government of Holland had opened their ports to the ships of England upon the same terms as we had opened our ports to the ships of Holland, it so happened that the trade between Holland and the Dutch possessions in the East Indies, the only trade which would be of any value to our shipping, was under the exclusive power of the Dutch East India Company, so that the trade with the Dutch possessions in the East Indies was still confined to Dutch ships, and British ships were not allowed to enter those ports. Now, he was by no means disposed to think that even the shipowners of Holland gained by this restrictive policy, although the Dutch East India Company, in endeavouring to encourage the trade, offered £10 a ton freight from Batavia and Java to Holland. In consequence of those high terms a large number of Dutch ships had been built for that trade; indeed the number became much greater than the trade could well employ. The result of such a state of things was that the majority of those ships were kept waiting now 10, 12, and sometimes even 18 months before they could get employment; and though the Dutch merchants paid £10 or £12 a ton freight for the sugars they required from the East India possessions, the shipowners, after all, gained little advantage thereby, inasmuch as while they were kept waiting for a cargo at £10 a ton they could often make two voyages, and would be better compensated at £6 a ton by continual employment, whilst the people of Holland would be enabled to obtain their sugar at so much less. He therefore contended that so long as the Dutch East India Company maintained this restrictive policy the people of Holland would be losers by that policy and the shipowners also. In reference to Portugal and Spain, they had always maintained a restrictive and protective policy. He had often had occasion to visit Portugal, and he had often been struck by the facilities which the Tagus afforded for the commerce of all nations, Their cumbrous commercial regulations, however, counteracted all those advantages which they would otherwise obtain. Spain, which was becoming rapidly developed by means of railways, would probably reap the most splendid advantages if she would only abolish her navigation laws and open her ports to the world. Spain imported from this country only £3,500,000 of British produce and manufactures annually. Now we sent last year to Gibraltar goods to the value of £1,500,000. No one would imagine for a moment that these goods were consumed in Gibraltar — we knew that they were imported indirectly into Spain. Consequently, in spite of all her restrictions, the produce and manufactures of England found their way into Spain, and the revenue of Spain lost all those duties which were levied for the protection of the produce of Spain only. But in regard to France, he must say he was surprised that that great and enlightened country should still maintain her restrictive policy. He had heard complaints from Frenchmen that France did not derive those benefits which she anticipated from the commercial treaty with this country. His answer to these complaints was, that France never would obtain those advantages unless she swept away her navigation laws We were large buyers of wine and other French produce; and the French were willing to be paid for their produce by the wools of Australia, the sugar of England, the silk of China and India, and by other articles in our colonies and possessions. But when we desired to pay her in those articles, the navigation laws of France stepped in and said that she could not take the silks of China or the produce of India in our ships, because they would be subject to a high differential duty. He had read with great surprise and regret a speech recently delivered by M. Thiers on this subject. Now, he was surprised that a statesman with such great experience of the world should at the present day propound doctrines so fallacious in regard to the navigation laws of his country. M. Thiers complained that French shipping was not advancing at the rate the people of France had a right to expect, and ascribed that circumstance to the fact of its not being sufficiently protected; and then in order to increase it that statesman said that French ships should not trade between two foreign ports—he wished to limit the field of employment for French ships as a means, forsooth, of increasing their number. He desired to confine all the carrying trade of France to French shipping. Now, with the exception of the direct trade, the carrying trade of France was already confined to French ships. But what was the result to France of her maintenance of this protective policy? In 1849 she owned 680,000 tons of shipping. In 1862, thirteen years after the repeal of our navigation laws, her shipping had only increased to 980,000 tons, or an addition of 300,000 tons; whereas in Great Britain, by following that policy which M. Thiers condemned, British shipping had increased within that same period by 1,450,000 tons. But that was not all. Let the House mark how the people of France suffered by this protective system. He asked hon. Members just to look on Mercator's Chart. We had, as the House was aware, lines of steamers sailing every week from Southampton to various foreign ports. The Peninsular and Oriental Company's ships were constantly returning home laden with silk and other produce, which the people of France eagerly desired to have. These ships were compelled to pass by Marseilles. The navigation laws of France forbade them entering the French ports, and they were compelled to proceed with their cargoes to Gibraltar. These ships then crossed the Bay of Biscay, and landed their cargoes at Southampton, from whence they were conveyed by railway to the bonded warehouses in London. From London many of those goods were carried in English bottoms to Havre or Bordeaux at a vastly increased price. He would ask every thoughtful man whether those navigation laws did not entail a heavy loss upon any people they were intended to serve? But hon. Gentlemen might say that this roundabout trade was only carried on to a small extent, and that the people of France were not sufferers to any serious amount. But what were the facts? Last year France imported 4,700,000lbs. of silk from this country, the whole of which had been brought from India and China. And yet the people and the manufacturers of Lyons, by their unwise, he might say absurd, navigation laws, were forced to bring that silk, which they had had likely enough in exchange for articles which we had had from them, into Southampton, have it bonded there, and then carried into the heart of France, there to be manufactured. Last year France imported 11,400,000lbs. of coffee, every ounce of which was first imported into this country; but if she had allowed it to be imported in ships of all nations, French shipping would no doubt have been employed in carrying a very large portion of it. On the contrary, the shipowners of France had gained nothing by those restrictive laws, and the French people had had to pay a greatly enhanced price for the articles they required from other countries, and thus the consumer had been a great loser as well as the shipowner. Take the case of sugar. Last year France imported from this country 8,000,000lbs. of sugar at greatly enhanced prices, and without any benefit to the shipowners of that country. Wool did not apply so much, because it was duty free; but last year France imported from this country, of colonial and foreign wool, no less than 31,000,000lbs.; and whether they looked to the inward or to the outward entries they would see how the trade of France was crippled by the operation of its navigation laws, and how the shipowners of that country, as well as the people, suffered from her restrictive policy. Last year 6,900,000 tons of shipping of all nations entered and cleared the ports of France, and that was the measure of her trade with other nations. France had a population of 7,000,000 or 8,000,000 more than this country, yet we required last year 23,000,000 tons of shipping to carry on our trade with other nations, showing how we had gained by our free trade policy, and more especially by our sweeping away our restrictive policy connected with our navigation laws. He was aware that foreign nations were not very much disposed to listen to the advice of others, but at the same time he thought they were open to consider what was best for their own interests, and he thought that if these facts were brought by the Foreign Office more prominently under the notice of foreign nations, they might have a beneficial effect in showing them that, whilst it was not merely just for them to grant to us what we had granted to them, it would be for their interest and that of their peoples to do so. There was, however, something cumbrous about our machinery for communicating with foreign Governments upon questions of trade, and he was glad to find that a Committee had been appointed with regard to it, and that the result would likely be the adoption of a plan whereby the Board of Trade could be put at once into immediate communication with foreign Governments. He had no doubt the Correspondence he had moved for would show that many communications had passed between Her Majesty's Government and the Governments of those countries, and that France, Spain, and Portugal were rather shy in following our example; but when negotiations by letters failed he thought our Ministers at those places might have done a little more by showing the advantages England had gained by her change of policy, and what they might reasonably expect to gain by following our example. He was glad to find that the Government of France had ordered an inquiry into the subject by a Commission consisting of some of the most eminent French statesmen; and perhaps the right hon. Gentleman the President of the Board of Trade might be able to inform the House what had been done in connection with it, and what prospect there was of the French Government making an alteration in their navigation laws. He, however, took that opportunity of stating that Lord Cowley had received him with great courtesy when in France in regard to the question, and had afforded him every facility; but it was not to be expected that he could be acquainted with all the details of so technical a subject. It would, however, be well to instruct our young diplomatists in questions of this kind, because such questions were often the cause of great trouble between nations. He thought it was the duty of that House and Her Majesty's Government to use every exertion to have the restrictions to which he referred removed.

SIR JOSEPH PAXTON seconded the Motion.

Motion made, and Question proposed,

"That an Address for Copy of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive, relating to the abrogation of the Discriminating Duties still levied upon British vessels and their cargoes trading with those countries."—(*Mr. Lindsay.*)

MR. MILNER GIBSON said, there was no objection to the Motion if his hon. Friend would insert after Copies "or Extracts." The documents would be given as fully as possible to make them useful, but there was much that did not bear upon the Motion. He quite agreed with the general sentiment which his hon. Friend had expressed—namely, that freedom of navigation must be a great benefit to all countries, and especially to those who were desirous of extending their foreign trade. It was not certain that trade and ships increased in the same ratio; and if freedom was not given to foreign ships for carrying the exports of a country, in all probability a check was put on the extension of the very trade it was intended to promote. In England our mercantile marine did not keep pace in tonnage with our trade; and we could not carry on our commerce exclusively in British ships; and he had no doubt the same principle applied to all other nations, and especially to France. His hon. Friend did not appear to him to make sufficient allowance for the difficulties Her Majesty's Government had to encounter in consequence of the prejudices of protected interests abroad. Foreign Governments were fettered and trammelled in their policy by class interests, and nothing but time and the experience of the effects of a free trade policy in this and other countries were likely to remove those prejudices, and enable foreign Governments although themselves enlightened to act as they thought best for the interests of the nation in this important subject. Her Majesty's Government, he could assure the hon. Gentleman and the House, had lost no opportunity of impressing on foreign Governments the necessity of revising their navigation laws; and when our own navigation laws were repealed, a circular was immediately addressed to Her Majesty's Ambassadors, Ministers, and Consuls in the various countries, directing them to invite all foreign Governments to adopt a reciprocal policy. They all responded with the exception of France, Spain, and Portugal. His hon. Friend on a former occasion carried an Address to the Crown that a treaty for effecting reciprocity with France should be negotiated. He was not sure whether his hon. Friend framed it with a view to a treaty; but Her Majesty's Government were invited to negotiate with the French Government an arrangement which would relieve British ships from the disabilities under which they laboured in going into French ports. We communicated with our Ambassador, who also communicated with the French Government, and made known to them that such an Address had been agreed to by the House of Commons, and memorials which were presented to Her Majesty's Government from various bodies of shipowners to the same effect were also communicated to them. Some short time after, in 1862, an inquiry was instituted by the French Government into the operation of their navigation laws. It was continued over some time; witnesses from different countries were invited to give their evidence, and amongst others his hon. Friend the Member for Sunderland. He had read his hon. Friend's evidence, and he advised those who took an interest in the subject to do the same, because they would find that his hon. Friend had put the matter in the clearest manner before the gentlemen who conducted the inquiry, and he could not conceive that any representation could be made by this country to France more likely to have the effect of bringing conviction to the minds of those persons who were interested in the subject in France than his evidence in reference to the effect of the French navigation laws upon the commercial interests of that country. Her Majesty's Government had not yet heard the result of that inquiry; but he presumed the evidence taken was being digested, and he hoped the result would be some relaxation of those restrictions under which navigation existed at present in France. Very little had been done by Spain towards a reciprocity. Very little encouragement had been given by the Spanish Government to the representations that had been made upon the subject. Although the Correspondence might not appear to be so extensive as his hon. Friend might think the importance of the subject required, he must bear in mind that many communications, both verbal and by private letter, had been made to the various Governments on this question that would not appear in the published despatches and Correspondence. British ships were formerly subject to a double charge of a differential character in Spanish ports—first, with regard to the ship, and then upon the cargo—but after much correspondence and negotiation the former was removed, and the cargo only was subjected to a duty of 20 per cent. A correspondence had also taken place with Portugal on the subject. All he could say was, that it was not from any indifference or want of endeavours on the part of Her Majesty's Government that more had not been done in Portugal, Spain, and France. As he did not object to the Motion, it was not necessary for him to detain the House with any further observations.

MR. W. E. FORSTER said, that no doubt this discussion would reach the foreign Governments named, and he hoped it would have some weight with them. An allusion had been made to the Committee on a somewhat kindred subject now sitting upstairs; he hoped his hon. Friend the President of the Board of Trade would take care that the Correspondence would be published in time to go before that Committee, in order that the Committee might be able to make use of any part of it bearing on the subject before the Committee. He was quite satisfied with the reply of the right hon. Gentleman the President of the Board of Trade; but he was sorry the Under Secretary of State for Foreign Affairs was not in his place; for the Correspondence between this country and foreign nations relative to trade and commerce, was conducted by the Foreign Office and not by the Board of Trade. He hoped the Correspondence would include the inclosures, showing the instructions or advice the Board of Trade had given to the Foreign Office during the continuance of the Correspondence. The facts given, he thought, would show very clearly the immense interest it would be to foreign countries to adopt the change, and he could not but believe that if our Ministers abroad had had as much knowledge upon the subject as the hon. Member for Sunderland, no time would have been lost in effecting the required change.

Motion, as amended, *agreed to.*

Address for

"Copy or Extracts of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive, relating to the abrogation of the Discriminating Duties still levied upon British Vessels and their cargoes trading with those Countries."

AGRICULTURAL STATISTICS.

RESOLUTION.

MR. CAIRD, in rising to move a Resolution—

"That, in the opinion of this House, the collection and early publication of the Agricultural Statistics of Great Britain would be advantageous to the public interest,"

said, that it would not be necessary to detain the House at any length, since the subject had received ample discussion on various occasions during the present Parliament. He had been much impressed with the extent to which this country was now dependent on foreign sources for its supply of food. The change had been very extraordinary in the last few years. The importations of foreign wheat and flour for the ten years previous to 1838 were considerably less than the present average yearly import; the imports for those ten years having been 6,200,000 qrs., while the average imports of the last five years were 9,000,000 qrs. If he took the five years previous to the abolition of the Corn Laws, he found that while at that time we were dependent on foreign countries for food to the extent of six weeks' consumption, we were now dependent upon them, according to the average of the last five years, for six months' consumption. Now, a matter of so much magnitude was well worthy the attention of that House and of the country. He did not say that the increased supply of corn was entirely to be attributed to matters not connected with internal agriculture, though it had been very much caused by it; but whilst he thought the immense increased supply should give to the people of the country a much greater abundance of food than it really did, at the same time he believed it had been caused by an alteration in the mode of agriculture in this country. Two years ago he referred to the change which he then believed was growing and had been growing for some years in consequence of natural causes that must be apparent to the House. When they took into consideration the diminished price of corn and the increased price of every other article of farm and dairy produce, and the increasing cost of labour, they would see that it naturally caused a gradually diminished growth of corn and an increased growth of those articles which were more remunerative to the farmer. It was difficult to form an estimate of what might be the consequence of that change, which was gradually overspreading the country. If each farmer took away one-tenth of his land from corn, and let it out in grass, we should require from 4,000,000 to 5,000,000 qrs. of corn more to be imported than before, and this very process might be going on without our having the slightest knowledge of the change. But if we had a return of the acreage under each crop we should know the extent of the change, and how it was gradually being brought about. Now, the first interest we had to consider in a matter of this kind was that of the public. When we found that almost one-half of the bread consumed in this country was derived from foreign sources, we could not overestimate the extent of the interests which were involved. But other countries as well as ourselves had appeared in the market for foreign corn. France, in 1861, competed with us in every country where wheat was produced to the extent of from 5,000,000 to 6,000,000 qrs. It would be of the greatest advantage to us, then, to know at the earliest possible period what change was going on in order that we might enter the market on at least equal terms with other competing countries. He had always argued that the advantage to our own farmers of such a knowledge would be as great as to any other class. The farmer was to a great extent not only a seller but a purchaser of foreign corn—they were in fact corn dealers. If, as had been often argued by hon. Gentlemen opposite, this were simply and solely a corn dealer's question, the farmers were as interested as any others in having the earliest information, for then they would be in a position to put that information to advantage. The monetary and commercial interests of the country must necessarily be largely interested in these statistics, for the fluctuations which took place in the supply of an article of such magnitude were very great. The value of the imported corn during the last five years had been one-sixth of the value of the total imports of every foreign article of produce. During the last four years the fluctuations which had taken place in the cost of foreign corn had been extraordinary. In 1860-1 our imports of corn cost upwards of £40,000,000. In 1863 and that part which was now remaining of 1864 up to next harvest—which, of course, was partly a matter of estimate—it would be found, he believed, that we should not pay more than £20,000,000. A difference amounting to something like £20,000,000 sterling must seriously affect the whole monetary interests of the country, and if they looked to the commercial and shipping interests it would be seen that the transport of such a vast weight of corn was a matter of immense importance. In one year we should require 3,000,000 of tonnage, in another 1,500,000. The returns, therefore, must be of immense importance to the shipping interest. With regard to the advantages to be derived from returns of this kind he would appeal to the benefit which the country had derived from the agricultural returns collected with such success in Ireland. The Chancellor of the Exchequer had more than once borne testimony to their value in revealing facts of the greatest importance which could not be obtained from any other source. Whilst, however, he acknowledged the importance of the Irish returns he must say he considered them most incomplete until those of Great Britain were published. He did not desire to bind the House to any particular mode of obtaining these returns. It had been proposed that they should be collected by the police as in Ireland; but on the part of the Government and the House generally that was not thought a desirable means. He then suggested that they should be obtained through the Registrar General's Department. That office, from its diffused machinery and the accuracy with which its returns were always made, would be found, he believed, to be most successful, and the Registrar General himself was of opinion that he could obtain the returns, if ordered to do so, and if the money were voted by that House. He thought £15,000 would be a very small sum for such an object, considering its vast importance. But the Secretary for the Home Department was of opinion that as no compulsion could be used, the returns were not likely to be so trustworthy as to justify Parliament in making such a payment. He (Mr. Caird) believed if the system were once in operation most satisfactory statistics might be obtained from the office of the Registrar General. But he had turned his attention to another mode of obtaining them—a mode which had been tried by the Highland Society for two successive years in two different counties in Scotland with perfect success. It was that the returns should be taken according to the maps of the Ordnance Survey and under the direction of that Survey. But to prevent unnecessary expense, and because the maps were not complete for England, and were not likely to be for some years yet, it would be requisite to take type or sample districts throughout the country, from which accurate returns should be obtained every year. The 6-inch Survey in Scotland was now complete, and, therefore, his plan might be adopted this year in that country, in which he would propose to select five sample districts. He would select ten districts in England, one in the south, one each in the south-west, midland, and south-east, in the west, midland, and east, and in the north, north-west, and north-east. Each of those districts might contain 100,000 acres, and so far they should insure absolute accuracy. The returns might be obtained from the whole of England in the course of the next year. He had proposed fifteen sample districts for the whole of Great Britain, those districts containing 1,500,000 acres, which would represent about one-tenth of the whole of the cultivated surface of Great Britain. It was a convenient quantity, but was not material to his object. All that was material was that the same sample districts should be taken each year in succession, for by doing so they would be able to find out the changes which were taking place in the cultivation, and if there were a fifth or a tenth of increase over the 1,500,000 acres, that would be an indication that a like increase had taken place in the cultivated acreage of the whole country. The plan had two advantages—the first being that it would be very little costly. From the cost of the Survey made by Sir Henry James, he was able to give a probable estimate of how much it would be. The whole cost would not exceed £3,000 a year, and such a small sum was hardly worth mentioning in comparison with the advantages to be derived from the possession of correct statistics. The second advantage of the plan was, that it would entirely do away with the complaint that had been urged on former occasions as to the inquisitorial character of the inquiry, because the officer, taking the Ordnance map of 100,000 acres, and filling up that map as cultivated, need not know the name of a single farm or farmer. The return so obtained of the surface of the country might be procured early and published towards the end of July, and the country would then be in possession of what it never had before—a satisfactory basis, on which every one interested in the purchase and sale of corn could calculate for himself what would be the probable result of the harvest about to be reaped. He would further propose that towards September, when some criterion might be arrived at as to the probable yield of the harvest, the same officers as had made the inquiry in the previous part of the year should again inquire as to what would be the probable produce of the crop when thrashed. That might be done by a very ingenious mode adopted by Sir Henry James and the officers of his department, the result of which had been very successful, and which might be carried out with great advantage throughout the country. Having developed the plan he suggested he would now place his Motion before the House, not asking the House to bind itself to that plan or any other plan, but only desiring that, as the question was of so much importance to the public generally, and as the returns could be procured for so very moderate an amount, the House would agree to the principle expressed in the Resolution which he now begged to move.

Motion made, and Question proposed,

"That, in the opinion of this House, the collection and early publication of the Agricultural Statistics of Great Britain would be advantageous to the public interest."—(*Mr. Caird.*)

COLONEL BARTTELOT said, that if their agricultural statistics were to cost no more than £3,000, and were to be as advantageous as the hon. Gentleman had described, he could perfectly well understand that the House might feel disposed to agree to this Resolution; but if these returns were to be fallacious and inaccurate, then he could not understand what possible use such returns could be to the country. He would take the hon. Gentleman's last plan—he proposed to take certain counties from certain parts of England; but inasmuch as it was well known that even in adjoining counties there was frequently very great difference in the soil, one being poor and the other rich, these selected districts could not possibly be said to represent the whole agricultural districts of England. They knew how crops varied in different, though adjoining, counties; therefore, on that ground alone, it would be most unsatisfactory to select certain parts. This was not, however, the main point. The hon. Gentleman said this was not an inquisitorial plan, and yet he proposed that the most inquisitorial returns should be collected in September — that an officer should go round to each grower, and ascertain the amount of corn threshed.

MR. CAIRD said, that the officers were to obtain an estimate of the average yield of the corn threshed.

COLONEL BARTTELOT: If it was to be an estimate what was the use of it?

MR. CAIRD: It could be nothing else.

COLONEL BARTTELOT: Then it was of no use whatever. His hon. Friend said the statistics would be to the advantage of the public; but he entirely overlooked the feelings of the people on whose ground they had to go to get these returns. The farmers were entirely adverse to statistical returns of this nature. They might be wrong, and the returns might not do them the harm they feared they would; they, however, were of opinion these statistics would do them no good; and, therefore, the country ought not to be put to the expense of them. In conclusion, he hoped the House would not agree to a Resolution so undefined as this, because the House was pledging itself to a something, and what that something was they did not yet know; and, moreover, they were pledging themselves to carry out a project that could not be satisfactory to the country.

MR. PACKE said, he entirely agreed with the hon. Gentleman who had just spoken. He had paid much attention to this subject, and had presented many petitions from various counties with reference to it, but he had never yet heard it shown that it would be any benefit to those who provided the returns now asked for. On that ground, and on that ground alone, he should be prepared to oppose the Motion. But when they considered the great injury which had been inflicted on the agriculture of this country—when they recollected the £6,000,000 taken from the agriculturists for the malt tax and that other £6,000,000 by the diseases of cattle—when they remembered the extreme low price of corn that had prevailed for some time past—it was far too much to call on them and compel them to say what was the result of the cultivation of their land. The hon. Gentleman first proposed to get the return through the Registrar's Office, but that would cost too much; he then proposed it should be got through the Ordnance Survey, and at the end of July the account should be taken of the cropping, and in September of the threshing. Now, the return obtained as proposed could not but be unreliable; for every one knew that whilst in some places land would scarcely produce five bushels, in others it would produce five quarters. No one could tell until he had threshed what the yield would be, and therefore £3,000 a year spent as proposed would be simply thrown away. Before they agreed to a system of this kind, they ought to have the consent of the farmers of the country, who certainly now objected to it, and naturally—for how would the shopkeepers of London or elsewhere like to have their places of business inspected and their takings inquired into? It was perfectly monstrous that such a principle should be applied to the farmers of this country. No benefit whatever could accrue from it to the corn-grower, and it was simply for the benefit of the corn-dealer.

MR. PAGET said, with reference to the objection that the proposed returns would be unreliable, because the farmers could know nothing of the produce of their harvests until threshing time, he could state, that having been for forty years engaged in calculating what the probable yield of the harvest would be, he was certain that a very close guess might be made at it by this proposal. The objection to the taking of acreage of corn had considerably subsided; and he believed that the tenant-farmers had no objection to the acreage of their growing crops being known. He did not himself know a single tenant-farmer who objected to his acreage being known. As a matter of fact, every landlord and every steward must know, and it could not signify to the tenant-farmer that the general public should know it. The gallant Colonel opposite said, that taking returns for these sample districts would not give a fair idea of what was being done all over the country; but, with the geological map in hand, it would not be at all difficult to mark out a sample district which would give the information desired. Of course weather which suited the lias strata would not be so good for the sandstone; but by taking a fair sample of the lias districts, it would not be difficult to ascertain what was going on in the same kind of lands all through the country. The practical form in which the hon. Gentleman had embodied his proposition removed many of the difficulties which had formerly stood in the way. The old objection on the ground of expense had been got rid of. The sum of £3,000 would be very little to pay for the valuable information which might be obtained. His (Mr. Paget's) impression was, that one result of the collection of this information would be, that it would tend to reduce the inequalities of price throughout all the country, and would thus confer a great benefit on the small farmers particularly, whose interest it was to be able to take their produce to market regularly and get a fair average price for it. Certainly, nothing would tend more to make prices steady throughout the country.

LORD HOTHAM said, that his silence might not be misconstrued, he desired to state that his opinion on this subject remained unchanged. He believed that without some more forcible measures than he thought Parliament would be willing to sanction, it would not be possible to obtain returns of sufficient accuracy to be of the value the hon. Gentleman seemed to expect; and unless the returns so collected and issued by the Government were correct, the result would be totally different from that which was desired. He thought there was a good deal in what had fallen from his hon. and gallant Friend (Colonel Barttelot) as to the impracticability of making any such selections—any such "types" was the expression used — of the whole country as would give a fair representation of the produce of a harvest. The hon. Gentleman (Mr. Caird) had abandoned his proposed collection of the returns by the police and registrars, and he now proposed to make the collection through the instrumentality of the Ordnance Survey—in point of fact, by private soldiers of the Royal Engineers. He (Lord Hotham) decidedly objected to the employment of any of Her Majesty's troops in the collection of such returns, and he believed that it would not give any satisfaction to the country to see Her Majesty's army so employed. He should very much like to hear what the Secretary of State would say to that suggestion, When the hon. Member said his present proposal would be divested of all the inquisitorial character which attended his former plans, and that it would only be necessary for the Ordnance Surveyor to go with the map in his hand to procure the returns, he would ask him where these soldiers were to go? Were they to take their stand on the public highway? It was very little information they would obtain in that manner. But if the proceeding was to be divested of its inquisitorial character he would ask by what right were they to go on the fields and inquire what were the crops under one head and what under another? For the purpose of procuring for the country the Ordnance Survey the law empowered the surveyors to go on the land. Was it intended to pass a law compelling the farmer to admit those men on his farm and to answer their inquiries? And if this was to be done, what became of the hon. Member's statement that the inquiry would be divested of all inquisitorial character? The hon. Member proposed that the first inquiry should be made in July as to what would be the probable crop, and another inquiry was to be made in September, when the farmers had commenced threshing. But he was surprised that the hon. Member, coming from Scotland, should propose that in the month of September those Inspectors should make such inquiry. He (Lord Hotham) never had the advantage of being in the hon. Member's country but once; but he remembered seeing the oats as green as grass in the month of October. In the county to which he (Lord Hotham) had the honour to belong, the harvest frequently lasted till the end of October. Within the last few years he had seen wheat cut in December. What, then, could the Inspectors learn in September? Another difficulty in the way of collecting these statistics arose from the unsettled state of the weather about harvest time. It had happened within the last three or four years that there had been two harvests which knocked all calculations and estimates on the head. In one of those years the harvest was immensely larger than was expected; in the other it was infinitely smaller. If, then, the returns were not to be accurate, they would do more harm than good. There was a general disposition to place reliance on documents emanating from the Government. If the Government would publish the returns stating at the head of them that they would not be answerable for their correctness, that would be one thing; but if they were to be issued in the ordinary form of Government Returns, the public would believe that the Government knew more on the subject than, in reality, they did. For how many years was his late right hon. and lamented Friend, Sir Robert Peel, charged with having said he would guarantee a price of 56*s.* a quarter for wheat; whereas, all he did say was that he hoped or expected — he certainly did not go beyond this — that 56*s.* would be about the price below which wheat would not fall. If these returns were not accurate people would still fancy they were; they would make their arrangements accordingly, and be woefully disappointed. People engaged in commerce would not be taken in by incorrect returns —they would obtain information for themselves; but he doubted whether this would be the case with the cultivators of land. Nothing was less desirable than to encourage speculation on the part of the farmers. Mercantile men must speculate; but he never knew a good practical farmer who would not tell him that the man who threshed his corn when ready, and sold it when it was threshed, would in the long run do more good than he who fancied he knew more than his neighbour, and kept his corn in hope of the price becoming higher. He did not care whether the collection of the statistics was to cost £3,000 or £15,000; but till he could see a plan for collecting them, calculated to effect the object which the hon. Gentleman had in view, and not subject to the objections which the present and all former plans were liable to, he could only say that, without presuming to tell others that they were wrong, he must give his opposition to Motions of this nature.

Mr. DENT said, he had never heard the accuracy of the statistical returns of agriculture collected in Ireland, or by the Highland Society in Scotland, impugned; and he could not understand why the proposed returns should be less correct. The noble Lord who had just sat down (Lord Hotham) deprecated speculation on the part of the farmer. Why was it so wrong for the farmer to speculate? Why, the main ground of the folly of their doing so was that they were entirely ignorant of what was likely to be the average of crops throughout the country. For himself, he would like to see agricultural statistics carried still further. He would like to see a return, not only of the corn crops, but of stock. With regard to this point, there existed a lamentable want of information. He cheerfully gave his support to the Motion.

Mr. HUBBARD thought the House ought to see clearly the grounds on which the Motion was opposed. The first was, that the expense of collecting the statistics was too great; the second was, that farmers objected to intrusion on their land; the third, that the returns would be delusive. If the latter objection were true, of course it was fatal. As to the first objection, whether the expense was £5,000, £15,000, or £50,000, the immense importance of these statistics could not be measured by any expense. In one season England had spent £20,000,000 in corn alone; and in 1847 as large a sum as £100,000 might have been saved by priority of information on a single day's transaction, when we had to compete with other nations in the markets of Europe and America. The House should, therefore, dismiss the matter of expense from their minds. Then so far as the feelings of the farmers were concerned, he thought that a great deal of misapprehension prevailed on that point. With regard to the small farmers, if they imagined these returns would injure them they were under an entire misapprehension. No parties were more interested in getting sound information on this subject than the farmers themselves. And why? Because they were sellers of the commodity. The buyers had agents north and south, surveying the length and breadth of the land; but there was no one to inform the farmer, to whose advantage it must undoubtedly be to be on a par with the buyer in obtaining information on the subject, and thus being enabled to judge whether there was not a coming scarcity which would justify him in asking a higher price for his corn than was offered by the buyer. It was not the importer or the corn dealer alone, but it was the community at large, including the farmer himself, who was interested in the compilation of these statistics. If we could not get returns of reliable authenticity, of course there was an end to the matter; but he took it for granted that in any scheme the House or the Government might adopt means would be taken to ensure accuracy. As to the prejudice of the farmers and their reluctance to see on their farms an inspecting intruder, the feeling would vanish when they reflected on the subject, and saw that they were more likely to be benefited than injured by the publication of these statistics.

Mr. THOMPSON said, he thought it desirable that agricultural statistics should be collected, but the acceptance of the Resolution of his hon. Friend would not bind the House to any specific plan. If the House agreed to this Resolution, and a Bill founded upon it were introduced, he begged to suggest a few alterations in the scheme indicated by his hon. Friend. Instead of having districts he was of opinion that the returns should be collected all over the country, and, for the sake of removing prejudice, he thought it would be well to confine them at first to the acreage — the area of the respective crops. These might be collected at a trifling expense, and without alarming the jealousy of the farmers. The number of acres being ascertained, we should be in possession of the largest factor in the multiplication, the one in which there was most room for error, and which no individual occupier could test or verify. The variation between a small and a large crop could be easily ascertained. Suppose, for instance, that ten bushels an acre were the difference between a minimum and a maximum yield, the farmer would know whether the crop was a good, a bad, or a medium one; and if he had any doubt on the subject, he could remove it by threshing out the produce of a given portion of an acre, and thus ascertain within a bushel or two the actual produce. This process would supply the other factors of the multiplication, and the farmer would thus possess a tolerably accurate estimate of the produce of the kingdom. Objections had been made to the proposed employment of the Ordnance Surveyors in collecting these statistics; and he would suggest that it would be preferable to employ the clerks to the Poor Law Unions, who, being in constant intercourse with the overseers of parishes, would be able to compile the returns required without much labour, and would be satisfied with a very slight addition to their salaries. He threw out these suggestions as they occurred to him; but of this he was certain, that it would not be a matter of great difficulty to frame a plan for collecting these statistics.

Lord NAAS said, that as Ireland had been referred to he wished to make a few observations. Now, with regard to the collection of the statistics of the acreage and stock very little difficulty had been found in Ireland in obtaining full and accurate information; but when it had been attempted to discover the quantity of produce which had been raised in each year, he did not think that their experience had been so satisfactory. He knew very well how it had been attempted to obtain information with regard to the quantity of produce. It was done in this way. Forms were sent down from the head office in Dublin, and were directed to the magistrates, to police-officers, and in some cases to the large farmers, who filled them up according to their own opinion; the returns were sent in, and the calculation was made from them. It was quite impossible that these returns could in any way be accurate, for he knew of his own experience that many persons in a district to whom these forms had been addressed had differed most materially in opinion; and it would be found that the very best estimates, even with regard to the quantity of produce coming from the same parish, would differ as much as 50 per cent. Therefore the House would be under an erroneous impression if they were led to believe that, as regarded the returns of produce under the system of agricultural statistics in Ireland, they had been in any way satisfactory. He believed it was perfectly impossible to obtain anything like an accurate account of the produce of the country. The only way that an approximation could be made was by collecting the statistics of the quantity that was actually brought into the market. With regard to the machinery by which the agricultural statistics, as far as regarded the acreage and stock, were obtained, he believed they could be got in no other way than by employing enumerators, as was done in Ireland, to go about each farm and ascertain for themselves what was the amount of acreage under each description of crop. He perfectly agreed with his noble Friend the Member for the East Riding (Lord Hotham) that returns of this kind, unless perfectly accurate, were of no value whatever. His experience was that unless they were able to create machinery in this country which should perform the duties which the police discharged in Ireland with respect to agricultural statistics, they would be unable to collect these facts in such a way as to make them of any value whatever. He did not know whether that was possible or not. He was afraid the expense would be greater in England than it was in Ireland, because they had not a large body of men ready made to their hands for the performance of the duty. But at the same time he had not the least doubt that if such a machinery could not be applied it would be worse than useless to attempt the collection of agricultural statistics at all. Much had been said with regard to the objections made by farmers to give the returns of the stock they possessed, and of the acreage under various kinds of crop upon their farms. He was perfectly aware that these objections existed to a great extent in Ireland at first, and that the farmers were unwilling to give the information. But these objections had been wholly removed. He was sure the Registrar General, Mr. Donnelly, would be able to inform any hon. Gentleman that there was hardly an instance of any farmer objecting to supply the constabulary with all the information that was desired. As to the farmers not taking any interest in the matter, he knew that they took a great interest. These returns were published not only in the returns made to Parliament, but in every provincial paper in Ireland, and were read by the farmers with great and increasing interest. They were not in the least afraid of any inquisitorial inspection of their affairs. The number of stock and the quantity of acres were given, but no names were published; and it was impossible for any person to find out the private affairs of the farmer. He believed that the collection of agricultural statistics in England could be guarded against many of the objections which had been made in the course of this debate, and he therefore hoped that the House would agree to the Resolution of the hon. Member for Stirling.

Mr. MILNER GIBSON said, that he could not regard this as a mere abstract Resolution. If it were passed, his hon. Friend (Mr. Caird) would, he imagined, understand it as an encouragement, if not an approval of his plan.

Mr. CAIRD said, that he did not ask for the adoption of his plan.

Mr. MILNER GIBSON said, that surely the House had got past the stage of abstract Resolutions upon this subject. Bills for the collection of agricultural statistics had been more than once introduced. In 1846 he himself brought in a Bill for that purpose; and another Bill was subsequently introduced, and read a second time. There was no difference of opinion as to the importance of obtaining accurate statistical returns of the acreage under cultivation for particular crops, produce, and stock, not only to the agricultural interest, but to the mercantile interests of the country. The whole difficulty consisted in this—how to do it. His hon. Friend had submitted a new plan. He proposed to take certain typical districts in England and Wales, and he assumed that these typical districts were a fair sample of the whole country. He thought he could infer, therefore, from the statistics of the typical districts what was the acreage under cultivation, and what was the produce of the whole kingdom, if not with absolute accuracy at any rate sufficiently near for practical purposes. Now, unfortunately, this plan of his hon. Friend proceeded upon one important assumption — that they knew the extent of the cultivated land in Great Britain, and knew something of the character of the cultivation. They must know something of the whole in order to be able to select their sample or type; and unless they knew the character of the whole how could they say that their 1,500,000 acres were to be taken as a type or fixed part of the whole? He confessed he had very great doubts upon the point. Now they did know that in Ireland when the Ordnance Survey and constabulary were made use of to ascertain the cultivation of particular crops, it was found that the results of their inquiries were very different from the previous estimates which had been published by eminent writers upon the subject. The hon. Member (Mr. Caird) started with the assumption that there were 15,000,000 acres under cultivation, of which 100,000 acres was the 150th part.

MR. CAIRD said, that it was of no importance that there should be a definite proportion between the typical portion and the whole. It would remain the same type year after year, and an intelligible result would be obtained by comparing the results of one year with those of another.

MR. MILNER GIBSON admitted that that would be so as between the typical districts; but how could they jump to the conclusion that that would be a fair comparison for the whole country? [MR. CAIRD: It must be, of course.] We had no knowledge at present, beyond a mere estimate, either of the acreage under cultivation in the whole kingdom, nor of the quality of the soil in various parts of the country; therefore, he thought that it was going a great way to assume that the proportion between the typical districts in two successive years would hold good for the whole country. In Ireland we had estimates of the extent of land under cultivation similar to that which his hon. Friend had proposed for England; but an examination of the whole of Ireland showed that those estimates were entirely erroneous. Probably the estimate of 15,000,000 acres under cultivation for England was wrong. In Ireland the estimate of the land under barley was greater by one-fourth than the largest quantity actually sown, and too much land by about one-fourth was supposed to have been cultivated with potatoes. The fact was that the plan of his hon. Friend had not been long enough before the House. He would not go the length of condemning it; on the contrary, he guarded himself from the assertion that it might not prove hereafter to have great merits; but before it was adopted in whole or in part it was absolutely necessary to see that the calculations rested upon accurate data. Now, in Scotland, he found that in the typical counties the increase from 1855 to 1856 in the acreage under wheat was at the rate of 34 per cent; whereas over the whole of Scotland the increase was at the rate of nearly 37 per cent. In Ireland in the same years the increase in the typical counties was 14 per cent, while over the whole country it was nearly 19 per cent. Between 1856 and 1857 the increase in the acreage under wheat was 3½ per cent in the typical districts, while over the whole of Ireland it was little less than 6 per cent, or nearly double the amount. Taking the difference between the years 1859 and 1860 in the Irish typical districts, it was 2½ per cent, whereas over the whole of Ireland it was only ½ per cent; so that, if the typical districts were taken in that year as an indication of what was going forward in the country, the increase would have been represented at five times its actual amount. This showed how difficult it was to select typical districts, and that if returns were published under Government sanction professing to be accurate, great caution must be shown in approaching the subject. As regarded the employment of the Engineer Staff of the Ordnance Department in the collection of these statistics, he could conceive that as that survey was completed they might, by degrees, if they pleased, obtain year by year, as the survey permitted accurate knowledge of the acreage under cultivation. They might probably ascertain the crop, but it would be difficult to ascertain the produce. But he thought it would be desirable to wait until that undertaking was first completed, otherwise his hon. Friend would certainly run the risk of upsetting the plans which had been laid down for the gradual survey of the United Kingdom. The survey of Scotland and that of the six northern counties of England was already complete; and no doubt this map would afford valuable assistance in the collection of the desired information. But he held in his hand a letter from Sir Henry James, who, though favourable to his hon. Friend's plan, pointed out some difficulties which must arise in carrying it into execution at the present time. That gallant officer wrote as follows:—

> "Before any further steps are taken, the proposed system should be submitted to the judgment of competent persons. If it should be approved and Government adopt it, then we should require two years from the present time to complete the plans of the typical districts in England; but this would compel us to abandon the surveys of the counties now in progress, and would give rise to discontent in those counties; and if precedence is given to the agricultural districts, then we shall also have complaints from the mineral and manufacturing districts."

And such obviously would be the case. His hon. Friend, therefore, must not expect that without a great deal more consideration than the House had yet given to the proposal it could receive even an indirect sanction. He was quite prepared to admit that the collection of agricultural statistics was most desirable, and that the interests of this country, both agricultural and mercantile, would be greatly benefited by them. At the same time he did not see the slightest necessity for any Resolution whatever on the point. He himself had proposed Resolutions, but then he had always some definite plan in view; and unless the House were prepared to carry out a definite plan they ought not to sanction this Resolution. There was no indisposition on the part of the Government to consider any plan which might be put forward; they were quite alive to the importance of the subject, but if his hon. Friend pressed his Motion to a division he should be compelled to move the Previous Question.

Mr. BASS thought there must be some misapprehension on the part of the right hon. Gentleman and Members opposite as to the proposition of his hon. Friend. What he proposed was to take 1,500,000 acres in different parts of the country every year as a type of what the average agriculture of the whole country would be—so that in a series of years the variation in these types would substantially show the variation in the cultivation of the different crops in the country. When he heard the President of the Board of Trade acknowledge that it would be most desirable to have these statistics collected, he was in hopes that he was about to propose that they should be taken not over one-fifteenth of the kingdom, but over the country at large. The right hon. Gentleman quoted figures to show that a discrepancy of 5 per cent existed between the returns as given by the typical districts and those extending over the whole of the country. What did that difference amount to? One million in 20,000,000. But what was the extent to which the country was at present in the dark for want of these statistics? Writers of eminence had declared that the general average produce of Great Britain and Ireland was only 6,500,000 qrs. of wheat. The very highest authority in the kingdom, Mr. M'Culloch, on the contrary, placed the quantity of wheat at upwards of 13,000,000 qrs. Surely we ought not to be so far in the dark—to the extent of the difference between 6,500,000 qrs. and 13,000,000 qrs. The late Sir George Lewis, a few years ago, invited general co-operation in ascertaining the number of persons that could be fed in this country, and surely it must be of equal importance to know what they were to be fed with, and what proportion of their food was derived from our own country. He had on a former occasion ventured to speak of comparative degrees of ignorance among farmers, but the noble Lord opposite (Lord Hotham) had administered to him such a rebuke that it was still tingling in his ears. He would not, therefore, suppose that there were degrees of ignorance, and would only assert that there were degrees of intelligence among them. But hon. Members of that House who were among the best farmers in it supported a system of agricultural statistics. What harm, he should like to know, would it do the farmers? [An hon. Member: What good would it do him?] He thought it no hardship that an exciseman came to his house and inquired how many barrels of beer he brewed. After the declaration of the President of the Board of Trade that these statistics were most valuable and important, he thought the right hon. Gentleman could not feel that he was performing all the duties of his high position unless he brought in a Bill to provide for agricultural statistics.

Mr. HEYGATE said, that whilst he heartily supported the truism contained in the proposition they were now called upon to support, he expressly refrained from giving his assent to the plan sketched out by the hon. Member. On the contrary, he believed that the sample system proposed would be a very inadequate and unsatisfactory way of obtaining for the country statistics of the progress of one of the greatest resources of our material wealth. He held in his hand two short documents which fully corroborated what had been said by the noble Lord the Member for Cockermouth (Lord Naas) as to the way in which practically they managed these things in Ireland. The two chief objections to agricultural statistics were stated to be, in the first place, the inquisitorial nature of the inquiry; and secondly, the fact that these statistics could not be made compulsory, and that, unless they were made compulsory, they would be useless. The evidence derived from Ireland showed that both the propositions were untrue. It appeared from the statement of the Registrar General of Ireland that these statistics never disclosed the names of the tenant-farmers. The acreage under different crops and the live stock alone were given. The tenant-farmers of Ireland, therefore, did not find this mode inquisitorial, and had no objection to it. The same Gentleman stated, that although these Returns were not compulsory they were far from useless, and that in their collection they had the increasing co-operation of landed proprietors, of the clergy, and the tenant-farmers. Here was evidence that the collection was not objected to. On the contrary, Mr. Donelly, in a late Report, expressly says—

> "When the figures are revised, I do not apprehend that any important changes will be required in them, as the increasing experience of the enumerators, and the continued generous co-operation of the landed proprietors, the clergy of all denominations, the tenant farmers, and the public press, all tend from year to year to greater accuracy in these statistics."

He confessed he had always felt that this question had suffered as much from its friends as its foes, and that the advantage of these returns had been greatly overrated. They would not indicate the right time either to buy or sell. When it was proposed to pass from the region of fact to that of estimates, it was a mistake. He regarded, therefore, all calculations as to the prospective yield of crops which were still in the field as visionary and delusive. All they wanted to know was an accurate account of the various descriptions of ground under different crops every year, and the quantity of live stock, so that they might trace the increase or decrease of the agricultural wealth of the country. That was a species of information which no civilized nation, and especially a mercantile nation like the English, ought to be without. It was a reproach to us, that whilst nearly every European nation and even America possessed that information and highly valued it, we were still deficient in that respect. It was a reproach to us, and the sooner the reproach was wiped away, the better would it be for our credit and reputation.

SIR GEORGE GREY said, he believed there was scarcely any difference of opinion upon the principle involved in the proposition of his hon. Friend. The Government were fully convinced of the advantages of agricultural statistics in the United Kingdom, and agreed that they ought to be collected and published at the earliest period. But the noble Lord (Lord Naas) had shown that these statistics would be of very little value if they did not extend over the whole country. His hon. Friend (Mr. Caird) had suggested various plans for obtaining them, but if he understood him aright he did not wish to make these returns compulsory. His hon. Friend the Member for Derby (Mr. Bass) was, however, quite of another opinion. He said he was compelled to make returns of the beer he brewed, and he did not know why the farmer should not make returns also. It would, therefore, be necessary, according to his hon. Friend, to call for them from the whole of the kingdom, and to make them compulsory upon the farmers. He had communicated with the Registrar General, and a plan, according to the suggestion of his hon. Friend, for obtaining these statistics had been drawn up. It turned out, however, that it would cost £15,000 a year, and that it would, after all, be merely a collection of voluntary returns. The Government did not think, under these circumstances, that they should be justified in asking Parliament to grant such a sum for voluntary statistics. They objected to the present Resolution because it did not advance one step towards the practical attainment of the object in view. If he had misunderstood his hon. Friend, and if he thought the returns should be compulsory and should include the United Kingdom, then he ought to bring in a Bill, and the House would know the means by which he proposed to effect his object. The Ordnance Map would no doubt give facilities for obtaining these statistics, but it was as yet incomplete, and the plan, therefore, of making use of that map for the purpose was one which the House could not at present adopt.

MR. CAIRD, in reply, said, there was a gradual progress of opinion among the farmers in favour of agricultural statistics, and he believed they would work more cordially with a voluntary system than under an Act of Parliament. Many modes of obtaining agricultural statistics had been proposed, and he should himself very much prefer a complete system. He thought an expenditure of £15,000 a mere *bagatelle* compared with the advantages it would bring. But what he was anxious to do was to get the Government to rouse up from its supineness, and compel them to act by a Resolution of that House. If he desired any recommendation for his mode of action he would refer to the authority of the right hon. Gentleman (Mr. Milner Gibson) on a similar occasion twenty years ago; and if a subject had been under discussion for twenty years, assuredly it was high time to act. In 1845 the right hon. Gentleman having brought forward the subject of agricultural statistics, was asked by a friendly Government to withdraw his Resolution; but he replied that of all the perplexing situations in which a man could be placed that was one of the most perplexing, because he did not like to take a course hostile to a Government which seemed favourable to his views, but at the same time, if an hon. Member did not carry his Motion to a division, but allowed it to pass away easily in another manner, he was open to censure. He (Mr. Caird) therefore begged to say that he should press his Resolution to a division.

Whereupon *Previous Question* put, "That that Question be now put."—(*Viscount Palmerston.*)

The House *divided:*— Ayes 74; Noes 62: Majority 12.

Main Question put, and *agreed to.*

Resolved,

That, in the opinion of this House, the collection and early publication of the Agricultural Statistics of Great Britain would be advantageous to the public interest.

UNIFORMITY ACT.—LEAVE.

Resolution *considered* in Committee.

(In the Committee.)

Mr. E. P. BOUVERIE rose to move that this House will resolve itself into a Committee to consider certain portions of the Act of Uniformity. As he understood that his Resolution was not likely to meet with opposition in the present stage, he would not detain the House by many remarks. He wished to remind the House of the origin of this Bill. It had not originated in any hostility to the Universities, or the Church as connected with the Universities, but with a certain number of gentlemen practically interested in the education of the University of Cambridge, who finding defects in the existing system, proposed what they considered a simple and unobjectionable remedy. The proposal was simply this—that whereas all Fellows of Colleges were required at present by the Act of Uniformity to make a declaration of their conformity to the Liturgy of the Church of England, that requirement should be repealed, and it should be left to the Colleges themselves to make such provision in that respect as might to them seem best in the interest of the Colleges and the University. The requirements of the Act of Uniformity were but of comparatively little importance until about ten years ago, when the University Acts were passed, because at Cambridge no degree could be taken without a declaration that the person taking it belonged to the Church of England, while at Oxford no one could be admitted as a student unless he signed the Thirty-nine Articles. Having taken this test, it was comparatively immaterial to take a simpler and milder one. But by the University Acts of 1854 and 1856 degrees might be taken in Oxford and Cambridge without any religious tests whatever, and the consequence was that persons entered the Colleges and received education there who were unable to take this test required by the Act of Uniformity. It was true that with respect to most Colleges — three or four at Cambridge and one at Oxford excepted — the alteration he proposed would make no difference in the existing state of things, because, with the exceptions he had just mentioned, one of the conditions of fellowship was that the Fellow should be a member of the Church of England; but the reason why he asked the House to consent to the Bill was, because it was a proposal really to give freedom to the Colleges and to avoid Parliamentary interference. The existence of that clause in the Act of Uniformity was an interference with the freedom of those great educational establishments. It was unjustifiable in its origin, as well as in its retention. He did not ask the House to interfere with the free action of the Colleges in this matter, or to force them to choose Fellows to whom they objected on religious or other grounds. All that he asked was that the Colleges might be left to do their best for their respective bodies, and for the interests of the Church and Universities, without interference on the part of Parliament. He did not think that such a request could be justly designated, as it had been on a previous occasion, as an attack on the Church and the Universities. He would fix such a period for the second reading of the Bill as would give those who were opposed to the measure a full opportunity of stating their opinions. The right hon. Gentleman moved that the House resolve into a Committee to consider certain portions of the Act of Uniformity.

Mr. SELWYN thought that, as a similar Bill was brought in last Session, it would only be consistent with courtesy and with usual practice to offer no opposition now to the introduction of the measure; but the objections to such a Bill which had been expressed by many hon. Members, and by himself among the number, were not in any degree lessened, and he thought what had fallen from the right hon. Gentleman that evening would tend, if anything, to increase them. It must be apparent that the Bill would not give religious liberty to the Colleges, but would introduce religious discord.

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. EDWARD PLEYDELL BOUVERIE and Mr. POLLARD-URQUHART.

RAILWAY TRAVELLING (IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill further to secure to the public the means of travelling by Railway in Ireland, *ordered* to be brought in by Sir COLMAN O'LOGHLEN, Colonel VANDELEUR, Mr. MONSELL, Colonel DICKSON, and Captain STACPOOLE.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

On Motion of Mr. M'MAHON, Bill to assimilate the Law of Ireland to that of England as to the qualification of Burgesses in Municipal Corporations, *ordered* to be brought in by Mr. M'MAHON, Sir COLMAN O'LOGHLEN, and Mr. BLAKE.

JUSTICES OF THE PEACE PROCEDURE BILL.

On Motion of Mr. PAULL, Bill to consolidate and amend the Acts regulating Procedure before Justices of the Peace out of Quarter Sessions in England, *ordered* to be brought in by Mr. PAULL, Mr. RICHARD HODGSON, and Mr. STANILAND.

SUPERANNUATIONS (UNION OFFICERS) BILL.

On Motion of Mr. VILLIERS, Bill to provide for Superannuation Allowances to Officers of Unions and Parishes, *ordered* to be brought in by Mr. VILLIERS and Mr. GILPIN.

Notice taken that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, June 8, 1864.

MINUTES.] — SUPPLY — *Resolutions* [June 6] *reported.*

PUBLIC BILLS—*Ordered* — County Constabulary Superannuation *; Game (Ireland) (No. 2) *.

First Reading—Uniformity Act Amendment * [Bill 134]; Superannuations (Union Officers)* [Bill 133]; County Constabulary Superannuation * [Bill 136]; Railway Travelling (Ireland)* [Bill 137]; Justices of the Peace Procedure * [Bill 138]; Municipal Corporations (Ireland) * [Bill 139]; Game (Ireland) (No. 2)* [Bill 140].

Second Reading — Intoxicating Liquors [Bill 44] *negatived;* Valuation of Lands and Heritages (Scotland) Act Amendment [Bill 81], *Debate adjourned;* Sale of Gas (Scotland)* [Bill 125].

Report of Select Committee — Thames Conservancy Bill * (Nos. 373 & 135).

Third Reading—Railway Companies' Powers * [Bill 110]; Chief Rents (Ireland) (*Lords*) * [Bill 117], and *passed.*

LONDON DOCKS, ST. KATHARINE'S DOCK, AND VICTORIA (LONDON) DOCK AMALGAMATION BILL [*Lords*].

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LOCKE rose to move that the Bill be read a second time that day six months. The Directors of the Docks were attempting by a sidewind to interfere with privileges which had always existed in the port of London, by the introduction of certain words into one clause, and by the framing of another clause, which appeared in the schedule. They were endeavouring to infringe upon a law which had always prevailed, that the merchants of London should have free ingress and egress to the docks by means of lighters. It was an attempt to create a monopoly, and its effect would be to injure much waterside property. A similar attempt had been made in 1855 by dock directors to gain an advantage over wharfingers; but the attempt was then made directly, while now it was made indirectly. That course was then opposed most strongly by the late Mr. Hume, by the right hon. Member for Oxfordshire (Mr. Henley), and also by the right hon. Member for Oxford (Mr. Cardwell), who was at that time President of the Board of Trade, and the proposal was rejected by no less than ten to one. The clauses to which he objected were Clause 129, and one which appeared in the schedule. The dock Directors had no right to claim privileges which no one else possessed. He understood that representations had been made to the Board of Trade, and that it was suggested by that Department that alterations should be made in the Bill; but he trusted, at all events, that the House would not allow it to pass in its present shape.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Locke.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. CAVE submitted that the hon. Member for Southwark had made a speech which ought to have been made by counsel in Committee, and he thought no cause had been shown for refusing a second reading to a Bill which had passed a Committee of the House of Lords, without any evidence being offered against the preamble; and one clause only of which was opposed by a certain portion of a certain interest. If there were any just cause of complaint, opportunity would be given to state it before a Committee of that House. The hon. Member talked of monopoly, but when these Docks were amalgamated they would only afford accommodation for one-fifth of the shipping of the port of London. The clause which was brought in in 1855 was for the purpose of putting a certain tax upon lighters. That, however, was objected to on the ground that such a tax was against the principle of the Dock Acts, and now the hon. Member asked them to throw out the Bill on account of a totally different clause, brought in for a totally different purpose. No doubt the docks might be considered a part of the port of London for certain purposes—but they were very different from the other part of the port of London, inasmuch as there were very peculiar restrictions put upon them. Their walls must be built a certain height, and other precautionary measures were required to secure the safety of the goods brought into them. In the Committee of which he and the Member for Southwark were Members, evidence had been given of complaints to the Government of depredations committed in the port of London, and it was stated the wharfingers and dockowners had not exercised that surveillance which they ought to have done for the preservation of the property confided to them. Well, that was precisely what they were trying to do by the present Bill. The hon. Member's clients had on a former occasion set themselves against improvements in the trade of the port of London. The President of the Board of Trade, in the year before

last, when the Shipping Act was being passed, scarcely dared to go out, so haunted was the lobby of the House by wharfingers and others anxious to state their particular grievances to him. He felt sure that the House would assent to the second reading, with a view to sending the Bill before a Select Committee; and he would not have troubled them with these remarks on a question which was not properly before them, but the hon. Member had given such an air of probability to his story, that Members who had no special knowledge of the subject might possibly think that there was really something in it.

Mr. LAYARD said, the House was always very watchful of any Bill that was calculated to create a monopoly. Now, he ventured to say that no private Bill could have a greater tendency to create a monopoly than the Bill before the House. The Dock Companies were attempting to impose certain difficulties upon the river craft which might have the effect of excluding this craft from the amalgamated docks altogether. Ultimately the whole river side might be included in one great dock. There were so many restrictions imposed in the way of permits and other conditions that they virtually amounted to such difficulties as tended to exclude altogether the craft not immediately belonging to the docks. This question was raised in 1855, and he held in his hand a petition presented on the subject which proved that the same identical points were involved in it as they were now discussing. Unless the promoters of the Bill consented to withdraw the obnoxious clauses, he hoped the House would reject the Bill.

Sir MORTON PETO asked the right hon. Gentleman the President of the Board of Trade whether in 1863 the deputation which then waited upon him upon this subject did not offer to leave the whole question to the decision of the Board of Trade? He submitted that there was no sufficient ground for opposition to the measure. The restrictions complained of were mere matters of police regulation, intended to secure the safety of the goods brought into the docks.

Mr. MILNER GIBSON said, it was quite true that deputations from the Dock Companies and wharfingers had waited last year upon the Board of Trade, and he had heard both sides of the question. The wharfingers did not make any objection to the amalgamation itself, or to what might be termed the general principle of the

Bill. It appeared to him that it would be for the advantage of the trade of London that those three Dock Companies to which the Bill related should be enabled to work together; and that was the purpose for which this Bill had been introduced. Was the House, he asked, prepared to put a veto on the proposition of those Companies, that they should be empowered to make such arrangements as they thought necessary under the circumstances? The wharfingers and lightermen represented that they had always considered themselves entitled to free access to and egress from the docks without being subject to any tax or inconvenient conditions. But the Dock Companies said that they had no wish to interfere in that question—that they were quite willing to carry out any change which could be made, consistently with the great object they had in view—namely, the security of the property in their custody. The lightermen were required by the Dock Companies to produce a pass of a certain character, with the view of affording an opportunity for checking depredations. He thought that that was a reasonable claim on the part of the Dock Companies. It appeared to him that the House ought to assent to the second reading, with a view to sending the Bill to a Select Committee. He thought it would not be just or right to throw out the Bill without sending it before a Select Committee to decide on the points of detail.

Mr. J. A. SMITH said, that this was a question vitally affecting the whole of the trading interests of London and not merely the wharfingers; and the question was, whether restrictions should be placed upon the lighters obtaining goods from ships discharging their cargoes. A Committee-room was not the proper place for discussing this subject. The wharfingers had expressed their desire to afford every assistance, and to acquiesce in any arrangements approved or sanctioned by the Board of Trade.

Mr. LAYARD asked the hon. Baronet the Member for Finsbury (Sir Morton Peto) if the amalgamated companies would leave the question to the Board of Trade.

Sir MORTON PETO said, the Directors of the Docks were perfectly willing to leave the arrangement of these clauses to the Board of Trade, and an offer to that effect had been made by the Company to which he belonged.

Mr. HUBBARD said, it was of the utmost importance to the trade of London that the Dock Companies should have the power of carrying out their work as efficiently and economically as possible; and a production of a proper document by the lightermen to the gatekeepers was a protection necessary to the merchant, the shipowner, and the Crown. Without it there would be no discipline or control. The Companies never had and never could have a monopoly of the lighterage.

Mr. LOCKE said, that as he understood this matter was to be referred to the President of the Board of Trade, he was willing to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

INTOXICATING LIQUORS BILL—[Bill 44.]

SECOND READING.

Order for Second Reading read.

Mr. LAWSON said, that in moving the second reading of the Bill, he desired to make a few observations on a subject which he was aware was not popular in that House, and the discussion of which might not be altogether convenient to some hon. Members. He thought, however, he should be able to show good reasons for the course he was about to take. It would be in the recollection of the House that last Session a promise was made, not in the House but out of doors, by the Secretary of State for the Home Department, that he would introduce a Bill for an alteration and reformation of the licensing system. At the beginning of the last Session he asked the right hon. Gentleman whether he intended to bring in the Bill; and the answer was evasive. In the middle of the Session, however, the right hon. Gentleman stated distinctly that he had abandoned his intention of bringing forward any measure during that Session. On the strength of this he (Mr. Lawson) ventured towards the conclusion of the Session to move a Resolution, not committing the House to any specific mode of action, but simply stating that the existing system was unsatisfactory, and required amendment. He thought this Resolution would have met with larger support than he found that it did receive—it was not brought forward with any intention hostile to Her Majesty's Government — but the Chancellor of the Exchequer, in the absence — owing to indisposition—of the Home Secretary, said he should not support the Resolution, because it would be useless for the Government to bring in any measure on the votes of hon. Gentlemen, or an abstract Resolution, who, when the practical proposition came before them, would all take different views; and that the proper course for him to pursue was to bring forward his own views as to the reform of the licensing system, and to discuss them freely and fully on the floor of the House. This was his apology for introducing the measure. But he thought he had another reason which would excuse his conduct, if any one should think that he was pursuing an improper course; and that was, that whatever might be the feeling of the House with regard to the Bill — and he did not say such feeling was hostile — there was undoubtedly out of doors, among a large portion of the community, a strong desire that the measure should pass. That such was the case was manifest from the number of petitions presented to the House in favour of the Bill. Their number was 18,018; of the signatures, 327,000 odd, independently of those just presented that morning. He did not wish to lay too much stress upon this. He was aware that the House looked upon petitions of this kind with distrust; and he was willing to allow a considerable discount. He admitted that the petitions might have been signed in many instances by persons ignorant of the subject, numbers of persons not qualified to give an opinion; some of the signatures might have been obtained through false pretences. He made allowance for all this; but when there were 327,000 names appended to petitions there must be a large number of persons thoroughly in earnest, and who thoroughly understood the subject on which they were petitioning the House—and the prayer of these persons was entitled to weight. There were not many of them who took part in the elections of hon. Members to their seats in that House — for the most part they belonged to the poorer classes of the community. But this was, again, an additional reason why the House should pay some attention to their prayer. One other reason he would venture to adduce. If this agitation was objected to — this growing agitation which was day by day becoming large—it was desirable that the subject should be discussed, and that hon. Members should have an opportunity of showing that the question was founded on folly or fanaticism. Another reason which justified him in bringing forward the Bill was, that although it undoubtedly met with many opponents there was not a single hon. Member who did not concur in the object with which it was introduced. The only question was whether they could so alter the law as to establish in this country an essentially sober population. It was said that the question was not a political one, but was rather one for the platform or the school than for the House of Commons. That was not true. If drunkenness were merely a private vice he should be the last person to come to the House of Commons with a Bill for putting it down; but it was eminently a political question, and the ground that a great public evil existed alone induced him to bring forward the Bill. An article had appeared in the organ of the licensed victuallers, published nearly two years ago, when the hon. Member for Bradford (Mr. W. E. Forster) brought forward a Bill for extending the provisions of the Tippling Act from spirits to beer, which was read a second time and then withdrawn. In that article the Government were denounced for having supported the measure, and the licensed victuallers were called upon to use their influence against them at the next general election. The writer said—

> "Here will come in for useful purposes that division list which we published three weeks ago. In the event of a general election it will be the duty of every licensed victualler when applied to for his vote to extract a pledge from the candidate with regard to legislation on licensed victuallers' matters. This pledge will be readily given when required by such a body at such a time."

This article went on to say that this being the policy of the Government the licensed victuallers would, as they had done on previous occasions, show that as a body they were, politically speaking, the most powerful in the country. The extract then went on to state that there was conclusive evidence that Messrs. Cobden and Bright intended during the recess then approaching to agitate the country with the view of getting rid of the present Government, and that when Lord Palmerston in consequence was forced to appeal to the country, then would have come the opportunity of the licensed victuallers of England, in whose hands it would be whether he should be able to retain office or not. He hoped that nobody would accuse him after that of making the question a political one. It was frequently asserted that it was quite impossible to make the people sober by Act of

Parliament; but if so, why had the Legislature passed 400 Acts of Parliament at different times with regard to the drink traffic? They had been passed solely for the purpose of preventing drunkenness. Many hon. Members said they were for free trade in the matter; but was there a single Member who would make himself responsible for introducing a measure to make the traffic in drink perfectly free throughout the country? If they would, they must bear in mind that the argument which they used went to censure the policy of every House of Commons which existed since the Revolution. The Chancellor of the Exchequer, in a letter which he held in his hand—and he was glad to have the statement in writing, because the right hon. Gentleman sometimes made speeches of which he gave explanations which made them more difficult to be understood —did not talk after that fashion, but admitted that fiscal interests ought not to be allowed to interfere with legislation for regulating the traffic in drink in a social and moral point of view; adding that the matter was one for the consideration of the Secretary for the Home Department—on the ground, probably, that that right hon. Gentleman was the only Member of the Cabinet who had anything to do with morality. But if, he would ask, it was not lawful to legislate with a view to the public morality in the present case, why should the sale of immoral pictures and the setting up of gambling-houses be prohibited. Parliament, in legislating against the latter, did not propose that nobody should gamble any more than he meant to propose that nobody should drink; and it was worthy of remark while upon that point that the Rev. Mr. Clay, the late chaplain of the Preston House of Correction, said he had never conversed with a single prisoner who attributed his misfortunes to gaming; but that he had conversed with upwards of 15,000 prisoners who declared that the enticements of the ale and beer houses had been their ruin. Another high authority, Lord Macaulay, also declared, in addressing the House upon the Ten Hours' Bill, that where the public health and morality was concerned it was the duty of the State to interfere with regard to the conduct of individuals. Even the right hon. Gentleman the Chancellor of the Exchequer took great credit for the legislation of the Government upon this question. Only the other night, on the proposition of the right hon. Member for the University of Dublin (Mr. Whiteside), the Government declared that the proper way of dealing with the question was to charge the articles a high duty, and to make them as dear as possible without letting in the smuggler. In principle that was precisely the same as the proposition which he (Mr. Lawson) now made. And Mr. John Stuart Mill, a great authority on such matters, declared that to tax stimulants for the purpose of making them difficult to obtain was a measure differing only in degree from their entire prohibition. He presumed that the Government considered that the present laws regulating the drink traffic were perfect, or they would not decline to introduce a general measure. Already this Session they had brought forward a Bill to shut up public-houses for three hours in the night when nobody visited them, and another Bill in reference to the Irish beerhouses. Were they of opinion that that was all they were equal to at present? A great many other measures had been introduced upon this question. The hon. Member for Leominster (Mr. Gathorne Hardy) had introduced a Bill to improve beerhouses. Another proposal was what was called the Liverpool plan; but that was rejected. The hon. Member for Hull (Mr. Somes) attempted to prevent the sale of liquors one day in the week; but his Bill was rejected with even greater displeasure than that of the hon. Member for Leominster. In the course of the debate one hon. Gentleman had even thought it statesmanlike and gentlemanly to say that they ought to spit on the Bill—a Bill intended for the amelioration of his fellow-countrymen! The right hon. Baronet the Home Secretary had tried to persuade the House that drunkenness had decreased, and he quoted Returns from the metropolis and Liverpool. But while he spoke of 1863, the right hon. Gentleman quoted Returns of 1862. He believed that that speech was the cause why the Bill of the hon. Member for Hull had been thrown out by so large a majority. Now, in the metropolis there were, in 1858, 26,800 committals for drunkenness; in 1859, 18,700; in 1860, 18,700; in 1861, 17,059; in 1862 (the year the right hon. Gentleman quoted), 18,312; and in 1863 (a slight decrease), 17,651. In Liverpool, in 1860, there were 10,969 committals for drunkenness; in 1861 (the model year), 9,832; in 1862, 12,179; and in 1863, 13,043. He did not think that the right hon. Gentleman would again quote the cases of Liverpool and the metropolis. In 1861, over the whole of England the committals for drunkenness were 82,196; in 1862, 94,988; in 1863, 94,745—a decrease of 243. With respect to Ireland, they had heard it stated the other night that there had been an increase in drunkenness there. In the face of such figures how could the hon. and gallant Member, who had given notice of an Amendment (Captain Jervis), repeat his assertion of last year, that drunkenness had so decreased as to be hardly known. The petitioners whom he represented did not complain of the magistrates who granted the licences, nor of the householders whose certificates were required before a licence could be granted, nor of the houses, nor of the publican or beerhouse keeper—but of the system. He would quote evidence of Members of that House to prove that most respectable men were engaged in this trade of a victualler. The hon. Member for Preston (Mr. Grenfell) had said—

> "I do not believe that since the world began there was ever a more respectable, or more responsible, or better conducted class of men than the licensed victuallers."

Another Gentleman, the hon. Member for Middlesex (Mr. Hanbury), who confessed that 140 public-houses belonged to his firm, said before the Committee that the licensed victuallers of the present day was altogether a different character from the victualler of twenty years ago — that they were a respectable wealthy class, and had more than any other class improved within the last twenty years. Two years ago the hon. Member for Derby (Mr. Bass) said—

> "I can scarcely recollect a single instance of having formed an acquaintance with a licensed victualler which I had ever occasion to regret."

But after his eulogium the hon. Member said that the less the licensed victuallers came before the House of Commons the better. The hon. Member for Rochester (Mr. P. W. Martin) considered them an honest honourable body, pursuing a lawful and useful trade. The grievance of those whose case he advocated, was that places for the sale of intoxicating liquors were opened, and that the exceptional privilege of keeping these places was granted to persons with the most complete disregard of the wants and wishes of the inhabitants of the districts in which they were set up. They thought that as they were professed to be for the good of the public, they ought to have a voice in the matter. It was no visionary grievance. Those who had got up the agitation had been styled enthusiasts, fools, fanatics, and Sunday school teachers, but he would show that educated men considered the traffic a nuisance. The *Quarterly Review* considered public-houses in no other light than as sinks of iniquity, and that no principle of political economy could justify their continuance. The *Edinburgh Review* of July, 1854, said that the liquor traffic — particularly the retail traffic — was a public nuisance, morally and physically injurious. *The Times* of the 18th of December, 1853, said—

> "No way so rapid to increase the wealth of nations and the morality of society, as the utter annihilation of the manufacture of ardent spirits, constituting as they do an infinite waste and an unmixed evil."

And *The Daily Telegraph* spoke of the entire trade as a "covenant with sin and death." He hoped, therefore, that it would not be said that the cry against it was only got up by enthusiasts. Did anybody ever hear of an enthusiast writing in *The Times?* The trade in intoxicating drinks had also been condemned by various Committees of that House; and one which sat in 1834 went so far as to recommend that when public opinion was sufficiently awakened, there should be a prohibition both of the importation and distillation of spirits, and that a law should be passed at once, for "the progressive diminution and ultimate suppression of the existing facilities and means of intemperance, as the root of almost every other vice." The Judges were almost unanimous as to the evil results of intemperance. Barons Gurney and Alderson, and Justices Erskine, Coleridge, Patteson, and Wightman, had all expressed their opinions that the large majority of crimes originated at the public-house, and that if it were not for drink, there would be no criminals to try. He did not think that any hon. Gentleman would assert that the present state of things was satisfactory. He remembered a few years ago that the late Mr. Ker Seymer, whose name he could not mention without expressing regret at the loss of one who was a credit and an honour to the House, in replying to him, said, "We may not be good logicians, but we are excellent politicians." He said that in reference to the licensing system, and the reply was received with much cheering. Now, if that remark meant anything, it was that they proceeded against common sense and reason; but in the end the results were good. Now, what were the results? According to the last Census there were 26,000 prisoners in gaols; 125,000 people in workhouses; 24,000 in lunatic asylums; 11,000 houseless; 23,000 in charitable institutions; and 889,000 receiving relief; and that was in England and Wales only. Now the evidence showed beyond doubt that a great proportion of those persons had been brought to that state by drunkenness. How in the face of such facts could they say they were good politicians? He had stated the evil—he would now propose the remedy. He did not wish to interfere with the magistrates' power of deciding as to the number of licences that should be granted. He did not want to interfere with the Excise in any way except that it should be subject to the expression of public opinion of the districts. But what he proposed was, that if two-thirds of the ratepayers in a parish—he proposed two-thirds, but hon. Members might alter the proportion of the majority in any way they pleased—said they did not want those places, neither the magistrates nor the Excise should have the power to grant licences in that particular district. Some hon. Members might object to this as "the thin edge of the wedge," as a step towards the total prohibition of the liquor trade throughout the country. He could not understand the argument, "Don't let us do right, lest evil should follow." The question they ought to ask themselves was, would it be an improvement upon the present system? The measure would only come into operation where public opinion was in its favour. At present the majority in a parish might tax the minority for the support of religion. If the principle of the majority binding the minority was good for religion, it could not be bad for a matter of police. The system which he proposed had been recommended by the Commission on the Forbes Mackenzie Act in Scotland; and where, from accidental circumstances, houses for the sale of drink had been excluded from a parish, the results had been most beneficial. The Committee for the Suppression of Intoxication reported to the General Assembly of the Church of Scotland in the year 1849 that intemperance increased in proportion to the number of licences that were granted, and that where there were no licences there was no intoxication. In thirteen parishes in the south of Scotland, with an aggregate population of about 8,000, in which there were no drinking shops, order and peace prevailed, and the poor rates were on the lowest scale; in eight other parishes, of about equal population, in which there were twenty drinking shops, there was an unusually large amount of pauperism and crime. In the parish of Humberstone in England strong drink had never been sold, and there was not a pauper in the parish; and at Hutton Mile and at Saltair, which was built by Mr. Titus Salt, similarly beneficial effects had followed the exclusion of the liquor traffic. Landlords were perpetually using the power which they possessed to prohibit the establishment of drinking houses on their estates. Last year the hon. Member for Devonshire (Sir Lawrence Palk) said that there was not a proprietor of land who did not stipulate that no beer-shops or public-houses should be erected upon their estates without their consent. "Therefore, let them not legislate on false pretences in that House, but act there as they did in private in endeavouring to check drunkenness." Those were noble words, and he hoped that he would to-day endorse them by his vote. Last year the hon. Member for Rochdale (Mr. Cobden) wrote a letter, in which he suggested that the Sunday Closing Bill might be made permissive. Would not the same principle apply to their closing on Mondays? The hon. Member for Maidstone (Mr. Buxton) had also suggested that if five-sixths of the ratepayers demanded the exclusion of houses for the sale of fermented liquors, their prayer should be granted; and the hon. and learned Member for Sheffield (Mr. Roebuck) said the other night, that if the majority of the working people were in favour of the Sunday Closing Bill, he would vote for it. His Bill could not come into force except at the wish of the majority of the ratepayers. He was obliged to say ratepayers, because he did not know how else to construct a register; but if the hon. and learned Gentleman could show him how to include all the inhabitants, he should be ready to do so. He asked him whether, now that he brought forward a Bill which could not come into force except by the will of the people he was going to oppose him? If he did, the working people would not fail to give him that name which he so liberally bestowed upon any one who happened to differ from him, and for the rest of his political career he would be called a "canting hypocrite." ["Order, order!" Mr. ROEBUCK: Never regard it.] He was much obliged to the House for having listened to him with so much attention, and he would only ask that, before they threw out the Bill, they would carefully consider whether the power which he proposed to give to the people was one which they could exercise to the injury of the State, or whether, on the contrary, it was not the case that they could only exercise it to promote their own happiness, and to encourage that spirit of morality and love of order which were the only true foundation of the greatness of this country.

Motion made, and Question proposed, "That the Bill be now read a second time."

CAPTAIN JERVIS rose to move that the Bill be read a second time that day six months. The hon. Member for Carlisle (Mr. Lawson) had stated that if the measure were supported by those Gentlemen who specially represented the working classes, it might possibly pass into law. Now, no Member of the House represented the working classes more directly than he (Captain Jervis) did. There was only one person among his constituents who was not a working man, and three-fourths of them were men who worked with their hands as well as their heads. He had, therefore, a peculiar right to speak in the name of the working classes, and on their behalf he felt bound to oppose the present measure. He had also to observe that he had, much against his will, spent five months in the Maine Liquor Law States of America, and that his experience there convinced him of the utter futility of such an enactment. It was, besides, opposed to our whole constitutional system that any number of people who chose to drink nothing but water should compel other men, however limited in number, to follow their example. And how could that Bill be carried into effect with our parochial divisions? He saw in the State of Vermont—one of the States in which the sale of liquor was prohibited — persons who could not obtain drink in one district cross over a bridge into another district, where they obtained as much as they could pay for; and in the same way they would find that, under the present Bill, the same process would be carried on with still greater facility, for the distinction would be between parishes only instead of States.

How did the law operate in America? In the Maine Liquor Law States the law was systematically evaded. After a dish of oysters and molasses people found placed before them some milk and water. But the inhabitants drank nothing at dinner. After a few days' experience of that practice, he asked a gentleman how he provided himself with drink? and the gentleman introduced him to a friend who, for a present of so many dollars made him a present of so many bottles of sherry, which were forwarded to his hotel. The fact was, that there was more drinking than ever in those States, only it took place clandestinely instead of openly, and in the cellar instead of at the bar or the table; the men got drunk down below, and there they were kept because the landlord knew that he would be punished if they were seen; and that system was productive of at least as large an amount of immorality as the system which it superseded. What were the reasons which had induced those States to adopt such a law? The people in them were hard-working and thrifty, but not at all hospitable. One might live a long time in Massachusetts or Vermont without being asked out to dinner; and when they did ask you the law afforded them a good excuse for saying that they had nothing but water to put before you. But after the stranger had established friendly relations with the family, when he came in they would say, "Are you thirsty?" Looking at a jug of dirty cold water, he would say, "No." Then they would tell him, "If you go to that cupboard perhaps you may find something more to your taste." The "cupboard" was a nice pantry, where there was brandy and other kinds of spirits. He had, however, to go there by himself, and to return as if he had been passing his time in no kind of self-indulgence. When families drank anything stronger than water they had to close the shutters and exclude the light of day, lest they might be detected, and compelled to pay a heavy fine. Was that a system which it was desirable to introduce into England? Were 28,000,000 of people in this country to do penance for the sake of the prejudice of a few thousand? In speaking of the increase of drunkenness the hon. Member had said nothing about the increase of population, which would help to account for the number of convictions for drunkenness; and he seemed also to have forgotten that the same persons were often convicted of the same offence. He felt himself fully justified in saying—and every one knew it to be the fact—that of late years drunkenness had been decreasing in this country, not from penal enactments, but in consequence of the spread of education among the people, and the teachings of the clergy and ministers of all denominations, and the example of the higher classes. He was himself brought into frequent communication with the working classes, and he had been surprised often not to find one of them intoxicated from one end of the week to the other. Many panaceas had been devised for the total eradication of drunkenness. The right hon. Baronet the Secretary for the Home Department had made one attempt in that direction. The hon. Gentleman the Member for Maidstone (Mr. Buxton) had also made known his views upon that subject in a pamphlet, in which he attributed all the evils on earth to drinking after ten o'clock at night. The hon. Gentleman said that if the working man bought his beer and took it home, probably there would be no drunkenness; but that if he drank it at a public-house he would be sure to stay to smoke his pipe, drink more than he ought, and go home and beat his wife. He seemed to suppose a man never beat his wife before ten p.m.; but the police reports showed that men beat their wives at all hours of the day, and in *Pickwick* Mr. Weller, senior, is made to say, "You know what the counsel said, Sammy, as defended the man for beating his wife with the poker—that, arter all, it was an amiable weakness." He thought that some very absurd reasons had been adduced in support of this Bill. He must protest against the time of the House being taken up with a Bill like the present for the sake of gratifying a number of benevolent old ladies and gentlemen who took an active part in the agitation of this question. It was all very well to present petitions numerously signed in favour of this measure; but if those documents were examined, and if the signatures of children and the signatures of persons obtained at the rate of 6*s*. a 1,000 were substracted, they would not be found to be worth much; and with reference to the petition presented by the hon. Member for Birmingham, he would venture to say that if the 18,000 signatures appended to it were put to the test the number of real petitions would be found to be much nearer 1,800.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Captain Jervis.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BRIGHT: Sir, I think my hon. Friend the Member for Carlisle (Mr. Lawson) has at least no reason to complain of the manner in which the House has listened to the statement which he has made on behalf of his clients throughout the country. The House has listened to his speech in a manner which proves that this is a question which is getting more hold of the mind of the country than it had some time ago, and that it cannot be treated as the vision of a few wild enthusiasts. Everybody will agree that the evil which the hon. Member has to some extent explained is a very grievous one in almost every part of the country; and more—I believe every Member will say that if any measures could be taken that did not violate any of the recognized principles on which this House acts, to help those who are making great exertions to change the people of this country from their past and, I fear, their present condition into a happier state, such measures ought to be sanctioned. Now, as to the remedy, which is the real question before us. I believe there are only two modes of remedy; the first of which is the improvement and instruction of the people — and the second, the special legislation of this House. Now, I am one of those who look rather to the improvement and education of the people, for a permanent remedy — and I think that it is quite conclusive that that must be the sheet anchor, as it were, of this question. There are hon. Members of this House older than I am, but I am old enough to remember when among those classes with which we are more familiar than with the working people, drunkenness was ten or twenty times more common than it is at present. I have been in this House twenty years, and during that time I have often partaken of the hospitality of various Members of the House, and I must confess that during the whole of those twenty years I have no recollection of having seen one single person at any gentleman's table who has been in the condition which would be at all fairly described by saying that he was drunk. And I may say more—that I do not recollect more than two or three occasions during that time in which I have observed, by the thickness of utterance, rapidity of talking, or perhaps a somewhat recklessness of conversation, that any gentleman had taken so much as to impair his judgment. That is not the state of things which prevailed in this country fifty or sixty years ago. We know, therefore, as respects this class of persons, who can always obtain as much of these pernicious articles as they desire to have, because price to them is no object, that temperance has made great way, and if it were possible now to make all classes in this country as temperate as those of whom I have just spoken, we should be amongst the very soberest nations of the earth. Well, it may be said after all this, that there is something to be done by special legislation—and I am not disposed to contradict that; and if any Member were to contradict it, it would be going in the face of experience, and certainly in the face of the opinion which has been universally held by this House. All our legislation on this question has been special. My hon. Friend says he thinks no one would dare to propose to make the sale of intoxicating drinks free — as free for example as the sale of bread, potatoes, or any of the articles of ordinary consumption. If we required no taxes I do not know how we should treat this question; but, requiring taxes as we do, it has been thought in this country, and I suspect in most other countries too — certainly in many — that there is nothing upon which taxes can be levied with greater advantage (if I may use the term "advantage" in connection with the levying of any taxes) as upon articles of an intoxicating quality. But having levied these taxes, and finding the consumption is large, the Government finds it also necessary to provide certain superintendence by the police; because, unfortunately, wherever the sale of these articles is considerable, there is found to be a state of things which is not favourable to obedience to the law, and which magistrates, policemen, and the law are called in to avert and prevent. We have this special legislation now, and my hon. Friend says not less than 400 Acts of Parliament dealing with this question have been before the House — not all of them with a view of preventing the consumption of intoxicating liquors, but it shows what a constant and incessant attention Parliament has been obliged to pay to this subject. Now we come to the system as we find it, and ask ourselves, Can anything more be done? Under the present system, if a man wishes to sell beer only, he gets six of his neighbours to sign a recommendation that he is a suitable and respectable man. I believe also the rent of his house has something to do with it, as indicating that he is a man not absolutely without means and character. But if he wishes to sell wine and spirits he must ask the magistrates for a licence, and the licence is renewable from year to year. I think it may be generally said that this system is not satisfactory to people throughout the country. There are many magistrates who condemn the system of which they are a part; and in many towns it is said—and I think upon inquiry we should find it to be true—that the magistrates give licences too freely; and men who live in quiet streets of a town are angry with the magistrates for giving licences to houses which were not needed. We also find that there is a great diversity of action, for in some villages, towns, and districts, public-houses are much more frequent than in others; and at the same time there is a complaint that in giving licences for the sale of beer the recommendation of six benevolent neighbours is given more through kindness to the applicant than kindness to the great bulk of the neighbourhood. In some cases the number of beerhouses has been unnecessarily and mischievously increased. And now what does my hon. Friend propose? He proposes something that is entirely distinct, and to some extent, in point of fact, a revolutionary measure, with regard to this system. He proposes that two-thirds of the ratepayers of any district, parish, or town shall have the power to decide the whole of this question; and I think when the hon. Gentleman stated that proposal, an hon. Gentleman on the other side of the House, and an hon. Gentleman sitting near me, made gestures as if they thought the ratepayers were not represented by the working classes. But the working classes are ratepayers in a larger number than any other class, for they are generally married and have families, and live in houses that pay taxes; and therefore if you take the opinion of the ratepayers of this country on any question, you take in as clear a manner as possible the opinion of the people of the country. Well, my hon. Friend proposes that two-thirds shall decide;—but decide what? Why, by this Bill, they are to decide first of all whether any new licences shall be granted in the district to which the vote applies—that is, whether this Act shall be in force in the district—and they are to decide further whether any of the persons now licensed shall have those licences renewed at the expiration of the present year. [“No, no!” “Hear, hear!”] That is what I understand by the Bill. I believe all licences are merely granted for selling drink from year to year. I think it was one of the statements of the licensed victuallers that the magistrates had the absolute control over them, and that there was no appeal from their decision, and every year they could refuse to renew any licences if they thought fit. It will thus be seen that my hon. Friend proposes a Bill which affects some scores of thousands of persons and with regard to some millions of property, and the measure which he proposes is entirely different, I think, from anything which has ever been proposed or sanctioned by the House with regard to any other description of property or any other interest. Therefore, however sanguine I may be as to what I must call the violent success of his measure, and however desirous I may be to carry out his object, I do not think it likely that the House of Commons would consent to such a proposition as that. What is meant by the representative system is not that you should have the vote of thousands of persons taken upon a particular question of legislation—but that you should have men selected from those thousands having the confidence of the majority of the thousands, and they should meet and should discuss questions for legislation, and should decide what measures should be enacted; and therefore in this particular question I should object altogether to disposing of the interest of a great many men, and also a great many families, and a great amount of property—I should object altogether to allow such a matter to be decided by the vote of two-thirds of the ratepayers of any parish or town. By this Bill they would have the power to shut up at once, or rather at the end of the current year, as far as the sale of these articles is concerned, every hotel, inn, public-house, and beershop throughout the country. I say throughout the country, but of course I allude to such subdivisions of the country as the Bill may indicate. There would of course be a difference, for some parishes would shut them up and some would not; but that is not very much an argument against the Bill. But there might be, and I think there would be, in all probability, violent, sudden, capricious, and unjust action under this Bill, which would have a very unfortunate effect upon the interests of those immediately concerned; and I think it might also create throughout the country violent discussions on the question, and I am afraid might even produce a great and pernicious re-action against the very honest and good objects which my hon. Friend desires to carry out. For that reason, as a Member of this House, representing a very large constituency, and having my sympathies entirely with those who are endeavouring to promote temperance amongst the people, and after much consideration on this subject, I have never yet seen my way at all to give a vote which would tend to pass a measure such as that now proposed to the House. But then if there be persons who think that the sale of these articles is in itself absolutely evil and immoral—and I did not understand my hon. Friend to hold that opinion, or to have stated it to the House—but if there be persons of that opinion, they, of course, will not be influenced by any arguments of mine. I do not hold that opinion—and I think the friends of temperance throughout this country make a great mistake when they argue their cause on that ground. There is abundant ground on which to argue this question on which no man can assail or controvert them, and it is unfortunate for a great and good cause that any of its enthusiastic but illogical advocates should select arguments which cannot fairly be sustained. Now, the question comes, if this Bill were disposed of, is there nothing which the House could do to meet the growing opinion in many parts of the country that public-houses and beershops are often established with pernicious influence upon the district, and in far greater numbers than the fair wants of the people demand? I bring no charge against the magistrates. So far as I have seen, with some few exceptions of which we have heard, they perform their duty, and a disagreeable duty it is, as well as any body of men to whom you could intrust it. With regard to the householders, they are very likely to give recommendations with more regard to the persons themselves than to the wants of the public. Judging from the evidence brought before the Committees of this House, it must be admitted that public opinion does not entirely agree with the mode which is at present in existence for the granting of licences, whether they be public-houses, or beerhouses; and looking at the course which the Government has taken—I do not mean this Government in particular, but the course Parliament has taken in past times—I do not see any reason why the public opinion of every city, town, and district should not have something to say with regard to this matter. Now some time ago, when I was down at Birmingham, a large number of persons connected with this question had an interview with me and my hon. Colleague. We had a long discussion on the question, and I explained to them what I now wish to explain to the House—that although objecting to the Bill on the grounds which I have stated, yet it does appear to me that the House might proceed a step further than it has already done, and intrust to the ordinary local governing bodies of the cities, towns, and boroughs throughout the kingdom the decision of this question, with regard to the establishment of public-houses and beershops, and the granting of licences within the limits of their jurisdiction. You cannot put this power into the hands of the Secretary of State or the Lord Chancellor, as you do the magistrates' question; and you cannot remove it from twenty magistrates and put it into the hands of some half-dozen men in the same neighbourhood. You can make no change from where you are, unless you intrust to the municipal council, or some committee of the municipal council, in the various boroughs, the power of determining the number of licences as regards wine and spirits or beer. If you were to intrust the Council, instead of the full vote of the ratepayers, as proposed by the Bill, I think you would avoid everything like a sudden and violent interference with property, and you would avoid the capricious action which might take place if two-thirds of the ratepayers were to judge this question, and you would give to the whole body of the ratepayers through their representative in their municipal councils, the determination of a question which every day is becoming more and more an important question with the great masses of the people of this country. I know no proposal which could be made from the point where we now stand to the point of the Bill of my hon. Friend except the one which I have suggested. Generally, the municipal councils in this country perform their duties with admirable success, and there is no Bill passed in this century which has been so successful as the one which this House passed to reform the corporations. If they had further this power I think it would add to their influence and dignity; and, in all probability, the opinions of the people would be fairly carried out in reference to this question. But there is another question. Hon. Gentlemen opposite would say that this could not be done in the rural districts, where there are no corporations, and therefore my suggestion could not apply. But I think if it were attempted in the towns, and it was found more advantageous and successful than the present system, something could be found before long to extend the new system to the agricultural districts as well: but if that should be found impracticable, it is no reason for debarring the towns from the benefit. I should not have brought such a question as this before the House, and I am not so sanguine of the result of those changes as what I may call the temperance party in this House. I have not that faith in any act of the Legislature on this subject which my hon. Friend has. I believe in the effects of the instruction of the people, and of the improvement which is gradually taking place amongst them. I think that drunkenness is not on the increase but rather is declining; and I hope, whether the law be altered or not, we shall find our working classes becoming more and more sober than in past times. But as I have on many occasions been before the public as favouring the efforts of the advocates of temperance in this country, I have felt bound in some degree to state the reasons why I cannot give my vote in favour of this Bill, and to suggest, in my opinion, what this House might do by way of giving to the people through their municipal councils control over this question. By doing this you might promote temperance among the people, and at the same time avoid doing a great and manifest injustice to thousands of persons now engaged in this trade, whose property would be rendered uncertain if not altogether destroyed, which would be the result if the Bill of the hon. Gentleman should receive the sanction of the House.

Mr. ROEBUCK: Sir, I wish to state my opinions of the hon. Gentleman's Bill very shortly. I have now been many years in Parliament, and during the whole course of my experience I never heard submitted to the consideration of the House a more mischievous measure. I do not mince the matter at all. I will state why I believe it to be so. In the first place, the House is called upon to abdicate its functions. In the next place, the proposal of the hon. Member would sow dissension in every parish of the kingdom, and from the time when it came into full operation England would be no place for a peaceable man to live in. The third reason I have for considering the Bill what I have described it is, that it is eminently a measure levelled against the poor. It is, therefore, an eminently unjust and cruel Bill. Now, when I have gone through those separate propositions, I think that the House will be of opinion that I have established my points, and have done enough to show the character of the Bill. But before I proceed to discuss those points, let me make an observation or two to the hon. Member for Carlisle (Mr. Lawson) himself. In introducing the Bill he was always approaching but never actually coming to the question; but he read all sorts of extracts upon a matter upon which every one was of one mind, that drunkenness was a bad thing which every one desired to put an end to, if it was possible that it could be done. I may here be permitted to say of a large number who support the measure, that I believe them to be very well-intentioned persons. I have great faith in their intentions, but none in their intellect—and, begging pardon of the hon. Gentleman, the advocacy of this measure seems to me to be an idle means of talking before the public, and that it cannot have been seriously proposed. We have been told of persons trying to make "political capital" out of certain subjects, and I cannot understand a Gentleman proposing a measure which he knows he cannot pass, but to gratify a certain class of persons and thereby make political capital out of it. Without any further remarks upon what the hon. Gentleman has said, or the taste which he has exhibited, I will at once address myself to the three propositions I have laid down. The hon. Member for Birmingham (Mr. Bright) has most correctly stated the real object of the representative system to be, that in all cases requiring legislation we must do for the people what the people require, and not call upon them to do for themselves that which they delegate to us. In this consists the great difference between the English constitution and those of the ancient republics. In those the whole body of the citizens was called into the market-place and asked to legislate on a particular point; the modern system takes the question out of the hands of the people and places it in those of their representatives. But the hon. Gentleman is departing from that path which policy and experience have taught us to be the true one, and he is going back to the olden times, and throwing into the hands of the people that which it was the object of the representative system to take out of them. Therefore, if we now do what the hon. Gentleman asks we shall be abdicating our functions, and thereby do a cowardly and foolish act. We shall show ourselves afraid of opposing that vast array of petitions which the hon. Gentleman has raised before us, and we shall ask the people to do for themselves what we, their representatives, have not the courage to do or the courage to refuse. The hon. Gentleman proposes to give to ratepayers of every parish and to every municipality the power of suppressing the trade in intoxicating liquors within its limits. Now what will be the effect of the measure, if passed? We have it stated that in America, where the Maine Liquor Law prevails, the people walk over a bridge into another state, where they can get what they want. Then the inhabitants of one of the prohibiting parishes who wanted strong drinks would only walk into the next parish where there was no prohibition. But let the hon. Gentleman define his intentions a little more strictly. Supposing the ratepayers of Westminster should decide to put an end to the sale of intoxicating drinks within their district, would it extend to the refreshment rooms of the Houses of Parliament. It ought to do so. And not only that, we, having abdicated our functions, must succumb to the City of Westminster, and say that they are much better able to judge of the question than we are; and as they have decided that intoxicating liquors shall not be sold within their district, they must not come within the walls of this House. Can anything be more foolish than that? Supposing, for example, we were to say that all dangerous articles should be put under a ban, and none sold —such as poisons for instance. Would any man say poisons should not be sold? No; but a wise man would say, they must be sold under proper precautions. And that is what we say now; poisons, we say, shall not be sold without due precautions are taken to let the public know that they are buying them. The same with regard to fire. Every man is allowed to make a fire in his own chimney, but not in his neighbour's rick-yard. There are proper precautions taken against the sale of dangerous commodities, or the doing of a dangerous act; and the Government has taken the same precautions with regard to the sale of intoxicating liquors. No man can sell beer except he has obtained a certificate on the recommendation of six of his neighbours; and no man can sell wine without a licence from a magistrate; and these were wise and proper precautions. I do not go so far as the hon. Member for Birmingham, in supposing that these precautions are not sufficiently taken, and his proposal is pretty nearly as mischievous, though not quite so, as that of the hon. Gentleman. I now come to my three propositions. I say first that this is eminently a rich man's Bill. The poor man cannot lay in a stock of wine or of beer. He cannot send to the next town or parish, but he must have it nearer his own door. The poor man has no means by which he can buy that which he desires to drink month by month, but he must do it day by day; and as you are enabling the rich man to do that which you are depriving the poor man of the power of doing, I say it is a cruel Bill. Let it go out to the world—and I am not afraid of any imputation the hon. Gentleman can cast on me—that I say, in spite of all that has been said, that this is eminently a cruel Bill, and that it is not a Bill for the benefit of the poor. There is a class of mind so intolerant, so impatient of dissent, that in its time it has given rise to the Inquisition, burnt Servetus at the stake, and it has made the hon. Gentleman bring in this Bill. Before I sit down let me say one word with reference to the proposal that has been made by the hon. Member for Birmingham. The greater part of the speech which the hon. Gentleman has just delivered I very much admire, for I can hardly imagine wiser words expressed in a better manner; but when he began to build up instead of pull down, then I think he showed his weakness. The hon. Gentleman said, "Cannot we take a step in advance, and give to the municipal bodies the power of deciding whether or not intoxicating liquors shall be sold within their bounds?" The hon. Gentleman seems to dissent, but that is as I understand him.

Mr. BRIGHT: What I said was that I thought it would be a great injustice

that any popular vote should have the power of cutting off all the property in existing public-houses; and that rather than that should be done I would prefer giving the power to the municipality.

Mr. ROEBUCK: That is as I understood the hon. Member. But what will be the consequence; and I ask the hon. Gentleman to listen to me whilst I endeavour to reason as quietly and as I calmly can upon that proposition. The municipal body is an elective body, and such a proceeding would put into their hands a certain power which would very much interest large classes by whom they are elected; and, as the licensing would be annual, you would have constant debates and disputes going on with reference to a matter which very much interests a large body of the inhabitants. Under the present system the power is lodged in the hands of gentlemen who are nominated by the Crown. They are magistrates for life unless something be done to the contrary; and by the very fact of holding office for life, while at the same time they are subject to the moral influence of people round them, are very much more likely to perform their duties in a manner free from that capricious action of which the hon. Member for Birmingham complains. Therefore, as between the municipal bodies and the magistrates, I am for continuing the power in the hands of the magistrates as at present. There is one argument which deserves, and which I know will receive the attention of hon. Gentlemen opposite; but I cannot sit down without one word of warning, especially addressed to hon. Members such as the hon. Member for Carlisle. The public, as we have seen, are very likely to be misled—they are very likely to follow a cry, and they are likely to entertain a crochet; and I have always found that men who entertained a crochet are amongst the most intolerant of mankind. They will not hear of dissent — men who differ from them are not allowed simply to obey the dictates of their own reason, and come before them as men exercising their own reason, but they must be called, as they have been called, because they oppose this measure—drunkards; they are called immoral. I do not say by the hon. Member for Carlisle, for I cannot imagine he would be so far forgetful of good taste, though he might call me "a canting hypocrite."

MR. LAWSON: I did not as from myself use any such expression.

MR. ROEBUCK: Neither do I make any personal application — I merely say what another has said, and that the House will perceive makes all the difference. Such persons call their opponents "drunkards," but that epithet does not apply to the hon. Gentleman. Some men call them "liars"—that expression does not apply to the hon. Gentleman. I entreat those hon. Gentlemen to learn to bear opposition, and not to think all who differ from them rogues, drunkards, and liars.

MR. WYKEHAM MARTIN said, he should oppose the Bill, believing it would be productive of worse evils than those that now existed. In the year 1736 an Act was passed to limit the sale of spirits, and it had been found to work very injuriously. There had been no fewer than 12,000 convictions under the Act, and it finally became—to use the words of a noble Lord in another place with respect to it—so odious and contemptible, that policy as well as humanity induced the Commissioners of Excise to mitigate the penalties imposed on those who had been convicted. If the present Bill passed, the probability was that it would create greater mischief than those against which it was levelled. If the decision in regard to the permission to open public-houses was left to the ratepayers in rural parishes, it would produce class legislation of the worst possible kind, because the great majority of cottages were not rated to the poor rates. The persons who would decide the question would be those who had the means of supplying themselves with wine and beer in quantities, and who had no occasion to resort to the public-house. He looked upon the Bill as being a piece of legislation of the worst possible kind. In civilized society, and in the complicated state of our social relations, an immense amount of capital could not be destroyed without the infliction of great and unnecessary hardship. He could not therefore vote for the second reading of the Bill.

MR. SCOURFIELD said, he should not have troubled the House on this occasion if it were not for the fact that for many years he had been in the habit of presenting petitions in favour of Bills of this nature and then of voting against them. He thought it was due to those who had intrusted him with petitions to state why he could not possibly agree with the prayers which they contained. The practice of the English law was to pass enactments against crime itself or against overt acts, but not against acts which by construction or inference might be supposed to lead to crime. If a different principle were admitted there would soon be an end to the personal liberty of the subject. He thought that the idea of intrusting to majorities all over the country the regulation of matters of this nature would be productive of a great amount of annoyance and irritation. He thought, too, the promoters of this Bill showed a great distrust of their own principles—because if the regeneration of the country was to depend upon sobriety, why was a measure like this made permissive, instead of compulsory? The irritation produced would also be increased tenfold by the notion that those by whom such a law was passed were not one whit better than themselves, if, indeed, they were half as good. Hon. Members were all anxious to put down drunkenness as much as it was possible, but they must trust to the influence of education and example, and not to the introduction of an offensive measure of this nature. He did not think that the action of municipal councils would afford a satisfactory solution of the question. It must be remembered that at present the granting of licences did not depend altogether upon the action of the magistrates, as the beerhouse licences were granted by the Excise. The magistrates, therefore, could not be held responsible for the drunkenness and immorality arising from licensed houses, the granting of which were entirely beyond their control. He was ready to give his best attention to any measure for the better regulation of public-houses, but a law that carried into effect the impulses and chance feeling of a majority in any district would strike a fatal blow at the proper action of Parliament. Nothing could be more capricious than the working of such a measure. The property in one parish would be depreciated, while that of the next parish might be increased 200 per cent by the legislation of its neighbours. The older a man became the less confidence he felt in Acts of Parliament. Every additional Act of Parliament was in truth an additional evil, unless a strong case were made out in its favour. For these reasons he should vote against the Bill.

SIR GEORGE GREY said, that as every hon. Member who had addressed the House after the hon. Member for Carlisle had spoken against the Bill, he should occupy the attention of the House only a few minutes in stating the objections he entertained to the measure. His hon. Friend the Member for Carlisle had, he thought, done well in following the advice of the Chancellor of the Exchequer last Session in introducing a Bill instead of a mere abstract Resolution. He would admit also that the speech of the hon. Gentleman was characterized by great moderation and fairness; nor, having regard to the number of petitions for the Bill, had his hon. Friend exaggerated the strength of public feeling in its favour. Every one would sympathize with the hon. Gentleman and those who acted with him in the desire to put a check upon drunkenness, which was the source of a vast number of crimes. He must, however, differ from his hon. Friend as to the alleged increase of drunkenness. He (Sir George Grey) had on a former occasion stated, and he now repeated his belief, that drunkenness was not on the increase in this country, but that in consequence of the improved habits and education of the people and the moral influences at work among them, drunkenness was on the decline. The hon. Gentleman alleged that he (Sir George Grey) had selected the returns he had quoted on this subject last year, and that they did not give a correct view of the case; he had, however, simply referred to the latest return then on the table of the House. He was glad to find that subsequent inquiries confirmed the opinion that he then expressed on the subject. An increase of convictions was not necessarily a proof of an increase of the offence itself. The police were now spread over the whole country, and they exerted great vigilance; a new class of offences had also been created by the recent Acts of the Chancellor of the Exchequer in reference to wine licences and refreshment houses. Therefore, in looking at the number of convictions, they must take into account the nature of the offences as well as the number of convictions. The hon. Gentleman ought also to bear in mind the large increase of population that was going on year by year. He entertained a decided opinion that the remedy proposed by his hon. Friend would be impracticable in large towns; but if it could be brought into operation it would create an intolerable tyranny on the part of the majority over the minority. His hon. Friend said that, as they had frequently passed laws for regulating the sale of intoxicating liquors, they were in principle favourable to the entire prohibition of the sale. That proposition he (Sir George Grey) entirely denied — there was an essential difference between regulation and prohibition, which he thought his hon. Friend had lost sight of. The hon. Member said that Parliament prohibited the sale of immoral books, and why not also of intoxicating liquors? But, because every one admitted that the sale of immoral books ought to be prevented, his hon. Friend, to be consistent, ought to propose a measure to prohibit the sale of books altogether, and allow the majority of the ratepayers to say that no shops for the sale of books should be opened. His hon. Friend had, he thought, fallen into an error in quoting the Report of the Committee of that House of 1834 on drunkenness. The Committee did not recommend, when public opinion should be sufficiently awakened, the prohibition of distillation or sale of intoxicating liquors, but merely gave this as the opinion of some of the witnesses they had examined. His hon. Friend proposed by his Bill that any number of ratepayers might set the machinery of his Bill in operation. They might, by application to the mayor of any borough, require that a canvass should be instituted to see whether the Bill should come into operation in the borough or not. This was, he thought, a most mischievous provision. In the large cities and towns there were thousands of ratepayers, and a canvass of that kind would be most prejudicial to the peace and good feeling now existing. If a majority could be obtained for putting the machinery of the Act in motion, it could not, if adopted, be disturbed for three years. The consequence would be that, after the Act was brought into operation, no person could for three years at least sell any intoxicating liquor within the limits of the borough or parish in question with the exception of those the term of whose licences had not expired. But, after the 10th of October, the time for the renewal of licences, every public-house or beershop would be absolutely closed for the sale of intoxicating liquors, and it would not be lawful for any one to sell or buy a glass of wine, beer, cyder, or spirits in the whole of the borough. If this Bill were adopted in large places the effect would be, he repeated, an intolerable tyranny. He did not hesitate to declare that it would be quite impossible to carry such an Act into effect by any penalties that would be imposed. Supposing, however, that it could be carried into law, what hardships would it not create? It would inflict, as the hon. and learned Member for Sheffield had said, cruel hardships on the poor, while it would hardly touch the rich. The rich and the middle classes would keep their cellars well stored; but the poor man had no cellars, and no beer to put into them, and he would therefore be debarred from the enjoyment of that which he (Sir George Grey) considered a perfectly innocent beverage, and which was in many cases a necessary of life. His hon. Friend failed to distinguish between the use and abuse of intoxicating liquors, and because drunkenness was a great evil, he thought the only means of preventing it was by an absolute prohibition of the sale of the common beverage of the people. Believing that Parliament was not prepared to adopt the proposal of the hon. Gentleman, he trusted that he would not press it against the manifest sense of the House. At the same time Parliament would not be wise in discouraging all legitimate means of preventing and checking drunkenness. He had on a former occasion expressed an opinion that the law was not enforced as it ought to be by those in whom its administration was vested. Great complaints were made that no effective supervision was exercised over beerhouses, and he was therefore anxious to explain the provisions of the law. By the 1 *Will.* IV. c. 4, if a keeper of a beershop were convicted for the third time of permitting drunkenness and disorderly conduct in his house he might be disqualified from selling beer during the space of two years. It might be said that this was not a severe punishment, because the beershop keeper would put a son or a friend in possession to carry on the business for him. The law, however, not only visited him with a personal disqualification, but declared that the house might be closed for the sale of beer. By a Return of 1861-2, it appeared that in the metropolitan districts in 1861 there were no less than forty-four beerhouse keepers convicted of a third offence; in the first five months of 1862 there were fifteen; and there was not one case in which the licence was withdrawn and the house closed. It was not generally known, he believed, that this power existed, and there was nothing more rare than closing a beerhouse for two years. If it were closed, however, the loss to the owner of the property was considerable, and he thought it would be well if the power were more frequently exercised. It would be quite impossible to carry the Bill of the hon. Gentleman into effect, and if it were practicable, the consequences would be most injurious. He, therefore, hoped the hon. Gentleman would not press his measure.

MR. BUXTON said, he desired to say a few words with regard to the passages that had been quoted by the hon. Member for Carlisle from an article written by him (Mr. Buxton) many years ago, and of which, he confessed, he now felt somewhat ashamed. It might be thought strange that any man in his position should have written at all upon a question as to how drunkenness might be diminished. On the contrary, no one could have stronger motives for examining what could be done to make that traffic harmless than those who were personally connected with it. In writing that paper he had endeavoured to consider the subject as impartially as if he had not been interested in the matter himself; but certainly if he could have foreseen that the authorship of it would have been discovered, he should have written with somewhat more regard to what artists would call "keeping." At that time, however, the Maine Law seemed to be a brilliant success in doing away with pauperism and crime, and he could not, therefore, exclude the consideration whether it could be adopted in any modified form in this country. Since that time experience had shown—what common sense might have suggested—that such violent compulsion, though it might gain its end for a time, would at last prove a failure; and he was persuaded that if this Bill became law it would produce unbounded irritation and inconvenience. The hon. Gentleman's friends had not treated him (Mr. Buxton) quite fairly about that review. They had asked him to allow it to be republished; but on looking it over he had found it was so hasty and crude that he had absolutely declined. In spite of that the passages he most regretted had been republished without the context which modified them. He would not enter into the general question beyond assuring his hon. Friend of the respect he felt for him and for all who were striving to lessen that tremendous evil of drunkenness. At the same time he was persuaded that the way to cope with it was to use all possible means of elevating the character of the working class. An attempt of this kind would, he felt sure, prove futile as regarded drunkards, and unjust to those who were sober.

MR. HUMBERSTON said, that as six ratepayers were at present entitled to recommend a beerhouse-keeper for a licence, in spite of the opposition of the owner of perhaps three-fourths of the property in the parish, why should not the signatures of six other ratepayers against the licence be equally efficacious to prevent the house from being opened? In these travelling days it must be remembered the inhabitants of a town would not only legislate for themselves, but also for those travellers who might visit their town.

MR. W. E. FORSTER said, he wished to explain why, while sympathizing with the object, he could not vote for the second reading of the Bill of his hon. Friend. He agreed with the hon and learned Gentleman the Member for Sheffield, that this House would be departing from its functions as a legislative assembly if it were to allow a majority to prevent the use of a thing which, though often beneficial, was in some cases liable to abuse. He could not, however, adopt the argument that this was a Bill directed against the poor rather than the rich, because in the district from which he came he knew that the poorer classes were more in favour of the Bill than any other class. The House ought, therefore, to take that feeling into account and consider from what it had arisen. Here was a Bill which appeared on the face of it a class Bill, and yet they found large bodies of the working men strongly in its favour. There must be some great wrong at work to produce such a result. The fact was, the working classes were almost in despair of that House or that Government tackling the question; and it was because it had been so often brought under the consideration of the Government, and acknowledged by the Government and the House to demand immediate attention, and yet nothing had been done, that the working men were not disinclined to support such an extreme measure. He had hoped that the right hon. Gentleman the Home Secretary would have admitted that it was the duty of the Government to deal with the question as soon as possible. He felt quite sure that within a very short time, if not next year, one of the first measures of the next Parliament must be a Bill to deal with the government of drinking-houses, and he therefore wished to offer a suggestion. He could not agree to the suggestion of his hon. Friend the Member for Birmingham that they should delegate to the town councils any more than to the ratepayers the power to stop the use of a thing because of its abuse. But he was not prepared to admit that they should entirely negative the principle which was behind this measure—namely, that the ratepayers should have some voice with regard to the limitation of the number of drinking-houses. The permissive principle was in reality now in operation, and he was surprised that his hon. Friend had not used it as an argument. The permissive power was lodged in the hands of the magistrates. In granting licences the magistrates usually came to a decision after hearing a debate between the attorney who represented the property which wished to open the public-houses, and the representatives of the party which did not wish it. But, even upon the low ground of property, it might be proved to demonstration that the value of property was injured by an excessive number of public-houses in a district, and it was absurd to take into account the property invested in such houses and to overlook the property not so invested. The suggestion, then, which he had to make was that the Government should take it into consideration, whether it would not be practicable to admit the ratepayers in the immediate neighbourhood to some voice which would affect the decision of the magistrates in granting licences, care being taken that they should not be enabled to stop all facilities for the sale of liquors. He thought it would be found necessary to adopt some such plan as that in any measure that might be brought forward.

MR. HENLEY said, he had no intention of saying anything on this question, but that the hon. Gentleman who had just sat down had taken upon himself to state the principles upon which magistrates were in the habit of acting in the granting of licences. Now he protested against any such statement as that the magistrates decided by reference to property. He (Mr. Henley) had never heard of such a principle as the hon. Gentleman had stated entering even as an element into the question of the granting or refusing of licences. The magistrates never looked to anything but the necessity for granting the licences. Many persons were of opinion that greater restraints were needed in the taking out of beerhouse licences. That subject was a difficult one, not immediately connected with the Bill, but yet a fit matter for legislation. But as for the Bill, he opposed it because he believed it to be unjust, and if passed into law it would be wholly inoperative. It was unjust because the House had no right to legislate in that way for the poor man and not for the upper classes. Would they venture to legislate that a man should not drink beer or wine if two-thirds of the ratepayers did not like it. And if the Bill were brought into operation, did not hon. Gentlemen believe that people, instead of being moderate and not refusing God's gifts of all good things, would many of them go out of the parish and drink twice as much as they otherwise would? It was human nature to do so. No man was more desirous to see temperance increasing among the people, but if it were to increase they must trust to other means. Those who had lived as long as he had must know that temperance among all classes had increased; drunkenness was now almost unknown among the higher classes, and they must trust to the good sense of the humbler classes, to the spread of education and the example of others, and not to legislation, to produce the effect aimed at by this Bill. They might rest assured that they would never make anybody temperate by legislation. For these reasons he felt bound to vote against the second reading.

MR. PEASE said, that after the debates that had taken place upon that subject, and the petitions which had been presented in favour of a change in the law, he had hoped that the Government would have been prepared to introduce some measure which would show that they were ready to co-operate in the efforts of the friends of temperance. He entirely differed from the statement of the hon. and learned Member for Sheffield that this was a poor man's question. For his part, he believed that thousands and tens of thousands of the poorer classes were anxious for the passing of a measure which would contribute to diminish drunkenness, and the many evils of which it was productive.

MR. SCULLY said, he wished it to be understood that the measure was to extend to Ireland, and that Irish Members had therefore an interest in the decision at which the House might arrive upon that occasion. He had been pressed very strongly by leading members of his own Church to support Bills of this description. It had been found that private efforts for the discouragement of intemperance had succeeded very well; but he differed from right rev. Prelates who thought that legislation of this kind would be successful. In the archdiocese of Cashel, with which he was connected, no liquor was sold in any public-house on the Sunday. That had been brought about by the exertions of the Catholic Archbishop, and had received the support of all classes in the community. But if that "Sunday law," as it was called, was attempted to be enforced by Act of Parliament, he had no doubt it would be broken through at once. It was generally understood that in the Great Southern and Western Railway Company of Ireland the chairman, Mr. Haughton, had taken office on condition that no sort of spirits should be sold on the line on any day of the week. But the consequence was, as he had been informed by stationmasters, that there was greater drunkenness than ever on the line, because the people brought liquor with them into the carriages. He had gone out to the refreshment tables a little while ago, and he saw several hon. Gentlemen there. ["Divide, divide!"] Hon. Gentlemen need not interrupt, for he was not going to mention names. He saw some Gentlemen taking sherry, and he asked which way they were going to vote. Some said they would vote for the Bill. He asked how they could take such refreshment and yet vote for the Bill, but they replied, "Oh! it will not be carried." It was on some such principle as that, he supposed, that the hon. Member for Maidstone (Mr. Buxton) had published his pamphlet. As he did not think they could make people temperate by Act of Parliament, he should oppose the Bill.

MR. LAWSON, in reply, said, that he rose chiefly for the purpose of apologizing to the hon. and learned Member (Mr. Roebuck) for having used too strong an expression in the course of his speech. He was very sorry for having used it. It rose from a momentary feeling of indignation at the language which had fallen from the hon. and learned Gentleman himself the other night in the course of a debate relating to a similar measure. With regard to the hon. Member for Maidstone (Mr. Buxton), he had quoted from a book published a few weeks ago by that hon. Gentleman, in which he stated that he thought it desirable upon the whole that the articles should be republished. He would only further state that he could not imagine how it would be a grievance to the poor to give them a voice in deciding whether licences should be granted for the opening of public-houses. He was quite resolved to divide the House upon the Motion.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 35; Noes 292: Majority 257.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

AYES.

Agnew, Sir A.
Barnes, T.
Blake, J.
Buller, Sir A. W.
Davie, Sir H. R. F.
Davie, Colonel F.
Dundas, F.
Dunlop, A. M.
Ennis, J.
Evans, Sir De L.
Ewart, W.
Finlay, A. S.
Gurney, S.
Hadfield, G.
Hamilton, Major
Hanmer, Sir J.
Hassard, M.
Ingham, R.
Langton, W. H. G.
Mackie, J.
Morris, D.
Morrison, W.
O'Neill, E.
Owen, Sir H. O.
Pease, H.
Price, R. G.
Robartes, T. J. A.
Robertson, D.
Scott, Sir W.
Seymour, W. D.
Tollemache, J.
Vivian, H. H.
Warner, E.
Whalley, G. H.
Wyld, J.

TELLERS.

Lawson, W.
Bazley, T.

VALUATION OF LANDS AND HERITAGES (SCOTLAND) ACT AMENDMENT BILL.

[BILL 81.] SECOND READING.

Order for Second Reading read.

MR. DUNLOP said, that in proposing the second reading of this Bill, he felt it necessary to preface his observations by a brief explanation of the aim and purport of this Bill, as he understood that it was intended to raise some objection to it. It had been said that it was an exceptional measure, and that it had been brought forward in the interest of the Railway Companies. He did not mean to assert that the railway interest would not be benefited by it, because he believed that that interest suffered more from the injustice of the present system than any other; but he begged to disclaim any intention of supporting the Bill either for railway purposes or for those of any other class exclusively. His sole object in bringing forward the Bill was to remedy a particular grievance, in which certainly the railway interest participated, but which extends to nearly every class of the owners of land and property, except those who simply possess land without houses. The House would no doubt be cognizant of the fact that in Scotland there was a general yearly valuation of property, which originated in an Act passed in the year 1854. Under that Act there was a valuation of the gross rental, or the gross value of land, and the reduction of that into the net value for the purpose of rates was left to the local authorities, by whom the particular assessments are levied. He believed that that mode of fixing the gross value had given general satisfaction. It was done by the county officers appointed by the Commissioners of Supply, who were the landed proprietors of the county, and an appeal lay to the Commissioners of Supply and from them by means of a short legal process to the Court of Session. All parties were agreed that the fixing of the gross valuation was so far very valuable and useful, and that it thoroughly answered the purpose for which it was introduced—namely, the establishment of a basis on which the rating for the poor could be fixed. But in turning that into rateable value, or ascertaining from the gross value the rateable value for the purpose of assessing to the poor rate, it had to go through another and very different process. Each Parochial Board itself fixed the deductions which were to be made, and those deductions were made for each parish separately without any uniformity of rule. The consequence was, that property running through two or three different parishes might in one case receive a deduction of 15 per cent, in another of 20 per cent, and in a third of 25 per cent. One of the principal objects of this Bill was to provide an uniform machinery for fixing the rateable value, similar to that which had already been provided for fixing the gross value. At present the only mode by which that could be done conclusively was by an appeal to the Court of Session, which was attended with great expense, with considerable trouble and delay, and was altogether most unsatisfactory. What he proposed was, that the rateable value should be settled, in the first instance, by the same officer who was now required to furnish the gross value. Considerable objection was entertained to that proposition; but it was a question of detail which might hereafter be discussed, and which did not give a sufficient ground for the rejection of the Bill. There was likewise an element in the measure which had created a great amount of opposition—namely, that the whole of the local rates of Scotland were not at present levied on the rateable or net value. For example, the poor rate was, and therefore it was necessary now that the rateable value should be ascertained; but there were other rates of different kinds which are raised by the Commissioners of Supply, and since a general valuation had been provided, it had become the practice to lay on the assessments according to the gross value instead of the rateable value. Then, again, a difficulty had arisen in reference to Private Bill Committees in this House, who had assumed that the general valuation, instead of being intended to form a basis for fixing the rateable value, was itself intended to be the rateable value; and, accordingly, in all new assessments for roads which had been proposed the rates had been arranged on that footing. The Private Bill Committees had reported generally to the House that great injustice was inflicted by the course thus adopted, and they had recommended that there should be an alteration in the valuation roll, so as to admit the deductions which ought necessarily to be made. It was to follow out the recommendation of those Committees that he had introduced the present Bill. There could be no doubt at all that to lay on a rate, and, above all, a new rate, upon the gross value instead of the rateable value, was most unjust and intolerable. If all property were of the same kind—if all property in the same county or parish were exactly of the same kind—there would be no objection to the present system of assessment; but where you had land with houses, and land without houses, and railway or canal property, some of which required only a deduction of 2½ per cent, while other parts might require deductions varying from 5 to 20 or 30 per cent, the laying on of the same uniform rate upon the gross value of the whole property was obviously unjust. In the Poor Law Act this was expressly guarded against; deductions being made for the cost of repairs and insurance and for other expenses. There were thus two objects contained in the present Bill. The first was to provide that the deductions which must be made from the poor rate should be ascertained, not by each parish as an act of arbitrary will, but that these should be ascertained by the public officer appointed to make the general valuation, subject to an appeal or review of his conduct similar to that which was granted in the case of the general valuation. The second object was to provide that other rates besides the poor rate, and especially new ones imposed for the first time, should be laid according to the rateable value, and not according to the gross value. It was said that this would create a great deal of confusion and difficulty. That might be so for the first year or two, and great attention would be required; but it would not be the case afterwards. Gentlemen in this country were well aware that this was done in the case of the unions without any considerable amount of trouble, and with very great uniformity. At the same time these were all matters of detail, which could easily be dealt with in Committee, and he should have no objection to refer the Bill to a Select Committee. He had no wish to ask the House for anything that might not be considered reasonable and fair; but he certainly thought that some more satisfactory proceeding might be adopted with regard to the valuation of property for rateable purposes than that which now existed. All he asked was that property in Scotland generally should be placed on the same footing as property in England and Ireland, and as property in Scotland itself was already placed in reference to the poor rate.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord GEORGE CAVENDISH said, that having been chairman of the Committee before whom several of the Scotch Road Bills came for consideration, and also a member of the Committee before whom some Bills of a similar character came last year, he was anxious to say a few words with regard to the special Report which had been made by the Committee this year. The main difficulty in dealing with Bills of this description had arisen when they came to the consideration of the burdens imposed upon the country. We invariably found that under the operation of the Scotch Valuation Act very unequal rates were imposed upon different descriptions of property, and the same deductions were not made as would have been made in the case of similar property in England. For instance, with regard to railway property hon. Members must be aware that very considerable expenses are incurred in maintaining the value of that property; yet, under the Valuation Act, no deduction was made for the expense of maintaining the line of railway and of repairing the permanent way. The persons who had opposed these Road Bills on the part of the railways and other heritages had very much pressed the Committee to allow them some deduction by introducing clauses to that effect into such Bills. The Committee was unanimously of opinion that it was not within their province to adopt the suggestion thus made to them; and they drew up a special Report, and, in order to give the House time to consider the question, they deferred the operation of the Peeblesshire Roads Bill for two years, thinking that in the meantime some Bill might be introduced in order to remedy what certainly appears to be a considerable injustice.

Mr. MACKIE said, he had hoped that the hon. Member for Greenock (Mr. Dunlop) would have conceived himself bound by the unmistakable opinions of the Scotch Members, and would have withdrawn this Bill. The Bill had been placed in the hands of the Scotch Members on the very day when they left town to attend their county meetings, and the consequence was that the county meetings knew nothing about it. It was not too much to hope that a Bill introduced under such circumstances should be withdrawn, at any rate until next Session. With regard to the Bill itself, the statement of the hon. Member for Greenock was so clear that he had nothing to add or take from it. The Bill would change the whole system of local rating and assessments in Scotland. At present, they pay upon the gross value in all cases, except with regard to those rates which were imposed under the Poor Law Acts, and even with regard to the Poor Law Act there were many parishes in which the rating was still upon the gross valuation, such rating having been in vogue before the passing of the Poor Law Act in 1845, and having been continued since that period with the approbation of the Board of Supervision in Edinburgh. If the hon. Member was so anxious to obtain uniformity, how much easier it would have been for him to get at that uniformity by changing the rating under the Poor Law Act. At present, as he had just stated, some parishes were assessed to the poor rate upon the gross valuation. Let the hon. Member, therefore, introduce a Bill to go back to this system, and require the other parishes to be rated upon the gross valuation. In that way he will get at uniformity at once. What he (Mr. Mackie) wanted to know was, who were the parties aggrieved — who were the parties complaining? It was usual when a Bill of this kind was introduced—a Bill dealing with every acre of land throughout the length and breadth of Scotland—to show that it was demanded by the public. There were thirty counties in Scotland, but who were the parties complaining in this case? At present, the general ratepayer was perfectly satisfied with the present system of assessment. He found that in that system of assessment there was uniformity. He found a standard of valuation in reference to which he could calculate his quota upon any assessment that might be proposed. But if the Bill passed in its present shape, how would that be in future? The effect, in his opinion, would be that a man would not be able to ascertain what his due quota to the contributions required for local rateable purposes was to be, or what that of his neighbours was. Surely, before a Bill of this magnitude was passed, upsetting the whole system which has prevailed for so many years in Scotland, a very strong case of grievance ought to be made out; and he contended that his hon. Friend had entirely failed in making out a case of grievance. In fact, he did not know what the meaning of the Bill was until that morning, when he found on his table the following circular, to which he would draw the attention of the hon. and gallant Member for Ayrshire:—

> "*Valuation of Lands and Heritages* (*Scotland*) *Act Amendment Bill.*
>
> "Sir,—The honour of your attendance is earnestly requested on the occasion of the second reading of this Bill to-morrow. It is a measure of the greatest importance to all Railway and Canal Companies, and it is believed to be framed also with due regard to the interests of the general ratepayers.—I am, &c.,
>
> "James Fergusson."

He thought this document was one of very questionable propriety; but he certainly learnt from its contents that the Railway Companies were really persons promoting this Bill. Now, in the Valuation Act of Scotland the case of railways and canals had been considered and provided for; for Clauses 21 and 22 of that Act provide for the appointment of a railway and canal assessor. He presumed that this special appointment was made in the interest of the Railway Companies. In point of fact, they knew that railways do claim and do get most substantial allowances. It, therefore, seemed to him that the railway interests had the remedy in their own hands. But if the hon. Gentlemen who promoted this Bill had been able to make out a grievance, the remedy which they propose was one which it would be impossible to adopt. What is the remedy they offered? They propose that every assessor acting under the Valuation Act should ascertain and fix what is to be the annual cost of repairs, insurances, and other expenses necessary in maintaining lands and houses, and also of the rates and taxes and public charges that are payable in respect of the same. Now, there were thirty counties in Scotland, with thirty assessors. Every one of those assessors, dealing with the same class of property, might put down his own idea of the rateable value of these different lands and heritages; so that, in point of fact, you would have thirty different ratings according to the view thirty different assessors may take in regard to the same subject in different localities. It seemed also to him that the proposal contained in the Bill, if carried out, will be most expensive in its operation. Inasmuch as the lands and heritages dealt with extend over every county in Scotland, these assessors will have to ascertain and assess the rateable value of the whole property of the kingdom. Every proprietor would of course send in an application for deductions, whereupon the unfortunate assessor has to sit in judgment on the claims, and put down a rateable valuation. In cases of appeal, who was to consider them? Who was to constitute the Court of Appeal? Were the Commissioners of Supply to sit in judgment in September and settle all these questions? He did not think that they would be disposed to do anything of the sort; nor would the month of September be sufficient for the proper hearing and disposing of all cases they would have to deal with. He thought the Bill would be found wholly unworkable in all respects, and that it would involve great and unnecessary expenditure. In the interests of his constituents, he therefore thought it right to propose that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Mackie.*)

Question proposed, "That the word 'now' stand part of the Question."

COLONEL DOUGLAS PENNANT said, he was in no way connected with the railway interest in Scotland, and had no wish to enter into any details with regard to the machinery of this Bill. He merely rose for the purpose of confirming the opinion expressed by the noble Lord the Member for North Derbyshire (Lord George Cavendish) with regard to the views the Committee took in reference to the new system which of late years had been adopted, and which was becoming every year more and more general in Scotland, of throwing all the roads and highways upon the counties of Scotland for assessment at their full gross value. In the assessments for the poor rates, certain deductions were made, and among those deductions came the sums paid by railways for repairs and maintenance of the permanent way, but in assessing for other purposes no such deduction was allowed. That question came under the consideration of the Committee on Scotch Road Bills—of which he was for one or two years chairman, and of which the noble Lord opposite was chairman this year—and it was admitted that great injustice would be done to the Railway Companies if they were compelled to pay on the gross rental, for which they were entered on the valuation roll. The Railway Companies wished the Committee to fix a specific value for each railway included in the Bill; but the Committee decided that they would not enter into the question in that partial way, and be the means of introducing a most anomalous system of rating, which might vary in each case according to the opinion of the Committee before which it might be brought. But on all occasions the Committee felt that some public measure ought to be passed for the purpose of placing the railways upon some clearly defined footing. The Committee inquired from the railway assessor whether any deductions were made from the gross value of railway property for the purpose of repairs, and he stated that no deduction was made for maintaining or repairing the permanent way. That alone was, in his opinion, a strong reason why something should be done to put the railways upon a fair footing with regard to valuation, and for that reason he should support the second reading of the Bill.

Sir EDWARD COLEBROOKE said, it was not because he did not feel the force of the arguments used by his hon. Friend the Member for Greenock (Mr. Dunlop) with regard to the general principle of allowing in Scotland the same deductions which were allowed in England, that he could not consent to vote for the second reading of the Bill. The whole question was, whether you can enforce the deductions in the manner proposed by the Bill, or without introducing a much more extensive principle involved in the measure. The hon. Member said that he was quite ready to go into a Select Committee, and consider the question of the principle of the rates. But there was another principle which he must also consider, which laid at the root of the question—namely, by what public body was the question to be determined. It was proposed by the Bill that the valuation should be fixed by the officers for the county—the same officer who assessed for the income tax. To such a proposal he entirely objected. From the way in which his hon. Friend proposed that this officer should determine what in every individual property was the deduction to be made, the result would be that the assessor would make a separate valuation, and every individual assessed would appeal in the autumn to the Committee appointed by the Commissioners of Supply for the purpose of hearing appeals. The consequence would be that that body would be overwhelmed with work, and the appeals would be so numerous that it would be impracticable to carry out a measure of that sort. It was upon this ground of practical difficulty that it was found impossible to do anything with the question when it came before the House some years ago. His hon. Friend had referred to the case of England: but in England this duty was not done by an assessor but by the Boards of Guardians. He was perfectly ready to consider whether they should not form boards for the purpose of carrying out this proposal, but that was not a question that could be determined by affirming the principle laid down in the Bill. Then the time at which the Bill was brought forward was exceedingly inconvenient; for in many cases the rates had already been levied on the maximum valuation. Another objection was, that if the Bill was sent to a Select Committee it could not be a very brief one, and the Bill would come back to the House when nearly the whole of the Scotch Members would be out of town, and when it would be impossible to give proper consideration to the question. He must therefore impress on the hon. Member that which was urged upon his consideration at the meeting of Scotch Members—namely, that he should not persist with the Bill at this moment, when there was no opportunity of considering it. If on some future occasion the hon. Member would move for a Select Committee he (Sir E. Colebrooke) would be happy to support him.

Lord ELCHO said, that no one who knew the hon. Member for Greenock (Mr. Dunlop) would suppose that he was actuated by any desire other than that of promoting the public interest; but, strange to say, this Bill, which is brought forward to remedy a public grievance, and which one would think ought to be approved of by all the interests concerned, was approved of, so far as he (Lord Elcho) was aware, by no interest in Scotland except one. The object of the Bill was to place a burden which is now borne by all classes upon the shoulders of one. That was a proposal which he hoped the House would not readily sanction. Any doubt that might have been entertained as to the nature and character of the Bill must have been removed by the speeches of the noble Lord the Member for North Derbyshire, and his hon. and gallant Friend opposite (Colonel D. Pennant), both of whom spoke as chairmen of Road Committees, and both of whom were in favour of this Bill The Railway Companies, who had a common interest and a common purse, fought the question four days before the Committee; but the Committee thought that the question was one for general legislation, and could not be dealt with as a private Bill. Failing there, his hon. and gallant Friend the Member for Ayrshire, who he believed was one of their railway magnates, attempted to introduce a clause when the Bill was before the House. That attempt was also defeated. Since then the matter had been brought before a Committee upstairs; and as that also failed, the promoters of the Bill sought to obtain their object by a general measure. He hardly thought that the attention of this House had been sufficiently drawn to a matter which had been alluded to by his hon. Friend the Member for Kirkcudbright. He certainly agreed with his hon. Friend the Member for Kirkcudbright, that the extraordinary document which had emanated from his hon. Friend the Member for Ayrshire was one of very questionable propriety. Here was a Bill purporting to be a Bill for general purposes to alter the valuation of land in Scotland generally. That was the specious guise in which it came before the House, and yet from the office of one of the chief Parliamentary agents in Parliament Street proceeds this letter—

> "The favour of your attendance is earnestly requested on the occasion of the second reading of this Bill to-morrow."

And why? Because "it is a measure of the greatest importance to all Scotch Railway and Canal Companies;" and mark this, "it is believed to be framed also with a due regard to the interests of the ratepayers." Signed, "James Fergusson." This document had not been sent broadcast throughout this House. He (Lord Elcho) had not received a copy of it, and upon communicating with other Scotch Members he found that they were in a similar position. Whether it was from a spirit of chivalry before they entered the lists with the hon. Member for Kirkcudbright that they sent him a copy, he could not say; but his hon. Friend was a railway director, and it looks very much as if the Parliamentary agent had sent out the circular simply to those whom he believed to be connected with the railway interest. This, he thought, ought to be a warning to the House of Commons respecting the manner in which these Railway Companies manage their affairs. Now, as to the course the House should take in reference to a measure affecting a Bill which was passed ten years ago, the whole question relative to rating every description of property was then fully considered, and to show that railway interests were not neglected, he (Lord Elcho) might mention that out of 42 clauses not less than 10 were devoted to the way in which railway and canal property was to be assessed. Now, a measure to establish one uniform system of valuation brought in deliberately by the Government, on the responsibility of the Lord Advocate, ought not to be tampered with by a private Member of the House. If an Amendment of the Act was necessary, the Government were the proper parties to bring forward a measure for that purpose; and if they were not prepared to do so without further inquiry, let the right hon. Gentleman propose a Committee to inquire into the subject, and he (Lord Elcho) would be happy to second the proposition. But he certainly objected to private Members dealing with a subject of this great importance.

Major CUMMING BRUCE said, he wished to make a few remarks in consequence of what had fallen from his hon. Friend opposite, that railways were by the present operation of the law subject to great injustice on account of the opposition made to them, and that no allowance was made for repairs, for maintenance, and for the cost of keeping them in a condition to command the rate. Now, evidence had been given on this very point before Committees of the House of Lords and of the House of Commons in a Bill relating to tolls; and one very competent witness stated not only that railways did not pay 40 per cent higher than other lands and heritages, in consequence of their being rated at the full valuation, but he said he knew the fact to be exactly the reverse—that they got many deductions that other land and heritages did not get—that in fact they got a deduction of 100 per cent after paying every possible expense. Therefore his hon. Friend and the noble Lord opposite were misinformed when they said that railways receive no deduction, but were assessed on the full amount of their property. He objected to this Bill on various grounds. One of them had been alluded to by the noble Lord. This was a public Bill. It is one of these measures which the Lord Advocate prides himself upon, he having passed one which has been useful, and has given satisfaction to Scotland. It has been looked upon in Scotland as the only fitting one by which you can arrive at a fair valuation. The Bill proposes to introduce elements of uncertainty between the assessor and various classes of persons affected by it. In his opinion the Bill would introduce great confusion in the Valuation Act without producing any benefit whatever. If any Bill was necessary, it ought to be introduced by the Government after due deliberation, and not be left to any private Member. Considering the Bill most inexpedient and unjust, he should certainly give his vote against it.

Sir JAMES FERGUSSON said, he wished to say a few words with reference to the heavy charge which had been brought against him. The noble Lord

(Lord Elcho) had done him the honour of reading a circular requesting the attendance of hon. Members on the present occasion. He was sorry that the noble Lord regarded this as an improper proceeding. At any rate, it was one of common occurrence, for hardly a day passed on which he did not receive circulars from parties interested in measures, and begging his attendance and support. When the House recollected the little attention that was paid to Scotch business, he did not consider it improper, when great interests were concerned and important measures were to be considered, that the attendance of hon. Members should be requested. [Lord ELCHO: Why was it not sent to all Members?] He was not aware that circulars were usually sent to all Members, but only to those who are presumed to be supporters of the particular measure. If that were an improper proceeding, it is, as he had already intimated, a very common one; and he should not be deterred on any future occasion, if he considered that any measure demanded the attendance of Members, from endeavouring to secure that attendance. The noble Lord who had been so careful in pointing out his duty to him had fallen into a slight error in regard to the nature and intentions of the Valuation Act of 1854. The noble Lord said it was intended to serve as a basis of valuation in Scotland. An opinion much more entitled to weight than that of the noble Lord—namely, that of the Lord Advocate—was very different. He said the principle of the Valuation Act was the ascertainment of the gross valuation wherever the assessment was directed to be made, and that the valuation roll should only afford the basis upon which the deductions were to be made, without affecting the principle or the extent of the deductions themselves. The noble Lord was entirely under a mistake. In conformity with that opinion, the Judges of the Court of Session on a recent occasion pointed out how manifestly unfair it was to assess property which was liable to deterioration and repairs in the same proportion as property that was not so liable. He believed that the Court of Queen's Bench had lately ruled in the same manner with regard to parochial assessments in England. All that was wanted by this Bill was to have the system of rating in counties and burghs and parochial rates placed on the same footing in Scotland as in England—and that deductions should be allowed for repair, maintenance, and so forth. He hoped the House would not be led away by the assertions of hon. Members that the Bill was introduced for the purpose of any one class more than another. There could be no doubt that railway property was the most hardly hit by the existing system; but it also affected gas companies and other similar properties. But if one class was more affected than another, surely it was entitled to make the loudest claim for redress. He trusted that the House would read the Bill a second time, and then refer it to a Select Committee for the purpose of considering its details.

THE LORD ADVOCATE expressed his regret that any course should be taken which might result in giving a limited effect to the Bill as now proposed. The question is a very important one, and can only be properly dealt with by a general Bill. The question ought not to be considered as affecting one class over another, but entirely with reference to the general interests of Scotland in the matter. The object of the Bill was to remedy what was unquestionably a defect in the Valuation Act of 1854. It was not a defect which was now newly discovered, because it was a defect of which they were perfectly conscious when the Bill of 1854 passed into law. The question arose in the Select Committee before which that Bill came—whether it was desirable, in the first place, and, if so, whether it was possible to make the valuation roll so that it would show the gross and also the rateable value? Two modes were proposed for accomplishing that object. The first was, that all assessments should be made on the gross value, and that the whole system of deduction should be founded on the gross value. The Committee did not see their way to that course, and it was resisted by a considerable majority of the representatives of Scotland. For himself he thought there would have been no practical injustice if that course had been taken, as the system of deductions was complex, cumbrous, and inconvenient. Another course was then suggested—namely, to insert in the Act a schedule of deductions to provide for certain classes of property a certain percentage of deductions. A great deal of discussion took place on that proposition, but in the end that was also found impracticable, for the reason that the same class of assessments in different parts of the country were not on the same footing as regarded deductions made upon them; that is to say, that deductions which were made in reference to mill property or house property in one part of the country were found to be wholly imapplicable to other parts. The Valuation Act as it passed provided solely for the ascertainment of the gross value, and left the rateable value to be ascertained by the persons or the body who are entitled to lay on the assessment. In all subsequent legislation the assessments had been made upon the gross value; but as regards the poor's rate, there were provisions for making deductions previous to the passing of the Valuation Act; and they remained precisely as they were, the only difference being that the gross valuation was taken as the sole criterion of the value from which the deductions were to be made. The object of the present Bill was to provide that the assessment should not be made on the gross rental, nor that a percentage of deduction should be laid down, but that the assessor should fix the gross value the same as he fixed the rateable value. He did not see any difficulty in the matter. The assessor could not be less competent to fix the assessment for the net value than the assesor of the Parochial Board, who must go through the same labour before the rateable value was ascertained. On the contrary, he thought the assessor for the county was more competent from his skill and knowledge to arrive at a satisfactory result. He did not see why the Bill should be considered as a Railway Bill. That could only be on the assumption that the assessor, whose duty it was at present to ascertain the gross value of railways, would make larger deductions in ascertaining the net value than the assessor of the Parochial Board. His object in any support he might give to the measure was certainly not to favour the railways or any other class of proprietors or owners of property, but simply to accomplish now what they failed to accomplish in 1854, and to make the valuation roll a record of the rateable as well as of the gross value in order to supersede the necessity for a double valuation in each parish. He thought the course the House ought to adopt was to read the Bill a second time and refer it to a Select Committee.

Debate *adjourned* till *To-morrow.*

SUPERANNUATIONS (UNION OFFICERS) BILL.

Bill to provide for Superannuation Allowances to Officers of Unions and Parishes, *presented,* and read 1°. [Bill 133.]

UNIFORMITY ACT AMENDMENT BILL.

Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning, *presented,* and read 1°. [Bill 134.]

COUNTY CONSTABULARY SUPERANNUATION BILL.

On Motion of Sir JOHN TROLLOPE, Bill for amending the Law relating to the Superannuation of the County Constabulary, *ordered* to be brought in by Sir JOHN TROLLOPE and Colonel PACKE.

Bill *presented,* and read 1°. [Bill 136.]

GAME (IRELAND) (NO. 2) BILL.

On Motion of Sir HERVEY BRUCE, Bill to amend the Law regulating the shooting and sale of Game in Ireland, *ordered* to be brought in by Sir HERVEY BRUCE and Colonel FORDE.

Bill *presented,* and read 1°. [Bill 140.]

RAILWAY TRAVELLING (IRELAND) BILL.

Bill further to secure to the public the means of travelling by Railway in Ireland, *presented,* and read 1°. [Bill 137.]

JUSTICES OF THE PEACE PROCEDURE BILL.

Bill to consolidate and amend the Acts regulating Procedure before Justices of the Peace out of Quarter Sessions in England, *presented,* and read 1°. [Bill 138.]

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Bill to assimilate the Law of Ireland to that of England as to the qualification of Burgesses in Municipal Corporations, *presented,* and read 1°. [Bill 139.]

House adjourned at five minutes before Six o'clock.

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HOUSE OF LORDS,

Thursday, June 9, 1864.

MINUTES.]—PUBLIC BILLS—*First Reading*—Attorneys and Solicitors Remuneration, &c., [H. L.]* (No. 120); Railway Companies Powers* (No. 121).

Second Reading—Court of Justiciary (Scotland)* (No. 82).

Report—Chimney Sweepers and Chimneys Regulation [H.L.] (No. 112).

DENMARK AND GERMANY—THE ARMISTICE.—QUESTION.

THE EARL OF SHAFTESBURY asked the noble Earl the Foreign Secretary, Whether it was true that an extension of the armistice had been agreed upon?

Earl RUSSELL: Yes; the Plenipotentiaries have agreed to a further suspension of hostilities for a fortnight.

The Marquess of CLANRICARDE: Have both parties—the Danes and the Germans—agreed to this?

Earl RUSSELL: Both parties. The Danes agreed to a further suspension for a fortnight, and the Germans have consented to it.

CHIMNEY SWEEPERS AND CHIMNEYS REGULATION BILL REPORT (No. 112.)

Amendments reported (according to Order.)

Earl GREY moved to insert the following clause after Clause 11 of Bill, as amended in Committee:—

> If any Occupier of a House shall knowingly allow any person under Twenty-one Years of Age to be sent up a Chimney in the House he occupies, he shall be liable to a Penalty not exceeding Ten Pounds.

The Earl of LONGFORD opposed the Amendment. The clause would expose householders to perpetual vexation. The regulations in the earlier clauses affecting master-sweeps would, he thought, be quite sufficient to insure the object in view.

Lord PORTLAND also opposed the Amendment.

The Earl of SHAFTESBURY thought that the Amendment might endanger the safety of the Bill in this and certainly in the other House. A case had been pointed out to him in which a householder was convicted of a similar offence under the law as it now stood, and he hoped that his noble Friend would withdraw the Amendment.

Earl GREY said, that if the law really was already what he thought it ought to be he should not press the Amendment; but he had thought it most improper to fine the master chimney sweeps and allow a person in a higher rank of life, who was guilty of the same offence, to escape.

Amendment (by Leave of the House) *withdrawn:* Bill to be read 3^{a} *To-morrow.*

ENLISTMENT OF IRISH IMMIGRANTS.

ADDRESS FOR PAPERS.

The Marquess of CLANRICARDE in rising to move an humble Address to Her Majesty for Papers relative to the Enlistment of Irish Immigrants and others Her Majesty's subjects in the United States Army, said that their Lordships might think him somewhat pertinacious in entering again into this subject; but he could not help feeling that Her Majesty's Government had been remiss in the matter. The subject was one of considerable importance. It was of the utmost interest to the people of this country, from its connection with the prerogatives of the Crown and the welfare of a large portion of Her Majesty's subjects; and it was also a matter in reference to which we had incurred a great moral responsibility, inasmuch as there was reason to believe, that if proper measures had been taken to prevent it long ago, the civil war in America would have ended before now; and if the recruiting of British subjects were now put a stop to, he believed the war would be brought to a comparatively early termination. If the cases of this description, which had been brought before Parliament, were isolated and exceptional—if they had arisen only from overzeal or indiscretion or avarice on the part of American citizens—he should not have been apt to notice them. But the Federal recruiting in the British dominions had attained large dimensions. No man could doubt that for two years there had existed a deliberate intention on the part of the Federal Government to feed its armies from the inhabitants of foreign countries, and especially with subjects of the Queen. The sanguinary war which had raged had rendered it impossible for the Federal Government to recruit its armies from the population of the Federal States, and it now deliberately sought to recruit its armies from abroad. He was not one of those who were disposed to lay very much stress upon the Foreign Enlistment Act, because he believed that it was seldom found to be very efficient in its working, either with regard to the belligerents or with regard to our own subjects. The results had not been creditable either to our legislation, our jurisprudence, our administration, or our Government; and especially the attempts which had been made by the Government of this country to preserve impartiality in the contest on the American Continent had not procured for us much credit, nor tended to increase the respect with which we were regarded. It was a fact, not at all unknown in the metropolis or in the business world, that one of the belligerent Powers had been plentifully supplied with arms and munitions of war by this country from the commencement of the contest; and this he was told was contrary neither to the Foreign Enlistment Act, nor to the Queen's proclamation of neutrality; and yet, as soon as it was proposed to supply the other belligerent Power with ships—a course which would practically have placed the resources of this country impartially within the reach of both parties—the Government had found itself compelled to take action and to assert its entire neutrality. He maintained that at no former period of our history had foreign enlistment so extensively prevailed. It was a fact perfectly notorious, that there had been approved agents of the Federal Government established not only in Ireland but also in England, for the purpose of enlisting recruits. He had received communications upon the subject from the midland counties, informing him that such was the case; and he had learnt that efforts to obtain recruits had even been made in Lincolnshire, where it would have been thought there was little likelihood of success. The Federal Government itself had made no secret of its actions. The Secretary of State presented to Congress a Bill strengthened by a Message from the President, actually providing for such enlistments, and the measure was referred to the consideration of a committee. The Bill proposed to establish a foreign recruiting department, the head-quarters of which were to be at New York, and that its recruiting agents should be scattered through foreign countries. He believed that such a plan had never been suggested any where but in America. Was it possible to doubt that the chief object of such a measure was to facilitate the enlistment of recruits from this country and other portions of Her Majesty's dominions? The law was not passed, and it failed partly because it was feared that so open a manifestation of the intentions of the Federals might excite the opposition of our Government. The Bill was what was called in the language of the country "tabled." We had not only this to complain of, but we had also submitted to what was contrary to every international law. He had by him a Liverpool paper in which it was stated that a regiment of 1,500 Germans had been levied in Germany, and that they were to sail from Liverpool as ships could be provided for the purpose. The newspaper recorded the departure of 130 Germans in the same manner as if the event were the embarkation of a regiment of the Guards. That was exactly one of those cases which the Foreign Enlistment Act had been intended to prevent. Of course, it was not openly stated that men were enlisted for the army. It was pretended that the demand for soldiers caused by the severity of the conflict had created such a displacement of industrial labourers, that many branches of the industry of the country were at a stand-still on account of the impossibility of procuring workmen. No man, however, who examined the provisions of the Bill to which he had referred would credit such statements for a moment. The provisions of the Bill, according to the account which he had read of it, proposed to advance the passage and other sums of money to the immigrants, which were afterwards to be deducted from their wages. It was obviously absurd to think that the Federal Government would appoint collectors to go round all over the country and collect weekly or monthly payments, as the case might be. The money could only be repaid by deductions from wages if the men were engaged in service under the Government, and it was notorious that that service was in the army. They knew that for the last two years proclamations had been issued for recruits, that the President of the Federal States had called upon the different States to supply their quota, and that some of those proclamations had scarcely produced more effect than so much waste paper. There were only two States where the quota of soldiers was supplied proportionate to the population; the quotas for the other States were in the aggregate 322,000 men short—a number equalling our whole army, including the army in India. To illustrate the difficulty the American Government were in to obtain soldiers, he might refer to a statement which he had seen in a newspaper of an answer which President Lincoln had given to a deputation from certain states on the subject of the enlistment of coloured men, who were paid the same as white men. The President's answer was that by making the pay the same he expected to raise 136,000 men. In even the more wealthy States the enlistments were not at all successful. It was well-known how that the need of men had driven the United States' Government to employ negro soldiers, and President Lincoln had recently stated that he expected the negro regiments would provide him with 130,000 men. It was truly horrible to think that such vast numbers of men should be wanted for the mere purpose of slaughter. In the space of very few weeks no less than 40,000 men had been lost to one army alone, and from calculations based upon hospital returns there was no reason to think that that number was exaggerated. Such a state of things was not creditable to the civilized world, and at least we ought to take steps to prevent our fellow-subjects from becoming victims in the dreadful conflict now raging in America. When the pretence of inducing men to go over to America to work upon canals and railways was put forth, no one could be deluded by it in that House. They had heard of the case which occurred not long ago in Ireland, where a number of operatives were induced by a Federal agent to accompany him to the United States. Upon arriving in Boston the men were lodged in a sort of barn, where they were kept without food all day. In the evening strong drink was freely supplied, and some of the unfortunate men became so stupefied that they did not recover their senses for two days. After the men had drank deeply, Mr. Kidder, the person by whom they were engaged, visited them, accompanied by government and police officers, and informing them that he had been disappointed in the work for which he had engaged them, recommended that they should join the United States' army, at the same time tendering the bounty, specially inviting them to join a particular regiment, which, he said, was wholly composed of Irishmen. Some were induced to accept the bounty, but the others were turned out next day, and were indebted for food to the charity of their fellow-countrymen in Boston. That was the way in which subjects of this country had been treated in a town where we had a consul. He wanted to know what had been done for those men, and what reparation had been sought for them, and whether any precautions had been taken to prevent the recurrence of such transactions in future? That such practices as those he had referred to were not uncommon, they knew upon the authority of a Federal officer, General Wisden, who remonstrated against the sort of men who were sent to him, of their being mostly foreigners, and of the manner in which they were enlisted, stating that frequently they were sent off to the depôt while drugged, and refused to do duty upon recovery, alleging that they had not been fairly enlisted. In these cases the men were shot at once without trial. Were such proceedings to be allowed to continue? It was not only in this country and in Ireland that the practices he complained of had been carried on; but he had seen letters from Canada, which spoke of similar doings there, and in one case mention was made of the desertion of several non-commissioned officers and men from a regiment serving there, tempted to do so by the inducement being held out to them of commissions in the Federal army. He would not mention the particular regiment referred to, because he trusted that the statement might not be correct. He might be told that all these were general statements; but even if so they were statements known to all the world, and could not be unknown to the authorities here. He wanted to know whether we were to continue upon terms of amity and alliance with a people who treated us in this manner, and who received our remonstrances with contempt? It was to be regretted that the case of the *Kearsarge* should have been suffered to pass almost without notice. A more flagrant case than that of the officers of this vessel in Cork Harbour had never occurred. This, however, was a question between nation and nation. How was a similar question treated by the Government of the United States in 1812? Mr. Madison, in his declaration of war against this country, went far beyond the Order in Council which was the immediate cause, and complained generally of the practice of impressing seamen found on board American ships. Mr. Madison did not complain that John Smith or Tom Jones was taken out of a particular ship, nor did he draw an indictment as particular as an Old Bailey lawyer would make it, but he complained of the general practice of this country, and said the United States would not suffer it longer. He did not wish to go to war—he rather desired to put a stop to war. When this country had been treated with insult and indignity—when our fellow-countrymen had suffered great injuries, he wished not for war, but for something like vigorous remonstrance and an assurance that the objectionable practices should not be continued. If he were asked whether, if remonstrance failed, he was prepared to go to war, he would ask, in reply, for what were we ever to go to war if not for insults offered to our sovereignty, and injuries done to our fellow-subjects for which no redress had been afforded? Why did we pay £30,000,000 a year for our army and navy if these forces were not to be employed in maintaining the honour of the country, and affording protection to our fellow-countrymen? We were doing neither. We had supplied the Northern States with arms and munitions of war to an enormous extent, and it might be difficult to prevent that. But we had also supplied during the last year or so many thousands of men, and of the tens of thousands who had been massacred in this awful conflict, there could be no doubt that a large proportion of the victims had been born subjects of the Queen. He contended that such a state of things ought to be put a stop to by Her Majesty's Government. We had no business to be in amity or in diplomatic relations with a country which paid so little regard to the rights of our fellow-subjects as the Federal States of America had shown in this matter. He could not help thinking that a great deal of blame must be laid to the charge of the nations of Europe for the continuance of this war. When two great armies were fronting each other was not perhaps a time when any hopeful interference could take place; but there had been times when he thought interference might usefully and effectively have taken place. While on the one hand we took a tone as regarded our fellow-subjects to show that we would not permit the repetition of such conduct as had gone on during the last year, he also hoped that within a very few weeks there might be such a state of affairs in that country when it would be perfectly proper and possible for the nations of Europe to enter upon this matter with a firm and decided tone, and that they would take those steps by which alone he believed this horrible carnage, utterly fruitless in itself—injurious, above all, to America—disgraceful to the century in which we lived, and shocking to the feelings of all mankind, would be terminated. The noble Marquess concluded by moving that an humble Address be presented to Her Majesty for Papers, &c.

LORD BROUGHAM, in rising to second the Motion, wished to make a few observations on some parts of his noble Friend's statements. No one could lament more deeply than he did, not only the cruel and calamitous civil war which had been raging for the last three years in America, but the conduct of many of our countrymen in joining in this dreadful contest, more particularly those who came from that part of the country to which his noble Friend belonged, and who, he lamented to say, had in great numbers entered the Federal army. He highly disapproved of the conduct of the Federal Government, not only in the attempt, which they began but could not carry out, to establish depôts for raising foreign recruits; but he disapproved as entirely of their taking men—even if they did not inveigle them by the tricks which had been described—taking them even when the men honestly entered, and entered knowing what they were doing, even though not deceived by crimps and deluded under the influence of strong liquor. The men were told they were going merely to labour in the fields, and after they were there they were told there was no work for them, and they were asked, "Will you please come into the army?" But even suppose the most fair and honest contract made between these Irishmen and the recruiting officers of the Federal Government, he still disapproved of the course which they had adopted. What was their complaint against us? That we were not sufficiently neutral. That we did not hold the balance even between the two parties—Federals and Confederates. Both parties in America, he believed, complained of us in this respect; but could there be a more open infraction of neutrality than the conduct of those who compel the poor Irish immigrants to enter their service, or who take them into their service? They were taking men into their service who were guilty of an offence punishable severely in this country. These men were criminals. The crime of which they were guilty had lately been made a misdemeanour by the Foreign Enlistment Act; but in the reign of George II. it was felony, and at one time it was a capital felony. The men were still criminals, and the Federal Government employed men knowing them to be criminals, and that it was only as criminals that they were entering into their service. Time was when those same Americans complained bitterly of our employing foreign troops to subdue them—to do the very same thing towards them which the Federals were now doing towards the Confederates — endeavouring to restore the Union that was to conquer, or attempting to conquer, the Confederates by foreign troops. In the draughts to supply the enormous demands which this most lamentable war had made—he believed not less than 600,000 in the course of the last two years — they took not regiments or corps, but thousands of persons from Germany, and he grieved to say hundreds at least from Ireland. The Germans formed a great part of their resources to supply the blanks which this cruel war had made. These Americans complained of our conduct in 1778; and the worst thing they considered we did in attempting their conquest was the employment of Hessian and other German regiments in the course of the war. The eloquence of Mr. Burke and of Lord Chatham made the walls of Parliament ring with complaints of the German mercenaries being taken into the pay of the Government for the purpose of subduing America. Now, these Americans were doing the very self-same thing, not by taking corps, but thousands of individuals who are foreigners into their service, and employing them against the Confederates. He wished his voice, which hardly reached the limits of that room, could reach across the Atlantic to his old friends and clients—for taking part with whom in 1812, to which his noble Friend referred, he had suffered much abuse in this country, being called at one time the Attorney General of Mr. Maddison, at all times the tool of Mr. Jefferson, and said in every respect to have given preponderance to America over his own country—a groundless charge, but it was made, and it showed the anxiety and warmth with which he supported the cause of America. Would that his former clients would now listen to him, imploring them for once—once and for all, to be satisfied with the glory they had gained; for they had shown the greatest courage universally—both Confederates and Federals had shown the greatest fortitude, the greatest courage, the most extraordinary capacity for war—he meant for war as regarded mere fighting, which no doubt a great part of war was; and they had shown that, if they were not sparing of other men's lives, neither were they sparing of their own. Let them, then, be satisfied, for the love of peace, of Christian peace, with what they had gained by that glory, and let them at the last restore peace to their country. He believed there was but one universal feeling—not only in this country but all over Europe—of reprobation of the continuance of this war, of deep lamentation for its existence, and of an anxious desire that it should at length be made to cease. His noble Friend had adverted to the possibility of intervention. He had himself refused, during the last three weeks, to present petitions from various mercantile bodies to urge on the part of the Government intervention in the American war. He did not feel that the time had yet arrived; but he lived in hopes that before long an occasion might arise when, in conjunction with our ally on the other side of the Channel, we should interfere with effect, and when an endeavour to accommodate matters and restore peace between the two great contending parties would be attended with success.

Moved,

> "That an humble Address be presented to Her Majesty for, Copies of or Extracts from any Despatches from Her Majesty's Minister at Washington relating to the Proceedings or Report of the Select Committee of the United States Congress on Immigration, or to Bills upon that subject brought into Congress."

And also—

> "Copies of or Extracts from Despatches or Reports respecting the Enlistment of Irish Immigrants at Boston and Portland in the month of March last, or to the Enlistment of any of Her Majesty's Canadian Subjects in the United States Army."

EARL RUSSELL: My Lords, my noble Friend has moved for copies of despatches and reports respecting the enlistment of Irish immigrants in the United States' service at Boston and Portland, and knowing perfectly well that those papers would be granted—for their production has been promised—he has thought it right to raise his complaint that remonstrances have not been made at Washington against the proceedings adopted at those two places. Now, it is no doubt more convenient to complain of your Minister abroad and your Foreign Secretary at home before you have the papers; but it would, I think, be more candid to wait till you have the papers, and then to see whether Lord Lyons or I have so entirely neglected our duty as my noble Friend presumes we have done. I can only say for Lord Lyons, that he has continually remonstrated, not only by despatches and notes, but, as he says, more frequently in interviews with Mr. Seward; and since he has been at Washington nothing has given him greater vexation and distress of mind than those proceedings at Boston. I shall say nothing about myself at this moment, except that I have seconded the efforts of Lord Lyons. Well, my noble Friend, after many explanations on this subject, remains in the same confusion of mind with respect to the Foreign Enlistment Act that was so prevalent at the commencement of this war. He says, "You allow muskets and powder to be conveyed to the Federal States, while at the same time you prohibit ships from going to the Confederates." In the first place, it so happens that there is that distinction in the law. There is no law which prevents persons in this country from taking arms or powder either to the Federal States or to the Confederates. Such articles are liable to capture, and the vessel conveying munitions of war may also be condemned if found attempting to break the blockade. But those who carry such munitions are not liable to any punishment in this country for so carrying. There is likewise reason as well as law for this distinction. When you send muskets or powder as articles of merchandize, they, as the American authorities have always declared, are among the productions of the industry of the country from which they come, and those who send them do not themselves perform any act of hostility. Such munitions may, indeed, after reaching a belligerent, be then applied for purposes of hostility. But it is a very different thing if you have men either enlisted or arrayed in this country for the purpose of hostilities against any Power with which Her Majesty is at peace, or if you have a ship sent out from your shores for the purpose of hostilities against such a State. If the ship went, as some of the American Judges have in certain cases found was the fact, merely with a crew sufficient to take the vessel into the port of a belligerent, that might be a case somewhat analogous to the carrying of cannon and muskets. But when the vessel and crew go forth already equipped from the coast of the neutral, and with a sufficient crew, to commit hostilities directly they get to sea against the State in amity with Her Majesty, it is evident that that is quite a different proceeding from carrying muskets over from your own coast to a belligerent's coast as merchandize. Take the case which occurred 200 years ago, when 10,000 men were sent to take part in the civil war in Portugal. If you have 10,000 men arrayed and sent from your shores to take part in a civil war, the Government are properly responsible for that. But with a confusion of ideas on the part of my noble Friend which is hardly excusable—

THE MARQUESS OF CLANRICARDE: There is no confusion in what I said. What I said, or intended to say, was that one of the objections to the Foreign Enlistment Act was that it did not meet the contingency which has arisen. I found fault, not with the Government, but with the Act

EARL RUSSELL: I am aware of that; but my noble Friend did not appear to see the reason of the Act, and a very sound and sufficient reason it is—namely, that if you send cannon or muskets they are articles of merchandize; but if you send men armed with muskets and formed into regiments to be employed against a State in amity with Her Majesty, you are clearly taking part in the war. It is on that principle that we have not allowed ships to go from this country armed and ready to commence hostilities, if we could prevent it. We have so acted, believing not only that it is the law, but that the law is based on a sound principle. My noble Friend went on to complain of what has been done in Ireland; and certainly I am ready to complain of that as much as he is. But when we come to investigate the circumstances, the question is whether the Government or those who execute the law in Ireland are to blame for anything which has occurred there. It appears that a person named Finney, representing himself as a merchant who had lived twelve or thirteen years in the United States, engaged in a speculation with another person named Kidder to induce men to go from Ireland to America, in order to obtain the 600 or 700 dollars per head bounty money on their entering the army there. These speculators put the greater part of that money in their own pockets, and defrauded the honest, but I must say credulous, countrymen of my noble Friend. My noble Friend says that when these advertisements appeared, holding out the hope of high wages to these poor people by working on railways and canals in America, he is at a loss to conceive how any of them should have allowed themselves to be so duped. Well, if he is at a loss to conceive how that could be, certainly I must be much more so; but I am afraid that such credulity is somewhat characteristic of his countrymen. But how is the Government to blame in the matter? If a man comes to this country and says to labouring men already earning tolerable wages, "If you will go and work in Germany or in America, or wherever it may be, I will take care that you shall get very high wages," and if people are simple enough to yield to that temptation, how can the Government be blamed for their imprudence or folly? It must be a very singular Government indeed which should undertake that no man shall do anything improvident or foolish. Well, about one hundred of these men went from Ireland to Boston and Portland. My noble Friend has truly described the nefarious treatment they met with in those places. I cannot but think that the United States' police acted a very unworthy part, as well as those who were immediately concerned in inveigling these persons.

But the police and the recruiting officers declared before a committee of inquiry which the American Government instituted, that when the men engaged to enlist they were perfectly sober, and that however drunk they were the evening before, they were sober at the time they enlisted. Well, Lord Lyons said, and I think very justly, that the men themselves should have been examined as to the treatment they received and the state in which they were when they enlisted. Instead of that several of them were carried off as recruits, and immediately sent to join the United States' army. One of them, named Sullivan, was afterwards taken to hospital; and he subsequently told his story to Lord Lyons, explaining the way in which he had been coerced, and how he had escaped. I have said before, that I think it highly discreditable to the United States' Government, to their civil as well as their military authorities, that they did not immediately make an investigation into the facts stated to them by Lord Lyons; that they did not bring all these men to Washington, and, unless they were found to have enlisted in a perfectly voluntary manner, discharge them. Lord Lyons has remonstrated against the inaction of the United States' Government, and their want of attention. But my noble Friend requires more than this; he seems to think we should have intimated, that if our remonstrances were neglected, we would go to war. He says that if ever there was a case for war, this is that case; and he asks, "If remonstrances of this kind are not attended to, when will you go to war?" Undoubtedly these acts of injustice are the sort of acts which are frequently calculated, unless they are redressed, to lead to war; and it is the bounden duty of the American Government to attend to remonstrances so well grounded as those which we have addressed to them. The conduct of the American Government in 1812 is held up by the noble Marquess as an example for imitation. I cannot think that this is the case; for if the complaints of the American Government had been well founded, if they had waited a few months they would have seen the effect of the eloquence of my noble and learned Friend (Lord Brougham). But it is to be recollected that the American Government at that time had to complain of what I think was a very great abuse, the arbitrary and lawless power exercised by our officers, who had seized men, and, without any proof of their being British subjects, pressed them into our navy. Americans have told me how strong was the feeling which that caused. I have been told that it frequently happened that the sons of farmers in the New England States who had gone on board merchant ships for a year or two, were seized and made to serve on board our ships of war as if they were British subjects, and no redress could be obtained. Of course, that conduct rankled in the minds of the Americans; but still some years elapsed before they proceeded so far as to make it a *casus belli* against this country. Your Lordships must bear in mind, too, that if we were to resort to extremities we should have considerable difficulty in determining what course to pursue; for the Confederate States are in the constant habit of ordering conscriptions and forcing British subjects to serve under their standard. When our Consuls have remonstrated, they have been told, in the first place, that the men might apply to the courts of justice, and then, when they repeated their remonstrances, the Consuls themselves were sent away altogether. If, therefore, we have to complain of great injuries on the part of the Federal States, we have no less reason to complain of the conduct of the Confederate States; and if war is our only remedy we must go to war with both belligerents. The noble Marquess seems to have an appetite for war, and perhaps he would be better pleased to go to war with both parties than with one only. All, however, I can say at present is, that our remonstrances shall be continued; and that we shall continue to warn, as we have heretofore endeavoured to warn, the subjects of Her Majesty in Ireland against embarking in these plans, which pretend to be plans for obtaining their labour at high wages in America, but which are really intended to entrap them to serve in the armies of the Federal Government, and to secure the fraudulent gains which the concoctors of these schemes hope to make in the shape of bounties for enlistment. I agree with the noble and learned Lord, (Lord Brougham) who has just spoken, that this is a most horrible war. There appears to be such hatred and animosity between great hosts of men, who were lately united under one Government, that no consideration seems powerful enough to induce them to put an end to their fratricidal strife; and it is difficult to deal with them on those ordinary principles which have hitherto governed the conduct of civilized mankind. It is to be hoped that these hostilities may cease; but I am afraid it is not to be reckoned on that any interference of ours would tend to conduce to that end; because, among the other feelings of violence and animosity which prevail in America, there is a strong feeling against any of the nations of Europe, but especially any of the monarchical nations, pretending to meddle with the civil war now raging in that country. I am afraid, therefore, that we shall not be able by any of the means suggested to put an end to this war. Still, it is dreadful to think that hundreds of thousands of men are being slaughtered for the purpose of preventing the Southern States from acting on those very principles of independence which in 1776 were asserted by the whole of America against this country. Only a few years ago the Americans were in the habit, on the 4th of July, of celebrating the promulgation of the Declaration of Independence, and some eminent friends of mine never failed to make eloquent and stirring orations on those occasions. I wish, while they kept up a useless ceremony—for the present generation of Englishmen are not responsible for the War of Independence—that they had inculcated upon their own minds that they should not go to war with 4,000,000 5,000,000, or 6,000,000 of their fellow countrymen who want to put the principles of 1776 into operation as regards themselves. With respect to the Motion of the noble Marquess, I shall produce whatever papers we have got. Those papers, I think, tell a story very discreditable to the American Republic. All I can say is that we shall continue to remonstrate in the strongest terms, not to save the unfortunate men who have already enlisted, and many of whom have already fallen in the field, but with a view to prevent similar practices in future.

THE MARQUESS OF CLANRICARDE said, he did not want the Government to take any steps for the protection of persons who had voluntarily separated from their allegiance to the Queen and taken part with the Federal or Confederate States. But there were others who had been entrapped into the American service, and he was sorry to hear that the noble Lord intended to do no more than continue his remonstrances, which up to the present moment had proved quite ineffectual. If the noble Earl inquired of the Secretary for War, he would learn that about 5,000 men, chiefly bachelors, were now embarking every week at Cork for America; that they were provided with free passages paid for in greenbacks; and that as soon as they landed they were either put on board American ships of war, or sent to one or other of the American armies. While all this was going on the noble Lord would also learn that we could get no recruits in Ireland for our own regiments, and that the military authorities were actually going to reduce the recruiting depôt at Cork.

EARL RUSSELL said, that if the noble Marquess would furnish him with reliable evidence of illegal transactions at Cork or elsewhere, he would at once order the parties to be prosecuted.

Motion *agreed to.*

COUNTY COURTS ACT AMENDMENT BILL—[No. 70.]—QUESTION.

THE EARL OF DERBY said, he was informed that his noble and learned Friend on the Woolsack had called upon the County Court Registrars to report in detail the circumstances of all cases within their knowledge, where persons unable to pay their debts had actually been subjected to imprisonment. The answers of the County Court Judges had been laid upon the table, and he wished to know whether there would be any objection to lay their Reports on the table before the further consideration of the County Courts Act Amendment Bill to-morrow week?

THE LORD CHANCELLOR said, he had not given any instructions whatever that such Returns should be asked for from the Registrars; but he was not quite sure but that his Secretary might have written to some particular Registrars requesting information on the subject. However, he would make inquiry, and if he had found that Reports of the kind referred to had been made he should produce them. In his own opinion, the reduction of the limitation in the case of debts under £20 to one year was the true conclusion to which they must ultimately come, but at the same time the transition would at present be great. He was, therefore, prepared to agree to the Amendment to reduce the period in the first instance to three years. He held also that a measure of this description ought to be purely prospective, and not retrospective in its operation. It was intended that the period of limitation should be reckoned from the date of the last item supplied, or of the last part payment, or of any subsequent acknowledgment in writing of the debt after delivery.

Lord CHELMSFORD said, he thought there would now be perfect accord on the subject, for the Amendment proposed by the noble and learned Lord was, subject to trifling variations, the same as he was himself prepared to move when the Bill was in Committee.

ATTORNEYS AND SOLICITORS REMUNERATION, &c., BILL. [H.L.]

A Bill to alter the Law relating to the Remuneration of Attorneys and Solicitors by their Clients, and also in other respects to amend the Law as administered in Courts of Equity—Was *presented* by The Lord Chancellor; and read 1ª. (No. 120.)

House adjourned at a quarter before Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 9, 1864.

MINUTES.] — Public Bills — *Resolutions in Committee*—Countess of Elgin and Kincardine [Queen's Message, 6th June]; Greek Loan (Consolidated Fund).
First Reading—Settled Estates Act Amendment (*Lords*)* [Bill 142].
Second Reading — Street Music (Metropolis) [Bill 90]; Writs Registration (Scotland) [Bill 84] *withdrawn.*
Committee — Collection of Taxes (*re-committed*) [Bill 96]; Railways Construction Facilities (*re-committed*)* [Bill 110]—r.p.; Valuation of Rateable Property (Ireland)* [Bill 102].
Report — Collection of Taxes (*re-committed*) [Bill 96]; Valuation of Rateable Property (Ireland)* [Bill 141].
Withdrawn — Writs Registration (Scotland)* [Bill 84]; Church Building and New Parishes Acts Amendment [Bill 61].

NAVY.
INSPECTION OF THE "RESEARCH."
QUESTION.

Sir JOHN HAY said, he rose to ask the Secretary to the Admiralty, Whether there has been any Official Correspondence from the Commander-in-Chief at Devonport on the subject of the recent inspection of the *Research*; and, if so, whether he will lay it on the table of the House?

Lord CLARENCE PAGET, in reply, said, there was a very great objection to laying the Confidential Reports of Naval Officers to the Admiralty on the table of the House. If his hon. and gallant Friend would state any particular points in the case on which he wished for information, he should be very happy to furnish him with it. He objected to the production of the Correspondence in question simply on the ground of principle.

Mr. FERRAND said, he had put a similar Question to the noble Lord a few nights ago, and he had stated in reply that he would lay the Correspondence on the table.

Lord CLARENCE PAGET: My hon. and gallant Friend alludes to further Correspondence.

Sir JOHN HAY said, he must urge upon the noble Lord the expediency of producing the letter for which he had just asked, as it involved the character of a distinguished officer, and also the quality of one of Her Majesty's Ships.

Lord CLARENCE PAGET: If my hon. and gallant Friend puts it to me in that way I cannot refuse, but as a rule it is my duty to object to produce Reports from officers, which are always more or less of a confidential nature.

THE COLONY OF LAGOS.
QUESTION.

Mr. ARTHUR MILLS said, he would beg to ask the Secretary of State for the Colonies, Whether his attention has been called to the disastrous condition of the Colony of Lagos, and to the circumstance that the policy adopted by the Governor has destroyed the trade with Abbeokouta, and compelled its inhabitants to defend themselves against the recent attack of the King of Dahomey with ammunition purchased in exchange for slaves from French merchants at Porto Novo; and that thus the Colony of Lagos, founded for the alleged purpose of suppressing the Slave Trade, has been the direct means of stimulating it; whether the Governor of Lagos has been or will be recalled; and whether, in order to avert the recurrence of such costly disasters as have recently taken place, both at Lagos and on the Gold Coast, Her Majesty's Government has considered the expediency of relinquishing all territorial Protectorates on the West Coast of Africa?

Mr. CARDWELL, in reply, said, the Governor of Lagos had written to him by the last mail stating that he was about to proceed upon a mission to Abbeokouta in the hope of restoring, by pacific measures, the peaceful relations between the people of that district and the King of Dahomey, the war between whom was the chief cause of the depression of trade to which the hon. Gentleman had referred, and also to obtain redress for the long standing claims of British subjects. The answer which he had returned to the communication of the Governor was that he should confine himself to pacific measures in the prosecution of his mission. In reply to the last part of the Question he was not prepared to say that there was any change in the policy hitherto pursued by the Government. He conceived that our object was to promote legitimate commerce, and to discourage human sacrifices by all legitimate means; and he should be always ready to use his best efforts to promote those objects, with the smallest possible expenditure of blood and treasure on the part of this country. It would be satisfactory to the House to know that the Slave Trade was now almost unknown in Lagos; and he wished to add that he must not be regarded as concurring in the assumption that it was the policy of the Governor which was the principal cause of the difficulties in that quarter. The chief cause, on the contrary, he believed to be the war between the Abbeokoutas and the King of Dahomey, which the Governor was endeavouring by pacific measures to put down. He could not, he might add, countenance the imputation conveyed in the question, that the French merchants at Porto Novo had been concerned in the Slave Trade. The Government had not determined to recall the Governor of Lagos, nor was it his wish to say a single word in that House to discredit a public officer who was engaged in the discharge of such arduous duties as that gentleman had to perform.

OYSTER DREDGING AT BEACHY HEAD.
QUESTION.

MR. CAVE said, he wished to ask the President of the Board of Trade, Whether his attention has been directed to a statement that a large fleet of oyster smacks has been lately dredging within twenty miles south of Beachy Head; whether this is not contrary to law; and, if so, why the prohibition against smacks putting to sea with dredges on board after the 30th of April, which has been rigidly carried out at Shoreham Harbour, is not enforced elsewhere?

MR. MILNER GIBSON said, in reply, that some information, though not of a very definite character, had been obtained, that vessels were dredging under the circumstances mentioned in the Question of the hon. Gentleman. If that were so, undoubtedly it was contrary to the law. With respect to the latter part of the Question, all he could say was that repeated warnings had been given to the owners and masters of fishing vessels, that if they infringed the law they would render themselves liable to penalties, as well as the loss of their oysters, dredges, and other fishing gear.

MR. CAVE said, he wished to know why the prohibition to put dredges on board had not been enforced?

MR. MILNER GIBSON replied, that within certain limits and under certain circumstances it was not illegal to have dredges on board in the fine months. It was, however, prohibited to have dredges on board at certain seasons on the particular part of the coast to which the Question of the hon. Gentleman referred.

MR. CAVE said, the right hon. Gentleman had not answered the latter part of his Question. Without dredges on board there could be no illegal dredging.

DENMARK AND GERMANY—THE CONFERENCE.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether he can give the House any information as to the result of the sitting of the Conference that day?

VISCOUNT PALMERSTON: Sir, I am in a position to answer that Question, and in a manner which I hope will be satisfactory to the House. The Conference to-day prolonged the armistice for a fortnight from the 12th inst., the day on which it would have expired.

COUNTESS OF ELGIN AND KINCARDINE.
[QUEEN'S MESSAGE, 6TH JUNE.]

Considered in Committee.

(In the Committee.)

VISCOUNT PALMERSTON: Mr. Massey, Sir, the duty which I have to perform will, I am sure, commend itself to the acceptance of the Committee. There is no occasion upon which this House is more entirely the organ of the feelings of the nation than when it acknowledges the eminent services performed by those who have sacrified their time, their health, and even their lives in the public service; and the proposal which I am about to make is one that falls within that category. That which I have to propose is that, in accordance with the recommendation of Her Majesty, this House should agree to confer a pension of £1,000 a year upon the widow of the late Earl of Elgin in acknowledgment of the public services of that lamented statesman. I may state that the Indian Department, equally sensible of the great services which the Earl of Elgin performed in the East, have agreed to settle upon his widow another pension of equal amount; so that the provision will be £2,000 a year—£1,000 I hope to be provided by this House, and another £1,000 by the Indian Department. Sir, it has seldom fallen to the lot of any public man to perform services more varied with regard to the scene of their action, more important with regard to their results, or attended with greater personal exertion and personal exposure than were performed by the late Earl of Elgin. He began his services as Governor of Jamaica, the affairs of which island he administered with great ability; and he was removed thence, in consequence of the high opinion which was entertained of his abilities, to become Governor General of Canada. He was four years in Jamaica, and eight years Governor General of Canada. During that period he had the fortune to conciliate the good will of the Government of the United States, and he was able, undertaking a mission to Washington, to conclude that treaty of reciprocity between those States and our North American Colonies which has produced so much advantage to the intercourse of those two countries, and also indirectly to the commerce of this country. In 1857 the Earl of Elgin was selected to go on a mission to China—a mission attended with very great personal difficulties, and labour, and exposure, and peculiarly difficult in consequence of the character of the people with whom he had to negotiate. He accompanied the expedition, which had to carry on military operations, and succeeded in negotiating and concluding the Treaty of Tien-tsin. He returned to England, and, as is well known, became Postmaster General, but he was afterwards despatched to China upon another mission in consequence of a rupture which took place between the English and Chinese Governments, resulting from the refusal of the latter to ratify by the Emperor's signature the Treaty of Tien-tsin. He succeeded, after overcoming many difficulties, in obtaining the ratification of that treaty, and establishing our Minister at Pekin; a

result which I am sure those best acquainted with China will acknowledge to have been pregnant with good results, and most favourable to the maintenance of friendly relations between this country and the Government of China. Not only did he succeed in that very important transaction, but he also went to Japan and concluded the Treaty of Jeddo, which has opened a field of very profitable and extensive commerce to this country. To succeed in those difficult negotiations with people so little acquainted with the habits and manners of Europeans as the Chinese and Japanese, so accustomed in their intercourse with foreigners to deal in deceit, evasion, and even sometimes in breaches of faith, required a singular combination of firmness and conciliation, and I may say of the late Earl of Elgin that he was in an eminent degree the possessor of those peculiar qualities. He returned from that successful enterprize in China and Japan, and was performing his duties as Postmaster General when the unfortunate loss of Earl Canning rendered it necessary to appoint a successor to him in the Governor Generalship of India. I ought to mention, in connection with the Earl of Elgin's mission to China, that being on his way thither with troops, and with every prospect, therefore, of an early and successful accomplishment of the object of the very important mission which had been intrusted to him, and hearing of the mutiny in India, he sacrificed all personal considerations, forewent that which might perhaps have been the turning point of his diplomatic career, returned to Calcutta, and gave to Earl Canning the most important and effectual assistance which it was in his power to render. That was an act of great decision, of great vigour, and of great forbearance and self-denial, and of great patriotism. Being in England at the time when news arrived of the unfortunate loss of Earl Canning, he was asked to undertake the Government of India, and although it was well known that to encounter the climate of that country at his time of life was not unattended with certain hazards, the opinions of those who from their knowledge of his ability and experience urged him to undertake that important duty prevailed over all other considerations; he went to India and became Governor General. If it had been the will of Providence that he should have fulfilled the ordinary term of government in that country, he would, like other Governors General, have been able to make such a provision for his family as would have placed them beyond the necessity of any appeal to the country for assistance. It so happened, however, that his life was cut short, and he was, therefore, unable to make any provision for his family. We all know that when a man first undertakes an appointment of that kind he has to incur great expenses, which are only reimbursed by his continuing to enjoy the emoluments of the office for some time. I trust, then, that the Committee, considering, on the one hand, the great and valued services of the Earl of Elgin, and, on the other, that he was unable to take that advantage of his Indian appointment which in the natural course of things he would have been enabled to do, will concur with me in thinking that we are only paying a proper tribute to his merit and making a proper acknowledgment of his services by agreeing to the Vote which I have now the honour to propose. The noble Lord concluded by moving a formal Resolution conferring upon the Countess of Elgin for life a pension of £1,000 a year.

Lord STANLEY: Sir, I do not intend to detain the Committee, nor do I think it necessary to add anything to what has been said by the noble Lord the First Minister; but upon an occasion of this kind it did not seem to us fitting that entire silence should be observed on this side of the House; and I say for myself, and I know I may say it for those who sit near me, that we cordially and entirely concur in the estimate which the noble Lord has formed and expressed of the public character and services of the Earl of Elgin. When services like his have been rendered, and rendered not to a party but to the State, it is right that they should be recognized by all parties; and I am sure that the Vote which the noble Lord has proposed will meet with no objection or no unfriendly reception from any party in this House.

Sir HENRY WILLOUGHBY: Will the grant by the East Indian Company be brought before the House in any shape? I have constitutional reasons for wishing to have an answer to that question from the noble Lord.

Sir CHARLES WOOD: Perhaps I may be allowed to answer the question by stating what the Council for India has done. A large portion of the services of the Earl of Elgin having been rendered in other parts of the world, it was not for them to take upon themselves the entire charge of recognizing his services, but they felt that services were rendered by him to India on the occasion referred to by the noble Lord, when, with the highest honour to himself, he responded at once to the application of Earl Canning, and diverted the troops which were then on their way to China for the service of India. The service which the Earl of Elgin thus rendered, and also by going himself from Canton to Calcutta to see what further aid could be given to India at the time of her greatest need, had established a claim upon the Government of India which those who had charge of the Indian revenue felt it their bounded duty to recognize. His tenure of office in India was not long. He had no opportunity of distinguishing himself in the way that his predecessors in the governorship of India had done; but he had shown, so far as opportunity has afforded, the greatest discrimination and judgment with regard to all the matters that had been submitted to his consideration. So strongly was this felt that the first act of the Council of the Governor General after his death was to record in a confidential memorandum, which was transmitted to me, an expression of their unanimous opinion that some recognition of his services should be given in the shape of a pension to his widow; and it was their feeling that the revenues of India might bear their part in the general recognition of his services. That confidential memorandum was signed by every Member of the Council of the Governor General in India, and it was transmitted by Sir William Denison when temporarily occupying the position of Governor General. The statement which my noble Friend has made I concur in most strongly; and the Council of India, taking into consideration the distinguished services of the Earl of Elgin, have this very morning unanimously voted a pension of £1,000 a year to be paid to Lady Elgin for her natural life, commencing from the time of her husband's death, in addition to that which I hope and trust this House will be ready unanimously to give.

Mr. HENNESSY: The question of the hon. Baronet has not been answered, namely, whether the £1000 voted by the Indian Council to the Countess of Elgin, will come before the House. The Countess of Elgin, no doubt, well deserves this pension, and I do not find fault with it. Indeed she might receive with propriety perhaps a more liberal pension than has been granted; but, in a constitutional point of view, it was important to know whether the grant of the additional £1000 would come under the consideration of the House.

SIR CHARLES WOOD: There is no doubt that question will not be brought before the House. The Council of India exercises independent functions with reference to the revenues of India, and the Vote of the Council concurred in by the Secretary of State does not require the confirmation of the House.

SIR WILLIAM FRASER: I have no desire to prolong this discussion, but I wish to impress on Her Majesty's Government, that on another occasion, when a similar Vote will be brought before the House, the noble Lord ought to explain the principle upon which pensions are granted. I think the pension of £1,000 a year a very moderate sum; but when the Vote of £20,000 to Sir Rowland Hill is brought before the House, I shall be glad to hear the principle upon which pensions are granted, more particularly to general officers. It is usual when the Crown confers a title for this House to grant a pension of £2,000 per annum for life, and for two generations; but it is considered by some that it is not a good arrangement or economical to the country, or an adequate sum to enable a noble Lord to sustain his position. When Sir Rowland Hill's pension comes before the House, I do not think it will be an improper time to raise the question, and receive an explanation from the noble Lord of the principle upon which these sums are granted.

Resolution *agreed to.*

Resolved,

That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 20th day of November, one thousand eight hundred and sixty-three, and to be settled in the most beneficial manner upon Mary Louisa, Countess of Elgin and Kincardine, widow of the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, for the term of her natural life.

House *resumed.*

Resolution to be reported *To-morrow.*

COLLECTION OF TAXES (*re-committed*) BILL.

[BILL 96.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL GILPIN said, this Bill had been committed and re-committed, amended and re-amended, but it had undergone no discussion in that House; and, so far as he could discover, it had found no favour with the country. When the Chancellor of the Exchequer introduced the Bill he laid considerable stress upon the clause that proposed to exonerate the taxpayers from responsibility in case of defaulting collectors. Nothing was more just in principle than that when once the tax had been paid to an authorized officer, the taxpayer should not be called upon to pay it over again; but it was not necessary to bring in a Bill for that object, and at the same time make the payment of the tax more odious. The object which the Bill professed to have in view might be attained by taking proper security from the collectors. The right hon. Gentleman on one occasion said that the Bill was a reply to the local commissioners; but he remembered that some time ago a project of the same kind was referred to the commissioners with whom he was in the habit of acting. Their opinion was unanimously against the proposal, and he considered they were right in coming to that conclusion. The only way for hon. Members to test the practical effect of a Bill of the kind was to refer to their own districts, and see how it would work there. In a report from the Inland Revenue Office to the Treasury it was alleged that a saving of £50,000 a year might be expected under the Bill; but during the thirty years which he had been connected with one of the largest districts in the county of Bedford, though he had never known a single instance of a defaulting collector appointed by the local commissioners, he could not say the same of officers appointed by the Government. The district contained twenty-nine parishes, which hitherto had been assessed by two persons in each parish, making fifty-eight in all. He had gone narrowly into a calculation of all the charges that, on the lowest estimate, would be entailed under the new system introduced by the Bill, and found that the collection in the twenty-nine parishes would cost £570. In the year 1861, when the income tax stood at 9*d.* in the pound, the whole expenses of collecting and assessing the tax in that particular district was £176 5*s.*; so that the increased charge there would amount to no less than 399 per cent. In his calculation he had taken no account of contingent expenses, or of the known facilities with which all Civil Service Estimates expanded; he had merely taken moderately and fairly those items which were contemplated by the Bill. The Bill was understood to have the warm support of the Revenue department, which might get some pickings, and likewise have its patronage increased; but in the counties adjacent to his own, and in other districts of his own county, having made inquiry, he found that its operation would be attended with much the same effect which he had already shown it would have in his own district. If anywhere, one would expect to find the principal saving effected in large towns; but, strangely enough, the right hon. Gentleman had omitted from the re-committed Bill the whole of the London district. He could not help thinking that the right hon. Gentleman found the Bill so unpopular in London that he was afraid to encounter the opposition of the metropolitan Members. If that were the case, he ought to have some consideration for the country districts, in which the measure was not a whit more popular. He could not conceive that any saving would be effected by the passing of the Bill, and he hoped the House would hesitate before sanctioning a measure that would certainly render the collection and payment of taxes more odious than at present.

SIR HENRY WILLOUGHBY said, he had hoped his hon. Friend would have concluded with a Resolution expressing his views on the subject. He had himself given notice of his intention to move an Amendment to the Motion for going into Committee. The fact was, that the House had had no opportunity of expressing an opinion on the Bill. They had, indeed, slid into a very inconvenient kind of legislation in allowing Bills to pass their earlier stages in silence. Those who objected to a measure were hampered by being compelled to state their objections to the principle of a Bill on the Motion for going into Committee. That system had been carried to such an extent during the present Session, that the House had not, up to that time, had an opportunity of passing an opinion upon the principle of the Government Annuities Bill. It was read a first time, and then, after the second reading, was handed over to a Select Committee, which led to much general discussion on Loan and Friendly Societies. The Committee altered the preamble and the title. When the Bill came again it contained seventeen clauses instead of three, and only a few words of the original Bill were left unaltered to save the point of order. He was told that the Committee had heard evidence which had never been reported. The House had since had no opportunity of considering that Bill, and it was in a similar position in regard to the measure before them. Was the House prepared to sanction the principle of a Bill which provided that, in lieu of collectors, who were appointed by the local commissioners, the land tax, the assessed tax, and the income tax should be collected by the officers of the Inland Revenue? The House had not yet gone into Committee on the Bill, although that before them was the third edition. The fact that London was excepted from the measure was striking evidence that there was something faulty in it, because the metropolis was precisely the district in which it would seem to be right and fair to apply the principle of the Bill. When the income tax was proposed by the late Sir Robert Peel he gave two distinct pledges—first, that the tax should be temporary, and next, that its collection should be local. Was the House prepared lightly to abandon the latter principle, which constituted the only safeguard which the country had with reference to that extremely disagreeable tax. He was not prepared to contend that the law regulating the local collection was what it ought to be. It had been, on the contrary, a disgrace to every Government for the last twenty years that it should have been left in such a state. What was wanted was a consolidation of the law, which was spread over more than twenty confused Acts, having their origin in the Assessed Tax Act of 1803. The law ought to be comprised in a single statute, clear and intelligible to every person, and giving the local commissioners power to appoint, under the sanction of the Inland Revenue Board, a proper number of collectors at fair salaries, taking proper securities for the faithful discharge of their duties. The existing system was unsatisfactory, because it left parishes in this dangerous position—that after they had paid their taxes to the collector legally appointed to receive the same, they might be called upon to pay the same taxes a second time. That system was so unfair and unjust that it was marvellous it should have been tolerated up to that time. Mr. Pressly stated in his evidence that there were 54,000 local collectors, who cost £85,000. Mr. Pressly admitted that if the collectors were abolished it would be necessary to increase the number of Excise officers under the Inland Revenue Board, and he also confessed that any change in the local collection was extremely distasteful to the commissioners, who, he stated, very much reflected the opinion of the country. It was worthy of remark that in the few cases that had occurred in which the local collectors had been superseded by the officers of the Inland Revenue, the expense of collection had been found to be considerably increased. It might, no doubt, be more advantageously carried into effect as a general, and not as a partial measure. He trusted that the House would pause before sanctioning the principle of the Bill. It was the thin end of the wedge, and he would therefore move, That it is not expedient that the land tax, the assessed taxes, and the income tax should be collected by the officers of Inland Revenue.

Mr. PACKE said, that if there were no other reason for opposing the Bill, he should oppose it on the ground that it would be a great evil to have different modes of collection in various parts of the country. The proposed alteration in the collection of Government taxes was most unpopular in his part of the country. Instead of collection by assessors in the various parishes, the Bill proposed that persons should collect these taxes in the various market towns. Some of the payments under the land tax did not exceed 2*d.* and 3*d.*, and it would be a great hardship and extremely vexatious to compel persons having such sums to pay to go fourteen or fifteen miles to a market town instead of paying them to the collector of the parish. Moreover, the Chancellor of the Exchequer proposed by the Bill to place the collection of taxes in the hands of the most unpopular body in the kingdom—namely, the Excisemen. He had the greatest pleasure in seconding the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient that the Land Tax, Assessed Taxes, and the Income Tax should be collected by the officers of the Inland Revenue,"—(*Sir Henry Willoughby,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HUNT said, he was sorry to find in the Bill a principle which was generally in favour with weak Governments when they had any doubt about carrying their measures. It was made a permissive measure, and left to the authorities in the country to adopt it or not. An attempt was made on the previous day to carry a Bill with reference to the sale of intoxicating liquors, embodying that principle. A more successful attempt was made two years ago, and the principle was adopted in the case of the Highways Bill. The Government introduced that measure, and left it to the magistrates to say whether they would adopt it or not. In that case a compulsory Bill had passed a second reading the Session before, and there was no occasion therefore to make the new measure permissive. The consequence was, that the Highways Act had been a bone of contention between the ratepayers and the magistrates in half the counties of the kingdom. In his opinion, it was for the representatives of the people in that House to act in an independent manner, and incur any odium that might attach to them in supporting or opposing a measure, and not get rid of it by a kind of compromise. He protested against their delegating to local bodies the task of deciding whether any particular measure should or should not be adopted in their respective localities. The Bill before the House was open to that objection, for the second clause provided that the Bill should not be adopted in any county, riding, city, borough, town, or parish, if one-third of the Board within that jurisdiction expressed their opinion, in a formal manner, that they were unwilling to adopt it. What, then, would be the position of the unfortunate Commissioners of Taxes? It was well known that in the country the persons who had the duties of making the assessments were, generally speaking, appointed collectors, and looked to be repaid for their trouble in assessing the tax by the small profits of its collection. All those persons would lose a portion of their income if the Bill were to be adopted, and, in such a case, it was only human nature that they should importune the Commissioners of Taxes in their districts to put a veto on the Bill. It was unconstitutional that those persons, not being elected by the ratepayers, should be intrusted with such a power. He protested against the Commissioners having such an odious task imposed upon them; and he felt so strongly on that point that, had it been omitted, he should have been prepared to consider the Bill in Committee, but it being part of the measure, he should support the Amendment.

MR. WARNER said that some of the objections which had been urged against the Bill would rather induce him to support it. It was perfectly well known that the payment of the collectors varied enormously in different districts. There might be reasons for leaving out places where the pay for collection was large, but there were districts in which collectors could not be induced without compulsion to work for the remuneration which they received. The consequence was that all sorts of illegal proceedings were resorted to in order to repay the collectors for their trouble. In one place the collector was paid out of the highway-rate ; in another a voluntary rate which was collected with the poor-rate was made for him. Another grave objection to the present state of the law was the liability of a man who had paid his tax to be again called upon to pay it in consequence of the default of the collector. The Bill might not be the best remedy for existing evils, but, as no better had been proposed, he should support it.

MR. BARROW said, that he objected to the Bill as it was a measure for one class of society and not for another. It would involve the necessity of small farmers having very small sums to pay going sometimes a distance of twenty miles to pay their tax twice in every twelve months. That to his mind was a very serious objection, particularly as he knew the difficulty there was in persuading the ordinary class of small farmers of the necessity of their paying their taxes before any legal process was taken. For instance, a man appealed against the tax charged for his horse, and it was shown that he had used it once or twice for the purposes of pleasure, although at other times for the purposes of agriculture only ; and he was ordered to pay. That man felt he had suffered a hardship, and he would doggedly refuse to pay the tax ; and he did not think the proposal was likely to diminish the difficulty. By the present system a man's neighbour was the collector, and pressed him to pay the tax ; his neighbour was the assessor, the commissioners also were his neighbours, and for them he would be likely to have some respect. Under the Bill he would have nothing but a notice by letter, which would not have the same effect as the remonstrances of his neighbours, and he would at once become liable to a very expensive process on the part of Her Majesty's Exchequer. He was unwilling to accept any measure which was likely to put the poorer classes of his constituents in such a position, and render them liable to such expense. The Bill did not apply to the inhabitants of the metropolis, who would have no difficulty in paying. The collection was infinitely more profitable in London than in the country ; but, though the country collector was very badly paid, he (Mr. Barrow) knew from a very long experience that there was no difficulty in persuading men to undertake the duty of collection, because they believed it was a kindness to their neighbours to do so. The Bill had had its clauses altered over and over again by the right hon. Gentleman ; it had been put through Committee *pro formâ*, but there had never been any real opportunity of discussing it. He should, therefore, oppose the measure.

MR. HORSFALL said, he thought the Bill was a step in the right direction. They must bear in mind that the ratepayers had felt the present mode of collecting the rates in many instances to be a great grievance. It was calculated that the saving to the revenue would be £50,000 ; but from the evidence taken before the Committee it appeared that it would be a saving to the public revenue of as much as £80,000 per annum. At present, in case the collector eloped, although the taxpayer had paid his taxes, he was liable to be again called upon. That was because the collectors were appointed by irresponsible parties, and not by Government. But if a Government collector were to fail, no such thing could happen. When the tax was paid once, it was paid for all. As to the supposed difficulty of collecting the tax by letter, they had it in evidence that in Scotland, where collection by letter had been tried, it had been found easier to collect it in that than in any other way. Though very much in favour of the Bill, he thought the Members for London, sixteen in number, had exercised an undue influence on the Government in the matter, and he should be prepared, if the Bill went into Committee, to vote that the exception in favour of London should be struck out.

MR. LIDDELL said, it seemed to him that an important point had been lost sight of in the discussion—namely, that the Bill was a breach of Parliamentary faith. He always understood that Sir Robert Peel imposed the income tax upon the express condition that it should be locally assessed, and it was accepted by the country on that condition. The income tax was an obnoxious, but he feared it was a necessary tax; but now that it appeared to be fixed in perpetuity, to alter the conditions of its assessment was to his mind highly objectionable. The proposed mode of collection was a leaf taken out of the Scotch book. The system had been successful there, but it was introduced with the concurrence of the Scotch people. There had been no such concurrence on the part of the English people, and he should therefore vote for the Amendment.

Mr. JACKSON said, he thought if the late Sir Robert Peel had been alive he would have gladly supported the measure, because experience would have taught him that the present mode of collection was a bad one. He only regretted that the Chancellor of the Exchequer had not introduced a Bill to make not only the collection, but also the assessment by Government officers, as he believed there would be a very large amount thereby added to the income of the country; and those who had honestly paid would be relieved by making those pay who had not acted with equal honesty. He thought, however, that the operation of the Bill should be general and include the Metropolis.

Sir BALDWIN LEIGHTON said, he objected to the Bill, as it was most undesirable that that sort of permissive Bills should be brought in. So far as the assessment was concerned, it was practically not altered, as the assessment was in fact made by a Government officer. As to the assessors, although they were very sharp men in their own way, when called upon to make the assessment, they were the dullest people possible; and when they had to discharge duties with which they were utterly unacquainted, they were as stupid and ignorant as could be imagined. If, however, it was right to take the collectorship out of the hands of the Commissioners, the same rule should be applied to the towns as to the country districts. He would therefore vote in favour of the Amendment.

The CHANCELLOR of the EXCHEQUER said, that the hon. Member for Northumberland (Mr. Liddell), whilst he allowed that there had been a saving in Scotland by the adoption of the system proposed by the Bill, stated that the House would be guilty of a breach of faith if it adopted the measure, as the late Sir Robert Peel made a promise that the collection of the income tax should be a local collection. Puzzled by the conflict in these two statements he endeavoured to escape from the difficulty by saying that the system had been adopted in Scotland by the will of the people; but if the Bill was carried in that House, he apprehended that in England also it would be adopted by the will of the people of England. The indication of the will of the people was to be found, first, in the judgment expressed through the medium of the representative principle in that House; and, secondly, in the various utterances of opinions, which were made known by the usual channels of information. On many occasions during the time in which he had had the honour of holding his present office, the question of the collection of taxes had been raised and discussed in that House; and he was sure all who shared in those discussions would bear him witness that he had always expressed his own opinion that the present system was very faulty, and contained hardships and grievances in different forms; but that while it was easy, in his opinion, to devise an amendment to the system, it would be impossible to carry it out unless with a general concurrence of opinion. Therefore, it must not be supposed that the present was a Bill which there was any endeavour to force by the effort of Government on a reluctant House. If the opinion of the House should be adverse to the measure he would bow to its decision, though he would have to regret the continuance of the evils of the present system. He thought that the course taken by the hon. Baronet the Member for Evesham in not giving notice of opposition to a Bill which had been months before the House was not usual; but, as he courted criticism, he was glad to see an opportunity afforded for bringing out the opinion of the House. He did not think himself in the slightest degree wedded to the Bill, and he also thought that it should pass with a great amount of approval or not at all. After what had been said he must remind the House that there were serious evils in the present system with which they had to deal. There had been constant complaints of the conduct of collectors of taxes—not perhaps very numerous when the vastness of their operations was considered—in respect to their incivility, officiousness, for not calling at a proper time for the taxes, on account of nothing being heard of them until some summons or threat of legal process appeared, and on the ground that demands were made for taxes before they were legally due. Year after year these complaints had been made subjects of debate in that House, and his answer had been that those officers were persons over whom the Executive had no control, as they were appointed by independent parties. From the dissatisfaction with which that answer was apparently received, he concluded that hon. Gentlemen felt that the existing state of things was not sound, and if any reasons existed for its continuance they should be very strong ones. It was not desirable that taxpayers should have their taxes collected by persons who were practically irresponsible. Another grievance was that unwilling or reluctant persons were appointed to hold the office of collectors. The hon. Member for Northamptonshire (Mr. Hunt) said that a great pressure would be put upon the Commissioners to veto the Bill. Such knowledge as he possessed led him to an opposite conclusion, for he believed that in rural districts very generally the appointment to the office of collector was not valued, and many persons considered it a grievance that the office was imposed on them, and that they were bound by law to take it. There were even cases—exceptional cases—where it had been supposed that personal spleen had been indulged through the medium of the power of compelling parties to take the office. Then there was the great and abominable grievance of re-assessment when the local officer failed in his duty, and the Government said that they would divest localities of that grievance, if the local commissioners divested themselves of the power of appointing the collectors. The hon. and gallant Member for Bedfordshire (Colonel Gilpin) had favoured the House with his calculations as to the expenses of the Act, but with the greatest respect for the opinion of the hon. and gallant Gentleman, he could not place so much reliance on his judgment, as on that of the Board of Inland Revenue Department, who would have had to carry the Act out, and knew precisely how they could do it with effect, and who had not deserved the censures the hon. and gallant Gentleman had passed upon them; for whatever might have been the tendency of other departments to become more expensive, thrift and economy had always characterised that; and the consequence was a reduction rather than an increase in the estimates for the collection of the Revenue. He did not think the hon. and gallant Member could, moreover, fairly take his district as a sample of the whole country. In some districts the expense would be comparatively great, and in the more populous districts the saving would be the greatest; but, at the same time, the small districts would receive the greatest share of relief. He fancied that he needed not to speak of the supposed breach of faith with respect to the promise of Sir Robert Peel, for how could Sir Robert Peel promise that under all circumstances Parliament would continue to believe it expedient to leave the collection of taxes under local officers? They must look to the principle contained in Sir Robert Peel's words. No doubt there was an important principle involved in the announcement which Sir Robert Peel made—control over the distribution of taxation by local independent authority—but as far as regarded collection, that was not a matter of principle, but of convenience. Very little had been said to enable him to judge of the objections to the details of the Bill: two had been mentioned, one was that the metropolis was omitted, and the other that the Bill was permissive. Now, with regard to the omission of the metropolis. There was one very important reason, besides subsidiary ones, which had led the Government to except the metropolis from the operation of the Bill, and that was that the stamp distributors about the country, through whose instrumentality it was proposed to work the scheme with economy, did not exist in London, and it was not thought desirable to create a special staff for the purpose. In many cases, too, in the metropolis, the collections were on so large a scale that the officers were of a high class, and had round them a large staff, which it would not be for the interests of the metropolis to displace. However, if it were the opinion of the House that the metropolis should be inserted, it was in the power of any hon. Gentleman to move in Committee that the exception should be left out. But the more important objection was that taken by two hon. Members opposite, that the Bill was permissive and not compulsory. He looked upon its permissive character as essential to the measure. It was true that the permissive clause might be struck out, and thus altogether alter the machinery of the Bill; but considering that it had been months in the House, and had been originally announced as a permissive Bill, he did not think the country would have reason to be dissatisfied if the measure were then made compulsory. If the House should, however, agree with the hon. Members for Northamptonshire and Shropshire that the Bill ought to be compulsory, they had better give expression to that opinion by an adverse vote on the Resolution of the hon. Baronet; but he was bound to express a strong opinion that no other than a permissive Bill would ever pass the House. There was the greatest possible difference in the feelings and circumstances of different districts of the country, which would make it difficult to pass anything but a permissive Bill. It might be said that the Bill was a sort of patchwork measure, and the political virtue of some hon. Members might be shocked and scandalized at the law being operative here and inoperative there. But those hon. Members were neither shocked nor scandalized in the matter of church rates, the law with regard to which was altogether permissive. He perfectly agreed that if they were dealing with matters of high politics it would be absurd to have different systems in operation in different parts of the country, and the choice of those systems dependent upon the will of the people; but that was a question as to whether the man who went about and knocked at their doors to ask for the taxes should be a Queen's officer or a local officer, and he was not aware of any principle or usage of the constitution which made it improper to allow a variation of practice in that respect, always presuming what the Bill evidently involved—namely, that the variation of practice could only arise between county A and county B, because county A wished for the Bill and county B did not. It had been said that the Government had admitted that the commissioners were opposed to the Bill. No such admission was ever made. It was, indeed, untrue. A circular was sent round to all the Boards of Commissioners in the kingdom, and the majority of them, in reply, expressed their desire to see the Bill passed. Large communities had also petitioned in its favour. Birmingham had done so. So had Liverpool, which petitioned for a similar change with regard to the assessment as well as the collection. Considering the imperfections in the law and the total want of any other scheme containing an adequate remedy, he hoped the House would go into Committee on the Bill, with a view of allowing such portions of the country as chose to do so to avail themselves of the provisions of the measure. He had no egotistical feeling with regard to the Bill. He hoped he had stated the case fairly; and his opinion was that, after full consideration, the Bill should be freely accepted and passed or decidedly rejected.

MR. HENLEY said, the right hon. Gentleman had truly stated that the present state of the law on the subject under discussion was not very satisfactory. There were great difficulties attending it, and he was afraid that, make what changes they might, the tax collector, whether he came in the shape of a Government officer or a local collector, would always be a most unpleasant visitor. People would always say that he came at the wrong time, and asked for the money in the wrong way. The right hon. Gentleman had completely misunderstood, and, misunderstanding, had in a great degree misrepresented the objection of the hon. Member for Northamptonshire and the hon. Baronet on the same bench. Because to what did the right hon. Gentleman liken this measure? He said there could be no objection to the permissive character of the Bill, because the ratepayers had an option whether they would or would not levy church rates. What possible analogy could there be between ratepayers levying a church rate and a dozen or half-dozen commissioners not elected by the ratepayers setting themselves against—what? Against the Queen's Government. Because that was what it would amount to. They were to do nothing unless the Queen, through her Revenue department, expressed an opinion that a particular mode of collecting the taxes was desirable in a particular county. It was not a fair thing to put those gentlemen in a position antagonistic to the Queen's Government in a matter of this kind. The taxpayers had no voice in the matter. The commissioners could in no sense be said to represent the taxpayers. All they had to do was to see that the taxpayers were first assessed and then harried and squeezed for the money. The taxpayers would like to get rid of the whole boiling of the commissioners and the whole kit of the collectors, tax, and all. They would pay no taxes at all if they could help it. The hon. Member for Evesham had remarked that the Bill did not come in in the usual way. It did not come in in the usual way. There had been two or three editions of the measure; and the last edition had in one fell swoop struck out one-sixth part of the whole community. If the measure were good why was it not good for London. The hon. Member for Liverpool (Mr. Horsfall) had spoken of its beneficial operation in Scotland; but Scotland was to be exempted from the measure. [The Chancellor of the Exchequer: The system is already in force there.] The next point was, the saving to be effected by the Bill. He supposed the calculations on that subject included London. The hon. Member for Liverpool spoke of the evidence on the matter taken before the Committee. He supposed that did not exclude London. The Chancellor of the Exchequer said he was certain that the rural districts were so oppressed by the collection of taxes that they would be only too glad to adopt the new measure. But the unfortunate people who were so oppressed would have no voice. It was the commissioners who would have to decide the question. It was difficult to separate the assessment from the collection. The assessment was a burdensome duty. In the country districts the assessors of one year were generally the collectors of the next, and the poundage of the collection paid them for the work of the assessment. The unfortunate officer would be sadly off if he received no more than his three halfpence a line. In conclusion, the right hon. Gentleman said he should vote for the Amendment of the hon. Baronet the Member for Evesham, because he could not see that the Bill was likely to do any good.

Lord JOHN MANNERS said, he felt bound to say that, while there appeared to be a strong feeling against the Bill in the county which his hon. Friend behind him represented, he had heard of no feeling being expressed in his favour. The right hon. Gentleman the Chancellor of the Exchequer, he might add, had not informed the House what amount of money would be required for the purpose of compensation if the measure were to pass. Now, at the end of the Bill, there was a clause providing compensation to the local collectors who were removed from their present avocations; and as the intention of the Government was to work the measure through the agency of the existing distributors of stamps, it was quite clear that the compensation which would have to be paid, if the Bill should pass, would make a serious inroad upon the saving which the right hon. Gentleman calculated upon. Seeing, therefore, that there was no chance of any saving accruing to the public under the provisions of the Bill, he trusted the right hon. Gentleman would not deem it necessary to press the House to a division on the Bill, but would withdraw it.

Mr. W. WILLIAMS was understood to allude to a defalcation in one of the parishes of the borough he represented as one of the reasons why he gave his support to the measure.

Question put.

The House *divided*:—Ayes 137; Noes 103: Majority 34.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Commissioners of Inland Revenue to give Notice to Commissioners of Land Tax of intention to appoint Officers of Inland Revenue to be Collectors of Taxes, unless the Boards of Commissioners of Land Tax respectively express their dissent).

Sir FRANCIS GOLDSMID said, he wished to ask the Chancellor of the Exchequer to explain the reason why the metropolis was to be excluded from the operation of this Bill, while other large towns were included.

Mr. HORSFALL said, he should move, as an Amendment to the clause, that all the words should be struck out which exempted the metropolis from its operation.

Amendment proposed,

> To leave out the Proviso at the end of the Clause—namely, "Provided always, That nothing in this Act contained shall be deemed to extend or apply to the Circuit of Receipt called "The London Receipt,' as settled under the authority of the third section of the Act passed in the first and second years of the reign of King William the Fourth, chapter eighteen, and the sixth section of the Act passed in the fifth and sixth years of the reign of the same King, chapter twenty."—(*Mr. Horsfall.*)

Mr. AYRTON said, he trusted that the Chancellor of the Exchequer would not sanction the Amendment, as all the parties in the metropolis concerned had been under the impression that the Bill in its present form did not apply to them; otherwise they would have shown good reasons why the measure should not apply to the metropolis.

Mr. LYALL said, he was in favour of the Bill, and had voted for going into Committee, but he understood that only the Land Tax Commissioners, who received £40,000 a year, had been consulted on the subject. The Income Tax Commissioners, who received a very much larger sum, had not been consulted at all. He wished to see London included in the Bill. It would be to the advantage of the metropolis to be within the Bill, because, if it was not, the Chancellor of the Exchequer would be more strict as to re-assessment in case of default, than he would be in districts of which the Government had taken the management and control.

THE CHANCELLOR OF THE EXCHEQUER said, that the law of re-assessment was a severe and harsh one, and the questions of waiving a re-assessment were among the most unsatisfactory and disagreeable duties which a person in his position had to deal with. It was always difficult to arrive at the bottom of the interests so keenly concerned, and the questions raised were so nice that he frankly owned that no Minister could discharge the duty satisfactorily. He would explain why it was that he had assented to the exemption of the metropolis. One important distinction was this, that in the case of almost every very large town it was the centre of a rural district, in which the payment of the taxes from the rural district took place. Consequently, if they exempted those large towns the Government would be obliged to have offices and officers in those towns, and at the same time the officers would have nothing to do with the most profitable part of the receipts. They would, in fact, have no duty to perform except the receiving of taxes collected in the rural districts; and his hon. Friend would see that the Government could not undertake to discharge the duty upon those terms. But when they came to the case of still larger towns, they found a large business done under a very efficient system; and if they disturbed the collectors, compensation would be required, while under this Bill their services might be continued. Again, as he had already explained, the Government in the metropolis had no stamp distributors, who in the country would have to carry out the Bill, and who in doing so would have to make the best arrangement they could for the public interest. If the Act were applied to London, they would have to do one of two things—either they must leave the collection in the hands of the existing collectors, or else displace the collectors and give them compensation, and then they would be obliged to appoint, *de novo*, a fresh staff of Government officers. If a burden were placed upon the country districts, then he admitted that London ought not to be exempted; but that was not the case. It had been erroneously stated that the Bill was not discussed before; it had been discussed on two occasions in the early part of the Session. Gentlemen had called the attention of their constituents to its provisions. It had now been four months before the country, and not a single petition had been presented against it.

LORD JOHN MANNERS said, he wanted to know why the metropolis was to be the only place having a brand put upon it, distinct from the rest of the country, of working with the existing collectors, the right hon. Gentleman having stated at the same time that it might be expedient to pursue that system in some of the large towns. Some arrangement seemed to have been come to under which the metropolitan Members were to support the Bill, on condition that the metropolis was excluded from its provisions. In the division which had just taken place they enabled the Government to force the measure upon county constituencies, while they themselves were sheltered and shielded by the compact entered into with Government.

MR. COX said, the noble Lord was mistaken in supposing that the whole of the metropolitan Members went into the lobby with the Government. No arrangement whatever had been come to with the metropolitan Members, but a large deputation of inhabitants of the metropolis had waited on the Chancellor of the Exchequer, and whatever agreement was entered into must have been with them. He had previously voted against the Bill, because he believed it would have the effect of vesting a great deal of patronage in the hands of the Government, and because it exhibited a centralizing tendency; and for the same reason he should vote against the metropolis being included.

MR. COLLINS said, that if the Committee sanctioned the Amendment they would produce this difficulty—that, as the metropolis was situated in several counties, the commissioners of the respective counties might come to different resolutions with respect to London itself.

MR. HORSFALL said, the country constituencies had a right to complain of the insertion of the exemption. It was the country constituencies, and not the metropolis, who were taken by surprise.

In the original Bill there was no exclusion of the metropolitan districts. There was a very strong feeling upon the subject; and his constituents thought that if the Bill was inapplicable to London, it was equally inapplicable to Liverpool.

MR. BAZLEY said, exceptions were always causes of dissatisfaction, and he therefore hoped the Committee would not sanction a different law for London and Manchester.

MR. AYRTON observed, that the Bill had been before the House for a considerable period, but no notice had been given of the Motion of the hon. Member, and many of the metropolitan Members, in fact, were not present. Special clauses would be necessary to render the Act applicable to the metropolis, the circumstances of which differed entirely from the rest of the country.

MR. HUNT said, he would remind hon. Members for the metropolis that the Wine Licences Bill originally introduced did not apply to Ireland, and the Irish Members assisted in passing it. But later in the same Session a Bill, extending the provisions of the former measure to Ireland, was brought in by the Government, when, of course, the English Members, like foxes who had lost their tails, were naturally anxious that others should be placed in the same condition. He assured the right hon. Gentleman that if the measure passed into law with the assistance of the metropolitan Members, his cordial support would be given to a supplementary measure for applying its provisions to the metropolis.

MR. C. TURNER said, the Bill in its original form was intended to apply to every part of England. The metropolitan Members then opposed the Bill, and in common with others went upon deputations to the Government; but now that London had been exempted they threw their colleagues overboard and gave their support to the Government. Their Friends whom they had deserted felt that they were not well treated.

MR. BRIGHT said, he wished to ask the Chancellor of the Exchequer if there was any reason for excluding the metropolis, which contained between three and four millions of people, that did not apply to Birmingham, which contained between two and three hundred thousand. The constituency which he represented had sent a memorial which expressed very strong feelings on this question, and they thought if the metropolis were excluded they also ought to be excluded. It appeared to him that if the metropolis were excluded, there could be no reason why such towns as Birmingham and Manchester should not be excluded also.

THE CHANCELLOR OF THE EXCHEQUER said, that he had had no communication with any metropolitan Member on the subject of the Bill, except that his noble Friend the Member for Middlesex (Lord Enfield) wrote to him to receive a deputation.

Question put, "That the Proviso stand part of the Clause."

The Committee *divided:* — Ayes 73; Noes 62: Majority 11.

MR. KNIGHT said, he would then move to add to the end of the clause the words "or to any city or town containing more than 20,000 inhabitants according to the last census."

THE CHANCELLOR OF THE EXCHEQUER said, he would suggest to the hon. Member that it would be better for him to move that the Chairman leave the Chair. The adoption of the addition which the hon. Member proposed would be the destruction of the Bill.

Amendment *negatived.*

Clause *agreed to.*

Clauses 3 to 11 inclusive *agreed to.*

Clause 12 (Persons refusing to pay the Taxes after demand made to be returned in Schedules of Defaulters).

MR. BARROW said, that a personal demand ought in all cases to be made on the taxpayer at his own house before he was distrained upon. Rich men could easily send a check, but men in humbler life did not keep an account with a banker.

MR. HUNT said, he should move the omission from the clause of the words "or sent." He thought that the notice for neglect of which a man was liable to be posted as a defaulter ought to be delivered personally. Many persons were careless about letters, and the House ought to take some security that the notice actually reached the defaulter. The letter, for example, might be registered, and the postman instructed to make an endorsement of delivery.

THE CHANCELLOR OF THE EXCHEQUER said, that the suggestion of the hon. Member was deserving of consideration. The first step in an Exchequer process was not execution, but notice to pay, and a defaulter would have a notice personally served upon him before he would be distrained upon. It was proposed to take power to receive taxes in postage-stamps up to a certain amount, and subject to certain regulations. He saw no reason why the amount should be limited to 5*s.* As objection had been taken to the hardship of making the taxpayer travel many miles, he would state that the greatest distance any man would have to travel to pay his taxes would be four miles.

MR. BARROW, as a Commissioner of Taxes, thought the right hon. Gentleman was mistaken. In his district the taxpayers would sometimes have to travel six miles.

THE CHANCELLOR OF THE EXCHEQUER said, it was calculated that, with very few exceptions, there was a Money Order Office within four miles of everybody. If the market town where the money was payable was six miles distant, the taxpayer could go to the nearest Money Order Office and send the money thence.

MR. HUNT said, he would admit that the arrangements for using money orders and accepting postage stamps had very much obviated his objection to the Bill. He took it that the notice referred to by the right hon. Gentleman would be a proceeding under the Court, but he could not help thinking, however, that some personal notice should be served upon a taxpayer before he was returned as a defaulter to the Court of Exchequer. In the absence of a more satisfactory explanation he must press his Amendment

THE CHANCELLOR OF THE EXCHEQUER said, he could not accede to the principle of the Amendment. To require a public officer to travel several miles to give a personal notice instead of a written one would be most unreasonable. Such a provision would be a premium on carelessness. It was neither the law nor the practice at present. It had happened to him, possibly from the distraction of other occupations, to neglect paying his taxes at the proper time. He had, thereupon, received the usual notice, that if the tax were not paid he would be returned as a defaulter.

MR. HUNT said, he did not wish to protect persons whose object it was to avoid paying their taxes, but the present practice was to leave the notice open, while under the Bill the notice would be sent by post in a sealed envelope. He would put the case of sealed applications for taxes coming through the post to a man's house while he was abroad. No one might have authority to open those letters, and the result might be that on coming home a person might find that process had been issued against him.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it would be unreasonable to make the Revenue department responsible for the taxpayer going abroad. He would give the subject his attention before the Report.

MR. F. S. POWELL suggested that the subject of the letters should be marked outside, or that they should be sent open.

THE CHANCELLOR OF THE EXCHEQUER said, that proposal was very reasonable, and one of the two suggestions of the hon. Member should be adopted.

MR. WYKEHAM MARTIN asked whether these taxes would be payable at any Money Order Office.

THE CHANCELLOR OF THE EXCHEQUER said, they might be paid through any Money Order Office without charge for the order, but the postage would have to be paid.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 13 to 17 *agreed to.*

Clause 18 (Poundage to Collectors appointed under this Act repealed).

In answer to Mr. SCLATER-BOOTH

THE CHANCELLOR OF THE EXCHEQUER said, he had not felt himself justified in altering the system of poundage to collectors, further than was required by the nature of the Bill. With regard to the assessed taxes, there was no reason for maintaining the system of poundage which they had in the income tax. It was much fairer to pay the assessors by the amount of work done.

Clause *agreed to.*

Clauses 19 and 20 *agreed to.*

Clause 21 (Treasury may award Compensation to Collectors whose Services are discontinued by the operation of this Act).

MR. F. S. POWELL suggested that it should be made obligatory on the Treasury to award compensation in such cases.

THE CHANCELLOR OF THE EXCHEQUER assured the hon. Gentleman that the Bill would be worked in an equitable spirit, and said that, practically, it would be obligatory on the Treasury to give compensation in every case in which there had been no gross dereliction of duty. The collectors as a class, so far as he could ascertain, were satisfied with the provision.

Clause *agreed to.*

House *resumed.*

Bill *reported*, without Amendment; to be read 3° on *Monday* next.

WRITS REGISTRATION (SCOTLAND) BILL—[BILL 84.]

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [30th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

SIR JAMES FERGUSSON said, it might appear presumptuous in a layman to ask the postponement of a measure dealing with so technical a subject; but if the House would grant him a few minutes attention, he thought he could show that the question was not one which required a legal mind, but one which came clearly within the comprehension of every one. The Bill was introduced at a comparatively late period of the Session, and it was not till about ten days since that the Lord Advocate made an extended statement of its scope and objects; he thought, therefore, it would be right that they should have longer time for its consideration. He now asked the House whether, by the light of the Lord Advocate's statement, there was any ground for introducing such sudden and sweeping changes? According to the learned Lord Advocate, one of the great advantages that would accrue from the abolition of the double registers would be the abolition of a double search, and that different kinds of economy would be accomplished by certain changes in the different classes of deeds in the record. The learned Lord Advocate remarked particularly on the improvements that would be effected by one general register, and the saving of expense in searching; and declared that in proposing the measure he was not consulting the interests of any exclusive body of petitioners, but that, in fact, the proposal emanated from a large and important body in Glasgow, and that Edinburgh was interested in only a secondary degree. He wound up his clear and candid statement by saying that his object was, that dealers in land, whether buyers or sellers, should have a good and clear title at the least possible expense. If the Bill of the right hon. Gentleman accomplished that object, it would be hailed with gratitude by the whole country. There was no object so desirable as the cheap and ready transfer of land. But if some of the things proposed in this Bill were beneficial, it was utterly unnecessary to accompany these proposals by a wide and sweeping change, not called for by any complaint, and which, he believed, would in many respects entail greater inconvenience and expense than had hitherto been experienced. The first merit which the learned Lord Advocate claimed for his measure was the abolition of the double search; but the House ought to know that the necessity of a double search arose from the abuse of the general register, and that were the general register only employed for the purpose for which it was originally designed, there would be no necessity for the double search. Were deeds affecting property in one county recorded only in the particular register belonging to that county, there would be no double search, and it would only be in the case of composite deeds that a double search would be necessary. But it had become the practice to register ordinary deeds in the general register, and hence the necessity of a double search. No one doubted that entailed large expense and inconvenience, and that any Bill which did away with that necessity would be acceptable; and it must be distinctly understood that those who opposed the Bill did not object to the abolition of the double search. But in order to do away with the double search, why was it necessary that the local registers should be removed from the places where they had been kept for two centuries? There was no allegation or complaint as to the manner in which these records had been kept. As to the economy of the scheme, the hon. and learned Lord Advocate pointed out that there were twenty different registries in different parts of Scotland, and that it would be much cheaper to have one staff, by whom the work could be efficiently done. But, in the first place, it was well known that the keepers of the particular registers did not give the whole of their business to the keeping of records—that they usually held other offices, and that but a small portion of their time was required to perform the duties of that office. One man could not perform the duties of the whole of those twenty keepers of records, and, therefore, if one great office were established in Edinburgh, the change must therefore involve a great increase of staff. It was impossible that one keeper of registries could be conversant with the separate details of the register which the Bill proposed should be kept in Edinburgh. Local knowledge was of the greatest importance for this business; and it was impossible that the officials of the Register House could be possessed with the same knowledge as the particular registrars. The commissioners themselves who recommended the change pointed out that it could only be made very gradually on account of the enormous staff that would be required. Present fees must be reduced; but the Lord Advocate evidently anticipated an increase in the expense for a time, because it was proposed that the fees should remain at their present scale for two years. Then if the pay of the registrars and other officers was not found sufficient, they were to be paid by salary; that was, the Bill rendered it competent for the Government—that was, in fact, the Lord Advocate—to raise the salaries of the officers to any amount they could persuade Parliament was proper. He must say he could not see the economy of that arrangement. Then he was told that in numerous petitions which had been sent to that House that considerable delay and inconvenience might arise in the transmission of deeds to Edinburgh. He was also told that deeds were not registered so rapidly in Edinburgh as at the burghal and county registers, and therefore it was not surprising that the county agents should entertain some doubts as to the expedition with which their deeds will be registered in Edinburgh. It was not intended to remove the local registers from burghs on account of the necessity of local knowledge; but surely local knowledge was as necessary in the case of the county as of the burgh registers. Undoubtedly it would be an improvement to have only two books of registers, instead of six, as now existed. But why was the principle not carried further, and one book be kept for the register of the possession and of the incumbrances affecting the property? That would be a reform of a very simple kind? He believed also that there would be a great inconvenience and delay arising from the transmission of deeds to Edinburgh, for at the general registry deeds were kept longer than at the local registries; and that delay would be a matter of considerable importance. He was informed that it was no uncommon occurrence for persons to register their deeds where they could have them returned the quickest; in addition to which many of the agents desired to witness the process personally, so that it was hardly necessary to point out that in many cases great delay would ensue if the deeds must be registered at Edinburgh. The abridgment of the indices proposed by the Bill formed a most excellent feature in the measure, but it was necessary that the abridgment should be as simple and accessible as possible, and he did not see what was to prevent their meeting that requirement in the particular registers, as at Edinburgh. The Bill did not touch the registers in boroughs, and it was urged as a reason that there was a necessity for local knowledge; but that local knowledge was surely as important in the counties as it was in the boroughs, and he believed, therefore, that the real reason was that the boroughs were too strong to make such an attempt upon them. It was no doubt intended by the Bill to make an improvement by having only two books of registry instead of six as at present; but why did the Bill not go further, and provide for one book only, so that the registry of seisin might be accompanied with a statement of the charges with which the estate was burdened? One important fact to which he desired to call the attention of the House was, that the change was not asked for by the country. No petitions had been presented upon the subject before the introduction of the measure, and only three since, and the petitioners included members of every class who would be affected by the Bill. All had complained of the great inconvenience which would result from the passing of the measure. The best test of the feeling of the country upon the subject was to ascertain the method generally followed in the registration of deeds. Hitherto the people had had the option of registering their deeds either in their counties or in Edinburgh. It appeared, upon examination, that out of 14,405 deeds registered annually, only 3,244 had been registered at Edinburgh. That number did not include the 2,000 deeds which referred to property in the metropolitan counties, but it did include those registered by Edinburgh agents though referring to distant properties. Those figures proved that the proposed change would not suit the custom or inclination of those interested in the matter. He did not come before the House as the champion of vested interests. He represented what they would all acknowledge to be important local interests as opposed to centralization. As regarded Scotland, for some years past all legislation had tended to concentrate business in the direction of Edinburgh. That he believed to be unnecessary and undesirable, and it behoved them to set their faces against such a course, and to insist that local business should be transacted locally. It had been said that an inconvenience occurred in reference to composite deeds, in consequence of the necessity of a double search. Seeing that those deeds only numbered 250 out of the 14,405 registered annually, he did not believe that any special legislation on their account was necessary. No more trouble was caused, however, than would still be the case under the new measure, in deeds relating to property, part of which was in a borough, and another part in the county. He asked English hon. Members what would be the general feeling if it were attempted to remove all the conveyancing business of the country to London. Such a course would, no doubt, be a very good thing for London lawyers, but the inconvenience which the country would experience in consequence would be very great. His opinion was that the reason why boroughs were not affected by the Bill was that the boroughs were too powerful to be interfered with at present; but if the county business were allowed to be taken to Edinburgh, that of the boroughs would soon follow. He maintained that the Bill had been introduced at a period of the Session which was not favourable to its due consideration. The Commissioners themselves recommended that no measure affecting the subject should be hastily introduced. They did not suggest that the present system should be entirely changed in one year, on account of the confusion which would ensue, but recommended that any alteration should be introduced gradually, and that, in the first instance only, some of the smaller registries should be transferred to Edinburgh, whilst by the Bill now before the House, it was proposed in one year to abolish all the registries of seisins. He thought that he had shown reasonable grounds for the Amendment to the Motion, which he now ventured to submit, that this Bill be read a second time that day three months.

MR. BAXTER seconded the Amendment, and said that the hon. Baronet (Sir James Fergusson) had pointed out so clearly and distinctly the reason why the Bill ought to be rejected, that he did not think it was necessary to trouble the House with a re-statement of the case. But he must say that the manner in which this Bill had been pressed forward supplied a most singular commentary upon the speech of his right hon. and learned Friend the Lord Advocate, the other night, with regard to the admirable way in which Scotch business was conducted in the House. English Members were continually told that the representatives of Scotland were in the habit of meeting privately to consider measures affecting that part of the United Kingdom, and that by this course they were enabled to prevent the occurrence of debates in the House, except upon questions that involved important political considerations, upon which such harmony could not be maintained. He had often thought, and it was as well that English Members should know it, and that the people of Scotland should know it, that there was a considerable amount of misapprehension abroad on this subject, and that here to-night they had a remarkable example of it. What he wished to state was this—for he felt rather aggrieved at the treatment which the representatives and people of Scotland had met with on the subject — that the representatives of Scotland had been assembled by the Lord Advocate to consider this very Bill, and would the House believe it when he said, that not a single Member present could be found to support the measure except his hon. Friend the Member for Edinburgh (Mr. Black), who, of course, was bound to do so, because this was, in fact, one of those centralizing measures which were every now and then introduced for the benefit of the lawyers of Edinburgh. He had heard it frequently said that Scotland was governed and overridden by lawyers, and he could not help suspecting that the Lord Advocate was sometimes driven to bring forward measures against his own conviction by the pressure which was brought to bear upon him from that quarter. He was strengthened in that conviction by the fact that, although the Members who met the other day in New Street, Spring Gardens, were opposed to the Bill, the Lord Advocate nevertheless felt obliged to go on with it in consequence of the pressure put on him by place-hunting lawyers. What was this Bill about which there was such desperate hurry, and which was in reality being forced through the House. His hon. and gallant Friend (Sir James Fergusson) had stated the main objections to the details of the measure. For 250 years Scotland had had a system of registration of deeds, which upon the whole had worked remarkably well, and was exceedingly popular and highly prized by the people. He agreed with the hon. and gallant Baronet that the system was not perfect, and that it was susceptible of many improvements. The supporters and the opponents of the Bill were equally agreed in objecting to the double system of registration, and desired to simplify and improve it; but the opponents of the measure desired to do it in a different way from that which was proposed by the Lord Advocate, for they wished to get rid of the general register in Edinburgh, in which only 3,000 deeds were recorded, and improve the local registers, which were so popular that upwards of 14,000 writs were recorded in them. His hon. and gallant Friend (Sir James Fergusson) had omitted to state this further fact—that not only had these local registers been more popular in past times, but they were becoming more so every day; for if they looked back ten or twelve years they would find that whilst the increase in the local registers was 70 per cent, the increase of the general register was only 30 per cent; thus clearly proving that, at the present moment, the local registers were the favourite registers of the country. He came now to the question of expense. His right hon. and learned Friend, the Lord Advocate, recommended the Bill to the House upon the ground of economy; but if this were a measure of economy, he must say that it was the first example of a measure of the sort having emanated from the Edinburgh lawyers. He took the 23rd Clause of the Bill, and he should be glad if some English Member who took an interest in the Civil Service Estimates and matters of finance, would pay attention to that clause. Clause 23 provided—

> " It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the application of the Lord Clerk Register, to regulate from time to time the offices of the general register of sasines, and of the general register of hornings, inhibitions, and adjudications under this Act, and to sanction such increased establishment of deputies, assistants, clerks, or other officers, as may be necessary for the purposes hereof, and to fix the salaries and remuneration to be allowed to the officers of the said departments respectively; and such salaries and remuneration shall be payable out of the fees to be drawn in said departments respectively, or "—let the House observe—" out of any other funds to be provided by Parliament for that purpose."

Now, he entertained a shrewd suspicion, and he believed it would come out in the end, that if this Bill were passed into law, they would be called on to provide for a good many of these officers, and that the expense of the proposed system would be considerably greater than that of the present. If the right hon. and learned Gentleman were really anxious to introduce economical reforms in Scotland, let him begin elsewhere. Let him begin by reducing the number of Judges in the Court of Session. Let him abolish the system of double sheriffships; both of which were subjects that, if discussed in this House, would be found not to stand investigation for a single hour, and upon which it was his intention at some future and not distant time to take the opinion of the House. The fact was that the Lord Advocate dared not introduce measures in favour of the principles of financial economy of that kind, because they would be unpopular among his professional brethren in Edinburgh, and might place him in an uncomfortable and unpleasant position. Looking at the clause he had read to the House, and the additional work that must of necessity be thrown upon the General Register Office in Edinburgh, he believed that so far from being a measure to promote economy, it would in the end lead to a greatly increased expenditure. His hon. and gallant Friend (Sir James Fergusson) had observed that by abolishing the general register the search would be more economically and quite as easily conducted in the local registers, and there was no doubt that it was the desire of the people in the localities that this should be so. A number of gentlemen who took an interest in this matter had proposed a scheme of their own to the Lord Advocate, and he thought it was only reasonable and fair that the House should have both schemes before them, and that they should not be called upon to sanction this Bill until they had had the opportunity of considering the provisions of each. But the Lord Advocate would not consent to wait, although many Scotch Members interested in other important measures—the Rivers Pollution Bill, for instance—were compelled to wait. He could not help suspecting then that there were some places to be created under the present measure, and that this was the real reason for hurrying it forward. Where was the necessity for pushing on the Bill at this time of the Session? Already they had waited ten years for the measure, and it had never before been discussed in the House. The right hon. and learned Gentleman might have brought in a Bill years ago, but he did not; and they were now called upon in the month of June—a few weeks before the Session came to a close — to decide hastily upon the subject. He trusted the right hon. and learned Gentleman would not press the Bill further this Session. The representatives of Scotland were generally very docile; but surely that was the very reason why they might ask that a proposal which was objected to by a large majority of them, and which had excited a strong feeling of opposition in Scotland should not be persisted with until the House and the country had had time and opportunity to consider the other scheme.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir James Fergusson.*)

Question proposed, "That the word 'now' stand part of the Question."

COLONEL SYKES said, he had presented a Petition to the House from the Society of Advocates in Aberdeen, a body of gentlemen who, from their experience and position, were quite as competent to form a judgment upon the subject as any body of lawyers in Edinburgh, and they were decidedly opposed to the Bill. The people of Scotland desired to have facilities for registration locally, and without going to Edinburgh. If there were no other objection to the Bill, there was this most conclusive one, that it proposed to take from local bodies the management of their own affairs, and establish a system of centralization in its stead.

MR. AYTOUN said, he did not wish to offer any opinion with regard to the merits of the Bill, but simply to urge that he did not think the House was in a position to legislate upon the subject, and that, if it attempted to do so, it might be legislating in the dark. All he knew was that it was very desirable to cheapen and facilitate the transfer of land—so far he agreed with the Lord Advocate; but that his right hon. and learned Friend's plan would have that effect he had heard nothing to induce him to believe. He should like to know why this measure was not brought forward at a period of the Session when it might have been discussed at the county meetings in Scotland, so that Members like himself, who were not well informed on the subject, might have had the opportunity of hearing the opinions of their constituents upon it. If a measure of this kind could not have been brought forward a little earlier, it might be postponed till next Session, when they would have the means of ascertaining all those facts, without which it would be idle to attempt to arrive at a judgment on the subject. They were told it was expedient that the county registers should be abolished, and that there should be one register in burghs. If there existed such an anxiety to cheapen the transfer of land, that might be effected by lowering the fees on registry, one half of which, he understood, went to the Exchequer. He was informed that the fees paid to the registrar were in some cases greater than all the other expenses; and he thought that legislation to cheapen the transfer of land ought to begin there. He had heard it said that the opposition to the present Bill was an agitation got up by the county registrars and the lawyers in the country districts. He was sorry that such an imputation should be made, as it gave rise to the counter imputation that the present Bill was got up by the lawyers of Edinburgh. He, however, did not wish to attribute any unworthy motives to any person. All he said was, that he did not possess any knowledge of the subject, and thought it would be better to postpone the farther consideration of the Bill until next Session.

MR. MURE said, he should certainly feel it his duty to support the second reading of the Bill. It was said that the House was not in a condition to enter on so difficult and important a measure; but when would it be in a condition to enter on it? It was not a new subject. So far from the scheme having originated with the Edinburgh lawyers, it originated with the professional gentlemen of Glasgow. So far back as the year 1850, there was a report deliberately prepared by the procurators of Glasgow recommending the very change which was now proposed. That report was printed and circulated in Scotland among the different legal bodies there, and the proposal was deliberately considered by the procurators of Edinburgh; and in 1858, this same proposal having been considered by the practitioners of the Supreme Court of Scotland, met with their approval. Since then, in order to test the soundness of the views taken by these various legal bodies, commissioners were appointed by his right hon. Friend to consider the question. These commissioners were not English lawyers, but one of them was a most distinguished advocate of Glasgow—Mr. Bannatyne—and conjoined with him was a gentleman of equal eminence in Edinburgh. These gentlemen, after an anxious investigation all over Scotland, and conferring with the local commissioners in the different towns, agreed upon the plan embodied in this Bill; and as far as he knew, the Bill had not met with opposition from any large body in Scotland. That was a sufficient answer to the observation that they were not in a condition to deal with the question, because that report had been printed for about a year, and had been accessible to every Member of the House. Another objection as to matter of time was, that it was rather late in the Session. He did not think there was much weight in that objection. If no measure of that kind were to be proceeded with unless it were introduced a certain time before the 30th of April, it would be almost stopping legislation altogether. But if the county meetings had not had the Bill before them there was this to be said in its favour, that only three petitions had been presented against it. There was nothing to prevent their calling special meetings to consider it. There had been special meetings in reference to the Valuation and other Bills, but not a word had been said against this. The Bill was substantially a good one, and ought to have a favourable reception from the House. Its main object was to get rid of the system of double search. The fact of there being both a general and a local register involved the necessity of searching both. That caused considerable expense—he believed about £15—and that expense was not regulated by the value of the property, but the expense was the same whether the consideration for the transfer was £150 or £100,000. So serious and so heavy was this expense that the commissioners in their report stated that, in many districts where the property transferred was small, the parties, in order to save expense, ran the risk of taking the transfer without a search, and trusted to the honour of the agent employed that there was no incumbrance on his property. Therefore he said that so far as the saving of the double search went, this Bill was an improvement which would not be questioned, and which should be effected as soon as possible. The two gentlemen who were appointed to consider this question made a very elaborate report. They said that if the plan they recommended were carried out, there would be a saving in the ordinary administration of the registrar's department of about £7,000 a year to the public. Well, that being the state of the case, what objection was there to going into Committee on this Bill? The time at which the local registers would be extinguished could be settled in Committee. Well, then, the objections raised were in the first place that this was part of what was called the system of centralization. Now it was a sufficient answer to that to say, that this scheme originated at Glasgow, and was recommended by Mr. Bannatyne, who was a Glasgow procurator. But further than that, the commissioners had no hesitation in recommending this centralization as the only way in which they could improve the present system of registration. It was said thst this centralization was part of a system, which had been introduced a great deal too much of late into Scotch legislation. He was not aware that there had been that great tendency to centralization. Looking at the present facilities of postal communication and of travelling by railway, he did not think there was a Member of that House who would say that there would be inconvenience in having one general registry. In 1617, when the means of communication was quite different, it was necessary to have district registries, and his hon. and gallant Friend the Member for Ayrshire quite misapprehended the matter when he said the general register had crept in by some improper practice. The words of the Act of Parliament were clear, that there should be a general and a local register. He found from the Report that, in regard to registration of deeds in Ireland, the central control was in Dublin; and in 1827, when it was proposed to have a registration of deeds in England, it was recommended that London should be the place. It was said that a risk of delay would probably occur in the transfer of the deeds from the particular county to the city of Edinburgh for registration. Now he thought that that objection was already met by the actual facts. It was stated distinctly by the officials connected with those matters, that there had never yet been known an instance of deeds having been lost; and they went further in saying that at all events, as far as the county of Ayr and other counties were concerned, four-fifths of the deeds sent for registration were transmitted, not by a special messenger, but by the ordinary post. With these facts before them, he did not think that this Bill was fairly open to the charge of risking the safety of those deeds. Well, another objection was, that the measure would interfere with the local practitioners and authorities. The report, however, of Mr. Bannatyne, from Glasgow, and another gentleman from Edinburgh, distinctly showed that the Bill would not interfere in any way with the emoluments of the local agents or authorities. It appeared to him that there was nothing in the Bill which could interfere so as to place the local commissioners in an invidious position. The local practitioners at present sent up their deeds for registration without the interposition of agents on the spot. Why could they not do the same thing in respect to the registration of deeds that would take place in Edinburgh only? If any other scheme was suggested by persons competent to deal with this question—a scheme that would present as effective and economical a system of registration—he, for one, would be most willing to give it the most attentive consideration. It appeared by the Report of the two gentlemen to whom he had already referred, that two plans had been suggested and brought under their consideration with a view of improving the existing system, while preserving the principle of local registration. Having, however, heard all the details of these two plans, Mr. Bannatyne and his learned colleagues deliberately decided against them. One of those plans was that the register should be made up in the county town, and thence sent to the general office in Edinburgh for preservation. Now, the moment they sent up the deeds to Edinburgh for preservation, they would involve themselves in the difficulty of a double search. He had taken the opportunity of inquiring of those gentlemen alluded to as to the feasibility of this plan, and the answer they always gave was that the thing could not be done. He heard it said that the registration should not only be made perfect in itself, but that it should be made for public preservation. Now, that would leave the matter of the double search just where it was, and for this reason—the registration was for the last forty-one years. The books were sent up to the Register Office, and the search must go back for a period of forty years. Leaving the registration of the last forty years in Edinburgh, and beginning the new registration in the county, there must necessarily be a double search for the next thirty-nine years. It was for the House to say, whether a subject which had received such patient consideration by the two learned gentlemen so often alluded to, who had reported favourably of the present measure, whether it was one that ought to be postponed until the next year. It appeared to him that the Bill was really open to no objections which might not be better discussed and arranged in Committee. They were all agreed that there was a grievance to be got rid of. They must be equally convinced that the plan under consideration had been deliberately adopted by the various bodies interested in the question, and that it had been specially recommended by a Commission. For those reasons he did not see upon what reasonable grounds they could delay the Bill for three months, or, in reality, to another Session of Parliament.

MR. DUNLOP most cordially thanked the Lord Advocate for having at last introduced a measure of this kind. At the same time, considering that the Government had taken ten years to consider the matter and prepare a definite scheme in the shape of the Bill before the House, he did not think they should grudge very much about granting the country as many months to consider it, as they had taken years. The matter had certainly been talked of in a general way for ten years, but in a vague, general, and uncertain way; and until it assumed the definite form of a Bill, people really did not give their attention to it. They had now a Bill proposed by the Government, and he was sure that in discussing it his right hon. and learned Friend would acquit him of any undue jealousy either of centralization or against Edinburgh lawyers, or of any want of sympathy with him in his desire — for which he gave him the fullest credit—to put the system of registration for Scotland on a footing more efficient than that which had been the admiration of the world at large. They were all agreed as to the necessity of getting rid of the double search. This might be accomplished in two ways—either by abolishing the general register, or by transferring the local registers to Edinburgh. The Lord Advocate proposed to transfer the local registers to Edinburgh. But the great preference in Scotland was in favour of the local registers. There was the option now, either to go to Edinburg or to the local registers; and it was found that only one-tenth of the whole went to Edinburgh, the large majority preferring the local registers. He did not mean to say that that preference alone ought to regulate the matter; but the strong conviction of the great mass of the people in Scotland being so largely in favour of the local registers, the House should consider carefully before they abolish a system which was viewed with so much favour. There was another point of great consequence. It was quite clear that if any change was made now, it ought to be a complete change, so that no further alteration would be required. When they were remodelling and re-organizing a system which had lasted for 200 years, they ought to remodel it in such a way that they should not be obliged to hammer and cooper upon it afterwards. The inevitable result of the change now proposed would be to make further legislation necessary. The Bill was framed on the principle that all burgh registers were to be preserved as local registers, and all county registers were to be taken to Edinburgh. One would fancy at first sight that this was founded on the greater convenience that parties dwelling in towns should have, in having their registration where their agents were, and where they would have every facility for recording their deeds. The deeds, it might be said, might as well be sent to Edinburgh by post as to a county town, while in the towns the inconvenience of sending them to Edinburgh was quite unnecessary. But the Bill did not carry out this principle. The burgh registers did not include the whole urban district. In the burgh of Glasgow, for instance, the extent of the town beyond the burgh was even larger than the extent of town within the burgh; and in that case, in the burghal part on the one side of the street, a person registering would not have the convenience of a local register; whereas a person on the other side of the street, being in the regality district, would be in a more favourable position. Clearly the distinction between the urban territory within the burgh and beyond the burgh could not be ultimately maintained — they must either bring back the urban territory beyond the burgh and give it a register with the burghal territory, or take it all to Edinburgh at once. This, and other questions of difficulty, he did not think had been considered at all by the Commissioners; and the Bill would undoubtedly establish a system which would leave some great questions to be settled at a future time. As to the merits of the two modes of registration, he did not disguise that he had no decided preference for the one over the other. Under the circumstances he had stated, he urged his right hon. and learned Friend most earnestly not to press this measure against the almost unanimous views of the Scotch Members, and the strong feeling of a very large class of the community in Scotland, without apparently any great object to be attained.

MR. CARNEGIE said, it was very significant that the only voice that had yet been raised in favour of the Bill was that of the hon. and learned Member for Bute (Mr. Mure), a practising lawyer and ex-Lord Advocate. This was an instance of the self-conceit of the Edinburgh gentlemen who took upon themselves to speak in the name of all Scotland. The only check upon them was the existence of another city called Glasgow, which had a still larger population; and when it was found that some gentlemen in Glasgow were of opinion that these registers might be removed, the opportunity was eagerly seized, and a Commission was appointed, consisting of one Edinburgh and one Glasgow man, the rest of Scotland being entirely ignored. The Glasgow man was a gentleman who had distinctly enunciated his opinion upon the subject, and, therefore, while wishing to speak with all respect of the commissioners, and to give their report all the weight it was worth, he considered it simply valuable as recording the reasons on which two decidedly clever men supported their pet scheme. The sort of sneer with which the hon. Member for Bute spoke of the county meetings was quite of a piece with the general manner in which the proceedings in regard to this Bill had been conducted. He thought those meetings the most valuable checks upon the general principle of what might be called Edinburgh legislation; and perhaps it was convenient to bring in Bills of this kind at a time when the county meetings were not sitting. They had heard a good deal about the expense of the double search; but he believed that the expense arose solely from the extent of arrears in the indices at Edinburgh, and that they had been kept in arrears for the purpose of bringing discredit upon the present system.

SIR EDWARD COLEBROOKE joined in the appeal to the Lord Advocate not to press his motion to a division in no hostile spirit, but because he thought the country required further time for the consideration of the measure. The Lord Advocate acceded to a suggestion of that nature at the meeting of Scotch Members, and he was surprised to find him in little more than a week afterwards moving the scond reading of the Bill. Great credit was due to the Government for grappling with the subject, for there were no doubt abuses in the present system of registration ; but the subject was one that required the calm consideration of the country. After the strong testimony in favour of the local system, there ought to be some stronger argument than had hitherto been brought forward to overthrow it. The subject had never been properly considered. They had a most able Report of the Commissioners, but they had not the arguments on which it was founded, and no discussion had taken place throughout the country to enable them fully to see the bearings of the question. The question certainly was one that required consideration, and no injury would result from allowing it to stand over to another Session.

MR. CRAUFURD said, it was remarkable only one voice had been raised in favour of the Bill, and that came from Edinburgh. He did not attribute motives to the lawyers of Edinburgh or any one else, but assumed that the opinions expressed on both sides were conscientious views as to what was most conducive to the welfare of the country. But the whole of the country was against the opinions expressed from Edinburgh, and he thought that fact was sufficient to call for a postponement of the Lord Advocate's plan. They wanted to get rid of a double search, and the Bill did not affect that object, it simply removed one set of registers from the county town in Edinburgh. It was said that the Bill would save £7,000 a year, but the real question was which was the best thing to do—to maintain two searches, removing twenty county registers to Edinburgh, or to do away with the borough register and leave the county registers as they were. He could see no advantage in removing the registers from the counties to Edinburgh. Well, it was said in Ireland it was done so, and that might be a good argument if they were establishing the registry for the first time in Scotland, but as it already existed and was working well, the feelings of the people of Scotland should be considered, and they were not in favour of the centralization. If the Lord Advocate had confidence in the principle of his measure, surely the more it was ventilated the more it would gain the support of the country. But, said the hon. and learned Gentleman, the more the Bill is delayed the more opposition it is likely to meet with. Surely there could not be a stronger argument against the Bill than this. The Lord Advocate told them that there was an excess of receipts of £5,000 over and above the requirements of the present system. This money went to the Consolidated Fund. Now, was it right or just that the people should be taxed for the sake of the Consolidated Fund ? And then, with regard to another point, it was said that the second reading of this Bill might be carried, and it could be altered in Committee. He (Mr. Craufurd) objected to their doing anything of the kind. They objected to the Bill, and he contended that the second reading was the proper time to enter their protest against the Bill being proceeded with. In conclusion, he pressed upon the Lord Advocate the advisability of withdrawing the Bill, in deference to the wishes which had been so generally expressed by the Scotch Members.

MR. KINNAIRD said, that as all the arguments had been one way it would be unnecessary for him to detain the House at any length, but he trusted that his right hon. and learned Friend the Lord Advocate would not press this measure on at present. The petitions against it were signed by ablest men in Scotland, and the Council of the Society of Solicitors, the Lord Advocate's own friends, had in a report presented to a meeting held on the 6th inst. referred to the limited time which had been allowed for the consideration of the measure. Public feeling in Scotland at the present time was decidedly opposed to the plan proposed by the right hon. Gentleman, though not to the object which he had in view—namely, the simplification of the registration system. He implored his right hon. and learned Friend to give more time for the consideration of the measure.

MR. E. P. BOUVERIE regretted that the opposition to this Bill should have taken the form of imputations upon the motives of the hon. and learned Lord Advocate, whose only object could be to benefit the public. He did not think that it was at all conducive to the dignity of Scotch discussions in the House to have imputations cast upon hon. Gentlemen who might introduce measures for the public good.

Every one knew the zeal of the Lord Advocate for the public weal and for the benefit of Scotland, and there was, therefore, no ground for imputing to him any desire to favour Edinburgh lawyers or to advance Edinburgh interests. A great deal had been said about centralization; but, to have a permanent system of local registration they must make it central, and therefore all the arguments on the subject fell to the ground. In his opinion this question was one which essentially affected the landed proprietors of Scotland, as the cost fell upon them; and it was agreed to on all hands that the existing system was not satisfactory, for it was neither as simple nor as cheap as it could be made. The experience they had went to show that the existing system was thoroughly unsatisfactory; and therefore when the Report of the commissioners was in the hands of his hon. Friend the Lord Advocate—coming, as it did, from gentlemen capable of forming an opinion upon such an intricate question—it became his duty to prepare a measure for the consideration of Parliament. It was a misfortune that he was encumbered with so much hostility to his proposal; and he doubted very much whether that hostility would be lessened by the delay which was now sought at his hands. But still he thought the debate must have shown him that he had comparatively little choice in the matter, and therefore he (Mr. Bouverie) must concur with his colleagues from Scotland in inquiring whether it would not be wise to postpone the carrying out of this scheme, so that, by further consideration, he might be able to add another claim to the debt of gratitude due to him from his countrymen, by carrying into effect a cheap and efficient system of registering titles in Scotland.

Mr. BLACK: Sir, I cannot pretend to be acquainted with the legal circumstances connected with this question. I can only say that if I were in the position of a seller or purchaser of property, I should like very well to have the opportunity of ascertaining readily and correctly whether there are or are not any burdens on the property; and it seems to me that it would be better for that purpose that there should be one general register in one particular place, which would give me the information I require, than that I should have to hunt for it in several different registers in different parts of the country. The proper place to go to for such a register is, I venture to think, the central office in Edinburgh. I am not speaking now as Member for Edinburgh. I do not care a farthing where the register is kept, whether it be in Edinburgh or in Glasgow or anywhere else, provided it be in one particular and accessible place, and that I should be relieved from the necessity of running from one place to another in order to obtain the information concerning the property. I am quite aware that considerable objection is entertained to this measure; but it is only natural that it should be so. I should like to know when there was ever a reform proposed in this House to which there was not some sort of opposition from persons who thought that their interests would be injuriously affected by it? In the present instance it is perfectly clear that the procurators and other members of the legal profession connected with the different counties imagine—and it is really a very small matter that they are afraid of—that their pecuniary interests will be somewhat affected by having the whole of the registers collected in one particular place. It is said that there are a great many petitioners against the Bill, and that they come from twenty-four different quarters. I took the trouble to look into the matter, and found that out of the twenty-four eighteen were from procurators. These persons imagine that they will lose a few pounds a year by the new system, and therefore are very strongly in favour of preserving the present system, which is not at all for the interest of those who buy and sell land or houses. That has happened to this Bill which happens to every reform, we have individual interests opposed to those of the community at large. Now we must recollect who these procurators are. They are law agents and very important men in the burghs. Members who intend to offer themselves for re-election at the next election no doubt have a notion that if they do not find grace in the eyes of the law agents in the different burghs, it will be a very dangerous thing for them. Therefore, I do not at all wonder that a number of our Scotch representatives should feel a little chary about showing themselves in favour of a Bill which they know is far from meeting the approval of a class of persons who exercise great weight in the return of Members to Parliament. The true question we have to consider is, what would be most for the benefit of those who have dealings in lands or heritages in Scotland? I think there can be no question that there would be great advantage in having a single and uniform register instead of two or three separate ones. It might not altogether suit the procurators, perhaps, but it would be a great advantage to the parties to transactions in land. I find it stated in the petition of the Lord Provost, Magistrates, and Town Council of Glasgow, that for years past a system of centralization has been going on in Scotland, by which it is sought to concentrate in Edinburgh, at the expense of the rest of the land, all offices and places of importance—which system the petitioners say they hold to be opposed to the principle and spirit of the Constitution. Now, that is just one of the clap-trap cries which men get up when they want to frighten the public. No doubt there are objections to excessive centralization; but I see no ground for supposing that centralization is, under all circumstances, of necessity a bad thing. Give a dog a bad name, says the proverb, and you may hang him at once. And here an attempt is made to fasten a bad name on centralization; but if it is for the benefit of the people, why should they not have it? I hope nobody will be alarmed by all this talk about centralization into opposing the Bill. I need not go into the matter further. I am satisfied that all the arguments raised against the Bill could be refuted, and that its passing would be for the benefit of all who have dealings in property.

THE LORD ADVOCATE: Sir, the expense of conveyancing has long been a subject of complaint in Scotland among all who are concerned in land; and those who have considered the means of diminishing that expense have, on the whole, come to the conclusion that it is mainly caused by the state of the registration of lands. We have in Scotland the benefit of a very valuable system of registration of titles, but we have to pay for that by a very heavy amount of costs at every step and stage of the transfer of land. There is no doubt about that among all those most qualified to judge of the question. Until the Report of the Commissioners appeared, I am sure that there was in almost every quarter but one opinion on the subject, which was, that the reform of the registers was to be the main channel through which we were to reach economy in the transfer of land; and that the reform of the registers consisted chiefly in bringing them all into one place, under one system and authority, and according to a uniform principle. We have often been invited to grapple with this question. It is a very material one, not merely with regard to the expense of searches, but with regard to other reforms which may be engrafted on it. I hope the House will understand that we have not proceeded at all hurriedly in this matter. My hon. and learned Friend the Member for Greenock (Mr. Dunlop) says that we have been ten years at it. That is quite true. It is an ancient system, not to be rashly touched, and we deemed it only proper that the question should be allowed to ripen in the public mind. It has been ventilated from time to time for the last ten years. It is well known, I should think, to every one except the hon. Member for Montrose (Mr. Baxter), who seems to be supremely ignorant on this subject, that it was the lawyers, not of Edinburgh but of Glasgow, who first put the proposition of this Bill into a tangible shape. They brought it forward in 1856. The question was subsequently remitted to a Commission in 1860-1, and in 1864 we have proposed to carry into effect the recommendation of the Glasgow Procurators in 1856, and of the subsequent Commission. This is a most important reform for the landed interest. I am told that I have not given any estimate of its expense. Now, I am in a position to show, if it were necessary, that by this Bill a large economy would be at once effected. After the compensations run out, the surplus of the Register House would be about £16,000 a year, and that not only a reduction of fees, but a more economical system of working might be secured. I am not prepared to admit that the debate has altogether shown the real sense of the Scotch Members on the subject—I cannot think that—but we have not received the amount of support we were entitled to expect. Have the landed proprietors come forward to help us? How have my hon. Friends assisted us? Even the hon. Member for Dumbartonshire (Mr. Smollett) is not in his place. The hon. Gentleman challenged me to grapple with large questions, who taunted me with bringing in Bills for fish not men, and with the lateness of the hour at which Scotch business is brought on. But now, when we have a night to ourselves for the discussion of Scotch business, when a very important Bill is brought forward at an early hour —and that Bill relates to land not fish— the hon. Member allows me to be torn to pieces by his hon. Friends behind me and is not here to raise his voice to my assistance. It is true, as has been said, that we had a meeting of Scotch Members on this question. They were not friendly to the Bill; not because they had formed a decided opinion on the matter, but because strong representations had been made to them against it. I was quite aware that representations would be made against it. There was a whisper last year of such a Bill being introduced, and at once strong representations began to be made against it. For the last six years the appointments to the office of keeper of the registers in the counties have borne a clause that if it should happen that the registers were taken to Edinburgh the holders of such offices should not be entitled to compensation. There has, therefore, been distinct and ample warning to the country on the matter. I do not impute that this is a mere pecuniary question to the opponents of the Bill. There is a kind of *esprit de corps* in the counties, and they are unwilling to part with the *prestige* of the ancient registers. That is only natural. It is an element that necessarily arises. It is an element which has arisen in England in regard to the proposed system of registers; and it is an element with which we must deal if we want to carry out an efficient reform. I cannot say that I felt confident about carrying this Bill when I introduced it; but I was anxious in the first instance to bring the matter to a point and see what were the difficulties which weighed against my proposal. We have had a discussion to-night which has served that purpose. The hon. and gallant Member for Ayr (Sir James Fergusson) has studied the subject carefully, and expressed his views with clearness and ability. I listened to his speech, I must say, with great pleasure. The hon. and learned Member for Greenock (Mr. Dunlop) has also made some suggestions which derive value from his experience, and the long consideration he has given to the matter. I expected, however, more vigorous support from my hon. and learned Friend. As to my hon. Friend the Member for Montrose (Mr. Baxter), I cannot congratulate him on the appearance he has made to-night. That an hon. Gentleman of his position in the House should come forward on a matter of this kind, proposed in accordance with the opinions of men who, in respect of learning, experience, and integrity, stand as high as any in Scotland, and should charge us with bringing in a Bill (which he ought to have known was first suggested by the procurators of Glasgow) for the purpose of benefiting the lawyers of Edinburgh — I say I much regret that he should have done so. I wish he only knew the feeling with which I heard his words. I am not in the least afraid that any man whose opinion I value will for a moment give credence to the hon. Member's assertions. I must say, however, I am somewhat surprised that any one of the Scotch Members, who generally express themselves with moderation and good feeling, should have given vent to such paltry criticism. This is not a measure for the lawyers of Edinburgh. It is a measure for the landed interest. If it be inferior to any other scheme for the accomplishment of the same object, let the hon. Member for Montrose or any other submit a better proposal, and defend it on philosophical and logical grounds instead of appealing to feelings of the least elevated kind that can be roused. I shall be very glad to give his proposition fair consideration. When charges of this sort are levelled against the Edinburgh lawyers, and when it is said that no practising advocate will bring in a Bill for an economical reform of the legal system, it ought to be known that thirty years ago offices to the extent of £60,000 a year were abolished in Scotland at the instance of Edinburgh lawyers. This, however, is all beside the question. It is admitted on all hands that a reform is required. It is admitted on all hands that the system of the old registers requires amendment, and that the amendment should be in the direction of abolishing the double registers. That being agreed, the second reading of this Bill seemed to me a matter of course. The only question that remains is whether you should do away with the local registers and collect them all at Edinburgh, or whether you should keep the registers in the counties and abolish the general office in Edinburgh. Our proposal is that, instead of a score of local registers, you should have a single central one. The expense to the landed proprietors of these local registers is immense. The fees in Glasgow amount to £5,000 a year; in Forfarshire to £1,100; in Aberdeen to £800; and the total comes to £12,000 a year. On the other hand, the chief registrar in Edinburgh would have only £1,000 a year salary, and there would generally be a great saving. Of course, if you increase the staff of the local offices, you must incur an increased expenditure. But, even if you keep up the local registers, you cannot abolish the General Register Office altogether. It will still be required for the old registers, and for those of the three Lothians—as well as for the registration of adjudications, hornings, &c. If you want a thorough effectual reform, I can only say it is utterly impossible to accomplish it with twenty different offices, without control, without a uniform principle, and distributed throughout the country. You must have a uniform system, and a complete arrangement for indexing. It was proposed in 1863 that the local registers should be abolished, and that Edinburgh should be made the central office, but that Glasgow should be allowed to retain its register as an exception to the rule. Several of the most distinguished members of the procurators of Glasgow, from whom that proposal emanated, dissented on the ground that it would be incompatible with a uniform national system, and that the facilities for searching would be lessened and the expense increased if so many of the registers were to be kept in Edinburgh and so many in Glasgow. I have thought it right to make these remarks in vindication of the course I have taken ; but it cannot be disguised that the measure receives but little support from the representatives of Scotland, and as I am usually favoured with their cordial and kindly co-operation, I feel bound, in spite of my own strong feelings on the matter, to defer to their opinion. I have therefore come to the conclusion that the Bill had better be withdrawn in the meantime, and I hope that when we next return to the question we shall consider it on its merits, apart from personal or professional insinuations.

SIR JAMES FERGUSSON said, he would withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

CHURCH BUILDING AND NEW PARISHES ACTS AMENDMENT BILL—[BILL 61.]

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL said, he was very desirous to explain the nature of the measure, because a very considerable amount of misunderstanding and misapprehension prevailed in reference to its provisions. Two years ago his hon. Friend the Member for Poole (Mr. Henry Seymour) called attention to the subject of the Ecclesiastical Statutes, by a Motion of a very wide and extensive character, which proposed that the whole of them should be consolidated. The Government was not prepared to embark in so large a scheme ; but they promised to see whether a certain portion of the Acts bearing on the subject, namely, those commonly known as the Church Building Acts, could not be consolidated. One of the most eminent ecclesiastical lawyers of the day, under instructions from the Lord Chancellor, prepared the draft of a Bill for the purpose of effecting that object; and it became his own duty to revise and finally settle the form of a Bill from the draft so prepared by Dr. Stephens, and having done so he introduced it to the House. In performing that duty he laid down for his own guidance the principle of avoiding, as far as he could do so, the introduction of any material changes into the law on subjects of importance on which there were divided opinions in that House and out of doors. His wish was to avoid every innovation whatever in the substance of the laws of the Church; and the difficulties which he had to experience in effecting that object were more formidable than at first sight they might seem to be. The case was one in which the mere collection and re-enactment of all the various provisions of the existing law, without any amendment or alteration of those provisions, was impossible; and, accordingly, both the draft Bill originally prepared by Dr. Stephens, and the Bill introduced by himself, contained various Amendments, principally for the purpose of simplifying and reducing into harmony the confusion and inconsistency which was found to exist in some of the details of the Acts which it was desired to consolidate. Some of these Acts contained provisions expressly relating to the subject of church rates; and these provisions Dr. Stephens, in the proper discharge of the duty intrusted to him, embodied in his draft. The Government, however, felt, that the passing of the measure might be endangered, if these provisions continued to form part of it; and, on the other hand, it was not prepared to repeal them. It was, therefore, determined, neither to consolidate nor to repeal those parts of the former Acts, which related to the levying of church rates for particular purposes; but to allow them to remain in force as originally enacted. On the second reading of the Bill some reference was made to a question which had then lately arisen before the Courts of Law, as to church rates in new parishes; and he then stated that it was quite impossible for the Government to propose in such a Bill any interference with that subject. The object of the Bill was to simplify and consolidate the Church Building Acts; but the Government were not anxious to, in any way, embark in the settlement of the church rate question by means of that measure. The Bill was referred to a Select Committee, and he must say that that Committee, in which various opinions were represented, took a great deal of pains with the Bill, and the members of the Committee adopted the same view as that held by the Government—namely, that no attempt should be made by that Bill to introduce any extension of the principle of church rates, or any provision for the abolition of those rates. The hon. Member for Wycombe (Mr. Remington Mills) moved to introduce in a particular clause words which would have had the effect of providing that church rates should not be levied in new parishes; but all the other members of the Committee, including two hon. Friends of his own, who always voted for the abolition of church rates, voted against the Motion of the hon. Member for Wycombe, on the ground that it was not a part of the object of the Bill to use it as an opportunity of introducing any important alteration of the law with respect to church rates. The Bill passed through Committee, and the Committee went farther than he had ventured to do when introducing the Bill to the House; for they recommended that clauses should be introduced consolidating, and therefore re-enacting, those provisions of the former Acts, expressly relating to church rates, which had been left unrepealed but had not been consolidated. They thought the Bill would not be perfect unless it included all enactments, which it was not proposed to alter. While wishing to pay every deference to the decision of the Committee, he had, nevertheless, felt bound to deal with the Bill in an independent way, when the question arose of introducing it again. He still thought that the recommendation of the Committee would lead to a contest of opinions on the subject of church rates, when the additional clauses came to be considered; and, therefore, he thought it would be more advisable to adhere to the original decision of the Government, and neither consolidate nor repeal the church rate clauses by means of such a Bill. He, therefore, prepared a Bill on that footing, which was in other respects, in substance, as it passed the Select Committee. After it was introduced, a great deal of discussion took place out of doors, and one particular clause was regarded by a large body out of doors and by some hon. Members in that House as having the very effect which the Government desired to avoid in bringing forward the measure—namely, as altering the *status quo* upon the subject of church rates. Under these circumstances, it became a matter for the serious consideration of the Government how far that objection, whether well or ill-founded, might prove a practical obstacle to the passing of the measure, and also how far it might be met by a modification of the Bill. It had been seriously represented, notwithstanding the engagements which had been given that there should be as far as possible an evenhanded balance held between both parties on the subject, yet that an attempt was made in the Bill to extend the law of church rates to cases in which it was not applicable under the present law. He trusted that there were not many hon. Members who believed him to be personally capable of such an attempt. To say, indeed, that a Government, the greater part of whose Members were in the habit of voting for the abolition of church rates, would be parties to such a scheme would be too unreasonable for any one to believe. Because, however, he was known to be individually in favour of some provision being made for the maintenance of the fabrics of the Established Church, it was inferred by some that he might be capable of abusing the opportunities he enjoyed, and of endeavouring to do indirectly that which he had said he should endeavour to avoid. This rendered it necessary, that he should explain to the House, in a little detail, how the case as to church rates in new parishes really stood under the existing law, and show that there was nothing in the present Bill which could possibly have the effect of making such parishes liable to church rates, unless they were already so liable. There were twelve principal Acts relating to the creation of new parishes, and two principal classes of new parishes to which those Acts referred. The first class were new parishes under the Acts anterior to those of Sir Robert Peel and Lord Blandford, of 1843 and 1856, and the other class were new parishes under the Peel and Blandford Acts of 1843 and 1856. The first class consisted of new parishes which by the express enactments of the Acts under which they were founded were authorized to raise church rates within themselves for the purpose of repairing their own churches, but were also saddled with contributions to the mother church for twenty years. Some persons had fallen into the error of supposing that Parliament had decided against the principle of allowing church rates to be levied for these new parishes. The original Acts which enabled district parishes to be created were the Million Acts of 1818-19, and by the express terms of the 70th section of the first Act it was enacted that—

> "The repairs of all such district churches or chapels shall be made by the districts to which they respectively belong, by rates to be raised within the district in like manner as in case of repairs of churches by parishes, and every such district shall be deemed in law a separate and distinct parish for that purpose."

Section 71 of that Act superadded, by way of proviso, a continued liability to be rated also to the repair of the original parish church for twenty years from the consecration of the district church or chapel. Since that time no less than seven later Acts, passed in 1822, 1824, 1831, 1838, 1845, 1848, and 1851, referred to these provisions of the Million Acts for the creation of "separate and distinct parishes," and "district parishes," with all the incidents and consequences attached to them by the Million Acts, as in full force and effect, and contained a variety of further enactments facilitating and extending their application to cases to which they did not originally apply. There were also powers in the Million Acts and some of the later Acts for building, rebuilding, and enlarging churches by means of church rates. The Government might, with far more justice than there was in the charge now made against them, have been exposed to the imputation of legislating, by this Bill, too much in favour of the views of those who were opposed to church rates in new parishes; because, by the process of consolidation and simplification adopted in this Bill they had swept away entirely the whole of the machinery by which those "district parishes," and "distinct and separate parishes," to which the power of levying church rates for the support of their churches was expressly attached, could be called into existence under the provisions of the Million Acts and the rest of that series of statutes; and if the Bill should pass as it left the Committee, there could no longer be any new parishes that would have expressly conferred upon them the power of raising church rates. The Government and the Select Committee had adopted in that consolidation the simplest form of new parishes—namely, the form of the Peel and Blandford Acts, and they had proposed to abolish for the future the earlier forms under which the power of raising church rates was expressly conferred. That was not done in order to affect the subject of church rates, but because it was thought better, for other reasons, to get rid of the older machinery; and they did not consider, in so doing, whether they would or would not diminish the area within which the law of church rates might be applied. The Peel and Blandford Acts of 1843 and 1856 had introduced a new description of parishes; and as some differences of form existed, involving more important considerations, it was thought desirable to reduce all to one single model, and to adopt, for this purpose, the latest form—namely, that of Lord Blandford's Act. Sir Robert Peel in 1843, when he proposed that Queen Anne's bounty should advance £600,000 for the creation of new districts, introduced a Bill for the creation of those new districts. He proposed to endow districts which had not churches at the time of endowing them, hoping that private benefactors would provide churches, and his Bill proposed that as soon as a church was consecrated for any district, it should become a new parish for ecclesiastical purposes. There was not one word in that Act, one way or the other, about church rates, and from that circumstance it had been inferred that these new parishes would not have the same incidents as to church rates which the older class of new parishes possessed. It had also been asserted that Sir Robert Peel made some declaration of his own intentions on that subject; but he was bound to say that he had not been able to discover that Sir Robert Peel had left on record any such declaration of his intentions. In 1828 Sir Robert Peel was said to have declared that it was not expedient to apply the law of church rates to any new parishes; but nothing could be a greater mistake than that representation. In the first place, the facts already stated showed, that, long after 1828, Sir Robert Peel's Government and other Governments which followed were parties to an extension of the system of the new parishes, created under the Million Acts, to which church rates were expressly annexed. Sir Robert Peel's declaration in 1828 was, that he did not propose to devolve upon the Church Building Society the power of imposing church rates upon any parish. That was quite true. But he said that, on bringing in a Bill to incorporate that society and empower them not to make new parishes, but simply to receive voluntary contributions for the building and repairing of churches and chapels. There was at that time no legislation at all proposed on the subject of new parishes. Whatever might have been Sir Robert Peel's opinion in 1843, he did not at any time leave it on record; but he (the Attorney General) entirely agreed that the general impression and belief was that the effect of his legislation in 1843 differed from that of the earlier Acts, and that it would not allow church rates to be levied in what were called the Peel parishes. The next stage of legislation upon this subject was the introduction of Lord Blandford's Bill. That was first introduced in 1855, and the measure founded upon it became law in the following year. As to that also there was some misapprehension. In the first place that Bill was in no sense a Government Bill, as was stated at the time by his right hon. Friend the Secretary for the Home Department; it was not introduced with the sanction of the Government, though they approved its objects. Lord Blandford desired to extend, as far as might be, to all districts the principle of the new parishes under Sir Robert Peel's Act, and more particularly to permit the creation of parishes of that description in districts where there were churches already. When the Bill was introduced it contained a clause expressly dealing with church rates. It was to this effect—

> "No church rate levied within any parish shall be applicable to any but the church and to the church purposes of such parish."

In his speech upon the introduction of the Bill, Lord Blandford said—

> "The districts (*i. e.* district parishes) were liable for twenty years to the rates of the mother church, and, as no benefit was derived, the district churchmen frequently refused the rates more from this reason than from any disapproval of the church as a great national institution. . . . The simple remedy, which he had endeavoured to embody in this Bill with respect to this question, was to declare that no church rate should be levied in a district which was not applied to the church of that district. . . . No church rates were to be collected in any new parish, except for the support of its own church."

When, therefore, that Bill was introduced, its author intended to enable church rates to be raised for the new parishes which he proposed to create. But the Bill was referred to a Select Committee, and came out very much altered, and amongst other changes that clause had disappeared. When it was afterwards considered in Committee in this House very little discussion took place. Sir W. Clay asked whether the second clause, in constituting separate parishes, would confer upon those parishes the right of levying church rates. Lord Blandford said positively that that would not be the effect of the clause—that the parishes thereby constituted would to all intents and purposes resemble those formed by Sir Robert Peel's Act, under which, as was known, no church rate could be levied. That statement of Lord Blandford might or might not have been correctly understood at the time, but hon. Gentlemen would do well to read the second clause upon which the question was asked, and the answer given. That clause merely provided for the creation of additional parishes in districts which had already a church, Sir Robert Peel's Act having provided for a similar object in districts without churches. The Peel parishes were expressly the subject of that clause, and no doubt Lord Blandford expressed his apprehension that these parishes would not be able, under that clause, to levy church rates. But the material clause in the Act, and one which might have the most important bearing upon the question, was not the 2nd, but was the 15th, which did not stand now as it did when this conversation took place. At that time the 15th clause wanted seven or eight lines with which it now concluded. It provided that the resident inhabitants of every new parish, whether constituted under the Peel or Blandford Acts,

> "Shall for all ecclesiastical purposes be parishioners thereof and of no other parish, and such new parish shall for the like purposes have and possess all the same rights and privileges, and be affected with such and the same liabilities as are incident or belong to a distinct and separate parish."

There the clause stopped originally, and in that state it passed, not only through the Select Committee, but also through the Committee of this House. It was not till the Report, that, on the Motion of the hon. Baronet the Member for the University of Oxford (Sir William Heathcote), these important words were added—

> "And to no other liabilities: provided always that nothing herein contained shall be taken to affect the legal liabilities of any parish regulated by a local Act of Parliament, or the security for any loan of money legally borrowed under any Act of Parliament or otherwise."

The saving of securities for monies borrowed under an Act of Parliament could scarcely have reference to anything but monies borrowed on the security of rates; and these words were very likely added for the express purpose of producing, or making more clear, the effect which some supposed now to be produced by the clause. That was the form in which Lord Blandford's Act passed; and this was the state in which Her Majesty's present Government found the matter, with the addition that in the autumn of 1862 the question as to the effect of the Peel and Blandford Acts was raised in a suit about a church rate at Shrewsbury—the case of "Gough *v.* Jones"—in which Dr. Lushington held, not that Church rates might be raised for the repair of the church of a new parish, but that the inhabitants of a new parish were not liable to the church rate levied for the Church of the mother parish. It had occurred to many persons since, and he believed the opinion had been acted upon, that the converse proposition ought also to hold, and that if the new parish were exonerated from the church rate levied in the old parish, it would be entitled, on the same principle, to raise a church rate for its own purposes. Dr. Lushington in his judgment did not proceed upon the interpretation of Lord Blandford's Act at all. He took an earlier clause, the 14th, which said that whenever certain offices of the church should be performed in the church of a new parish or district, and the fees should belong to the incumbent, then it was to be a separate and distinct parish for ecclesiastical purposes, such as was contemplated in the 15th section of Sir Robert Peel's Act. Dr. Lushington said, "That refers us to Sir Robert Peel's Act, so let us see whether church rates could be levied under that Statute." Then he fastened upon the term "ecclesiastical purposes" in the 15th section of Sir Robert Peel's Act. That, in his opinion, must mean all ecclesiastical purposes; and he held that church rates were ecclesiastical purposes. In this way, construing Sir Robert Peel's Act, and not the 15th section of Lord Blandford's Act, Dr. Lushington arrived at the conclusion that church rates were not to be levied in the new parish for the purposes of the old parish. He believed it was proposed to appeal from this judgment to the Privy Council, and it was therefore impossible yet to assume that this was actually the law. At the same time it must be obvious to every one that there were elements for further consideration arising out of the 15th section of Lord Blandford's Act, which were not exhausted by Dr. Lushington's decision in that case. He would now explain the course which had been taken in the preparation of the present Bill, under these circumstances. If they consolidated the provisions of Lord Blandford's Act at all, it was impossible to leave out the 15th section, which was the very keystone of the arch; and what was done, therefore, was simply to take the language of that section and reproduce it, church rates not being mentioned, leaving it to have in the new Act just the operation which it would have in the old Act. Nothing was done to authorize the levy of church rates under it, if they could not have been levied in like circumstances under the old Act. Whatever that operation of Lord Blandford's Act was, it was, at present, the law of the land; and to alter it, so as to declare that church rates should not be levied for the purposes of these new parishes (if they might be so levied under the existing law), would have been a plain and direct departure from the engagement given by the Government, that they would not attempt, by the present measure, to alter the law of church rates. If a majority of this or of the other House of Parliament thought the law on this subject ought to be as it was, it could hardly be expected that they would recognize the obligation, sought by some to be cast upon them, to alter that law, merely because its effect might have been misapprehended by this or that individual, either when Lord Blandford's Act was passing through the House of Commons, or at any other time. Those who thought that the law ought to be altered, had the right and the power to bring that question to a direct issue, by moving for leave to introduce a Bill for that purpose; but he did not think they could justly call upon the Government to take that responsibility upon themselves, much less to stake the success of a measure like the present upon any such proposal. At the same time, the Government were most desirous of doing all that they properly could to remove any reasonable ground of exception, if such could be shown to exist, to the language or the possible effect of any part of the present Bill. It had occurred to him that the objection with regard to the disputed clause, which had been adopted out of Lord Blandford's Act, might be met by omitting the whole of those clauses which related to the Peel and Blandford parishes, leaving Sir Robert Peel's and Lord Blandford's Acts unrepealed; and that he should have been perfectly prepared to do, if, all things considered, it had appeared the more advisable course to proceed with the Bill during the present Session. But there seemed to be good reasons for withdrawing the Bill just now. On the one hand, the Government had been informed that nothing would be satisfactory to certain gentlemen except a substantive alteration in the law, which of course would be inconsistent with the engagements which had been given when the subject was undertaken. He was also bound to say the moment a cry was raised, on one side, it seemed as if the defence of the Bill, on the other side, might, perhaps, be rested by some on grounds equally remote from that impartiality on the matter in dispute, which the Government desired to preserve; and that any such modification of it, as he had just indicated, would be unacceptable to a powerful class of its supporters. But there was also another subject which had exposed the Bill to objections, sometimes urged in strong terms, from a very different class of opponents, and upon which some explanation was due. The Government had been accused of new legislation, not only on the question of church rates, but also in the very opposite direction, on the question of pew rents. Some zealous churchmen had been as severe on the Bill for that reason as gentlemen who held an opposite opinion had been on account of church rates. He wished to state simply that every one of the Acts under which new parishes were created authorized, without a single exception, the levying of pew rents in the churches of those parishes. The Government, therefore, only took up the system which was found to prevail under the sanction of every former Act. The proportion varied, but the principle existed. His own personal sympathies were with those who did not like pew rents, but were in favour of free churches. But there might often be more harm done by standing up for an abstract principle to an impracticable extent than by adopting the course which, under the circumstances, was practically the best. Finding, therefore, the principle of pew rents pervading the whole of these Acts, it appeared necessary to adhere to it, but yet it was desirable, while consolidating the Acts, not to extend the principle. And in conformity with that object a clause was introduced into the Bill, by which it was provided, that in no church should the number of free seats be diminished by the operation of the Bill. The Select Committee had thought fit with regard to the Blandford churches to alter the minimum fixed by the Act from half to one-third. He was not present when that alteration was made; it was unnecessary to say how he should have voted if he had been, but he felt bound to introduce the Bill as it came from the Committee in that respect. It was, however, the greatest mistake possible to suppose that the Bill was intended to legislate in favour of the principle of pew rents, or to give that principle a more extended application, any more than that it was intended to legislate in favour of church rates, or to give them a more extended application. The Bill was honestly intended for the purpose of doing some practical good without meddling with controverted matters. He was sorry, that, for the present, the attempt had failed. It was not a Bill of a pretentious or ambitious character; but he was quite sure that the House would give him credit for having attempted to promote a useful object in all good faith, and having no idea in view except to do that which under the circumstances appeared most just and reasonable. He begged to move that the order be discharged.

Motion made, and Question proposed, "That the said Order be discharged."—(*Mr. Attorney General.*)

Sir CHARLES DOUGLAS said, that the principle which those who agreed with him contended for had been admitted by the hon. and learned Gentleman, that, during the last thirty years, no Bill had been carried through the House which did not proceed on the assumption that church rates were not to be interfered with. He wished to call attention to what passed in the year 1828, when an attempt was made by the Chancellor of the Exchequer of the day to pass a Bill which was not allowed to be read a second time, although he stated that it would not interfere with the question of church rates.

Mr. HUNT said, he had listened with great admiration to the able and luminous speech of the hon. and learned Gentleman, but had heard with great regret the announcement that the Bill was to be withdrawn. He had been a Member of the Select Committee which had discussed the Bill, and he felt in listening to the explanations of the Attorney General that a more powerful speech in favour of a second reading he had not often heard, and he learned with sorrow that the unanswerable arguments in favour of the Bill were to be followed by its withdrawal. The Select Committee who sat upon that question was composed of Gentlemen whose opinions ought to command respect: the Committee gave a most attentive consideration to the subject, and most of them were most anxious to carry out the arrangement that the question of church rates was not to be altered by this Consolidation Bill. Having been himself always a warm supporter of church rates in that House, he had strictly adhered to the engagement. But what was the course taken by one hon. Member, who was against the maintenance of church rates? Having found that the law of church rates with regard to the new parishes, as laid down by Dr. Lushington, was different from what he supposed, he thought that he had got an opportunity for altering the law, and he proposed to make it, by means of the Consolidation Bill, that which he thought it was. But, to the honour of the other Members of the Committee who were opposed to church rates, they took a contrary view, and they proceeded in the consideration of the Bill in strict accordance with the engagements which had been entered into. The Bill came down from the Committee at too late a period to be proceeded with, but his hon. and learned Friend had introduced the present measure very nearly in the shape in which it left the Committee, and at a period of the Session favourable to its discussion. With regard to the course that had been taken to-night, he deeply compassionated him on the pressure that had been put upon him. If he had been left to his own will he would have carried the measure and earned the gratitude of all Churchmen for having effected that which had been a much desired object for many years past. The condition and entanglement of the law had been a matter of disgrace to the Legislature for many years, and if his hon. and learned Friend had been able to use his great powers and influential position in removing that stigma, and had made the law clear and intelligible, he would have earned the gratitude of all Churchmen in this country, and it would have conferred additional honour upon him. He regretted that his hon. and learned Friend had taken service with Ministers whose political exigencies were such as obliged them to violate their own convictions and bow to the unreasoning clamour of a small section of their supporters. There was not a single reason for the withdrawal of the Bill, but it had been done simply to obviate the disaffection and estrangement of a small section. What was the single point upon which some of the anti-Church party dissented from that Bill? The decision in the case of "Gough *v.* Jones" decided that new parishes under Lord Blandford's Act were not liable to pay church rates to the mother church, and the Committee before whom the Bill was sent well considered it, and, finding they had no power to alter the law, they took it as it had been laid down by Dr. Lushington, and made no change in it; but the hon. Member for Wycombe (Mr. M. T. Smith), and those who supported him, took another view of the matter, but that was no reason for withdrawing the Bill. It was a Consolidation Bill, and ought to have been proceeded with; and if the hon. Member for Wycombe, and those who took a similar view of it, thought it a convenient opportunity for taking the sense of the House upon their view of it, they ought to have given notice of an Amendment in Committee on this Bill, and then the question would have been decided. The Government had taken a weak and unworthy course in the matter, and they had no right to withdraw the Bill from the consideration of the House simply from fear of a division in their own party. Having sat on the Committee last year for many weeks, and having bestowed his best attention on the subject, he confessed that he felt great regret at the result of the Bill.

MR. HENRY SEYMOUR said, he two years ago moved the introduction of a Bill for the consolidation of the ecclesiastical law, and in which he was supported by many influential Members of the Government, but from some cause or other he was defeated, and he was unable to carry the whole of the measure. The present law was in a most confused and contradictory state, and its imperfect condition had been alluded to by some of the ablest Judges of the land. Dr. Lushington and

Dr. Jelf had tried their hands at it, and the late Sir James Graham pronounced his opinion that its consolidation was impossible, but nevertheless attempts had been made to do so, and he had been informed it was referred to Dr. Stephens. He believed it had been accomplished in an able manner by Dr. Stephens, and any amendments which he had proposed were printed in italics, that the House and the Government might be able to judge of their value. But the learned Attorney General's Bill was a totally different measure, and the mistake the hon. and learned Gentleman had committed was in his attempt not to consolidate, but to amend the law, and make it an entirely new measure, and that, he believed, was the cause of its failure. He believed it was possible to carry a consolidated Bill. Directly the Bill was laid upon the table of the House, he maintained that it was an Amendment Bill establishing an entirely new code. He did not regard the failure of the present measure as any proof of the correctness of the remark of Sir James Graham, because he maintained that a Consolidation Act had not been attempted by his hon. and learned Friend. When the intricate measure, with its hundred clauses, was referred to the Committee, the Gentlemen on the Committee were engaged for four months in performing the duties which should have been undertaken by a draftsman in the solitude of his chamber. His hon. and learned Friend had said that the Bill introduced no changes in the existing law with regard to church rates. Without desiring to impugn the motives of his hon. and learned Friend, or to attribute to him the intention of surreptitiously introducing church rates where they had not hitherto been levied, the measure had no doubt given rise to disagreeable rumours as to the insertion of two or three words in the Bill which it was said would have the effect of introducing church rates into 500 or 600 parishes at some future date where their existence had hitherto been unknown. He could not understand how the hon. Member for Northamptonshire (Mr. Hunt) could maintain that the Bill was a consolidative measure when he and every member of the Committee were aware of the numerous amendments and new clauses which had been introduced into it. In that Bill words were inserted which would introduce church rates into many parishes in which otherwise they would not have been known for thirty years to come. Under Sir Robert Peel's Act, and under the Marquess of Blandford's Act, church rates were not introduced, and, therefore, no opposition had been offered to those measures. But would the Conservative party — the successors of those who passed those measures upon that understanding—would they now, because of an accidental interpretation of particular words in a sense that was not intended by the framers of those measures, refuse to listen to a fair appeal of those who objected to the interpretation? The Bill had failed from the manner in which it had been brought in, and he regretted its failure, because he admired the great abilities of the Attorney General; but he should like to know what was to be the future mode of dealing with the subject. He hoped the hon. and learned Gentleman would, instead of attempting an Amendment Bill, introduce next Session a Consolidation Bill, and if he did so there would be little doubt of his being able to carry it.

LORD JOHN MANNERS said, he could not agree with the last speaker in the conclusions he had drawn from Sir Robert Peel's and the Marquess of Blandford's Acts, that hon. Members on that side of the House should agree with the hon. Member for Wycombe that church rates should never be levied in the parishes thus created. Sir Robert Peel, as was well known, was a cautious man, and he did not say anything about church rates, because his measure contained no direct allusion to them; but it was not fair to argue from that silence twenty years afterwards that church rates never were to be raised in these parishes. With respect to the Marquess of Blandford's Act, the hon. and learned Attorney General had put the matter in the clearest light. It was upon a discussion upon the second clause that Lord Blandford spoke, and afterwards the Bill was altered. The measure must be judged by its words, and not by a conversation upon a particular clause. Taking the Act as they found it, and wishing to consolidate it with other Church Building Acts, it would be absurd to suppose that having successfully maintained the existence of church rates, Members on the Opposition side would agree to insert words in a Consolidation Bill, to prevent for all time the rating of church rates in the new and largely increasing parishes. The history which the hon. Gentleman had given of this Bill showed that if this Bill had been carried out merely as a measure of consolidation the present difficulty would not have arisen. The Attorney General told them that instructions were given to prepare a Consolidation Bill, and Dr. Stephens did prepare such a Bill, but political reasons prevented him from accepting the measure. [The ATTORNEY GENERAL: That is not so.] The hon. and learned Gentleman had, in order to avoid controversy, left out certain sections from the Bill, but he had not gained his object. The hon. Gentlemen behind him were not conciliated by those sections being put in the schedules. Now the Committee were unanimous in recommending that, with a view to consolidation, the sections should be inserted in the body of the Bill. Again, the hon. and learned Attorney General thought it unwise to accede to the recommendations of the Committee. The sections were not introduced into the body of the Bill in order to conciliate hon. Members who sat on the benches behind the hon. and learned Gentleman. Those Gentlemen were not conciliated. The moral he should draw from those failures was, that it was an impossibility to conciliate political dissentients in any matter connected with the church. The hon. and learned Gentleman was prepared to make further sacrifices, and to strike out all reference to Sir Robert Peel's and Lord Blandford's Acts. That would not have been consolidation. It would have been a poor and miserable attempt at consolidation. If the hon. and learned Gentleman were really anxious to perform the great work of consolidation he must proceed on a clearer basis, and defy the efforts of the Liberation Society. He admitted that the hon. and learned Gentleman was not to blame in this matter. He had acted, no doubt, in the purest and highest spirit, but he had been overruled by higher powers, and had had to sacrifice his churchmanship to his connection with those who sat behind him. The hon. and learned Gentleman had certainly had to encounter very great difficulties; and as to the legal difficulties of the question there were added difficulties of a political and semi-religious nature, it could not be denied that great praise was due to him for the efforts he had made to surmount them. While regretting that the efforts had failed, he did not believe that the labours of Dr. Stephens and his coadjutors would be thrown away; but, on the contrary, he thought that it would be reserved for happier times and a more united Government to carry out the great work of consolidating the laws relating to church building.

MR. F. S. POWELL said, he agreed with all that had been said in praise of the hon. and learned Attorney General for the attention he had given to the subject. There was another Gentleman on the opposite bench to whom a tribute of praise was also due, he meant the right hon. Gentleman the Secretary of State for the Colonies. He was quite satisfied that they would not have arrived at the conclusion which they had reached but for his efforts. It had been stated that the effect of the present Bill would be to authorize the levying of pew rents in parish churches; but there was nothing in the Bill to authorize that, though it was true that such a provision might apply to certain new churches. The hon. and learned Attorney General had fallen into an error. The draft of the Bill, as originally drawn, enacted that one-fifth part of the pews in every church referred to should be free; but the Committee decided that one-third should be free, and therefore the hon. and learned Gentleman could hardly claim for having desired that one-half should be free, when in his own Bill one-fifth was inserted. The practice was to have one-third of the seats free. In the case of those new churches the law only required the consent of the Bishop, but the present Bill required that there should be the consents of the incumbent and the patron also, unless it could be shown that pew rents were absolutely necessary. In the Committee it was also proposed that pews should be let for only one year, and the great evil had arisen in consequence of letting for longer periods. There was another provision that appeared to be an act of injustice on the part of the Committee; it was enacted that during the lifetime of any incumbent, and contrary to his wish, a certain sum of money derived from pew rents should be taken away in the event of the augmentation of his income. He must say that he felt great regret that the Bill had been withdrawn, for he believed that in the hands of the Attorney General it might have been made a useful measure by getting rid of doubts and embarrassments which now existed. He, however, felt little encouragement from what had passed; and he believed that a purely Consolidation Bill could not pass, and if it did, it would only have the effect of bringing to light a number of ambiguities and obscurities in the law.

MR. REMINGTON MILLS said, that having been taunted with forcing on the Committee the consideration of the question of church rates, he wished to state that last year, on the second reading of the Bill, he objected to it on the same grounds as he did now. The Secretary of State then said that no doubt it was understood that church rates should not be leviable for the support of those district churches, that the question was one for the Select Committee, and that no instruction would be necessary. Therefore, he was fully justified by what fell from the right hon. Baronet in bringing the subject before the Committee. He altogether disclaimed having imputed to the hon. and learned Attorney General any motives except the most honourable. He believed that the hon. and learned Gentleman never attempted anything which he did not think right, and that his course was guided by the principles of justice; but from first to last, since the money from the Million Act was expended, it was understood that churches built by subscription were not to be supported by church rates. Nevertheless, he maintained that the present Bill gave the power of levying church rates in district parishes. It ought to be considered that by re-enacting a clause they gave it additional force. He stood alone in the Committee, and he had endeavoured to maintain his principles honestly, which he would always continue to do.

Question put, and *agreed to.*

Order for Second Reading *discharged.*

Bill *withdrawn.*

GREEK LOAN—(CONSOLIDATED FUND).

Considered in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER, in the absence of the Under Secretary for the Colonies, begged to move the following Resolution:—

> "That Her Majesty be authorized to relinquish in favour of King George the First, the King of the Hellenes, during his reign, the sum of £4,000 sterling a year, and to that extent to release the Greek Treasury from the obligation of a certain arrangement, concluded at Athens in the month of June, 1860, in reference to the Greek Loan."

As the hon. Member for the Tower Hamlets was going to raise a constitutional question with regard to that proposal, it would be right that a convenient opportunity should be afforded for its discussion. The Government did not propose to trouble the House with any statement at that hour. He would content himself with simply moving the Resolution on which a Bill would be founded.

MR. AYRTON said, he thought the merits of the Bill could best be canvassed on the second reading. He would take a discussion on the Motion of which he had given notice, on going into Committee of Supply on Monday.

Motion *agreed to.*

Resolved,

> That Her Majesty be authorized to relinquish, in favour of King George the First, the King of the Hellenes, during his reign, the sum of Four Thousand Pounds sterling a year, and to that extent to release the Greek Treasury from the obligation of a certain arrangement, concluded at Athens in the month of June, 1860, in reference to the Greek Loan.

House *resumed.*

Resolution to be reported *this day.*

RAILWAYS CONSTRUCTION FACILITIES (*re-committed*) BILL—[BILL 110.]

COMMITTEE

Bill *considered* in Committee.

(In the Committee.)

MR. WHALLEY said, he objected to the powers conferred by the Bill, and thought that the President of the Board of Trade should have a discretion in the matter. He would ask why should existing railways be allowed, without any *locus standi,* to interfere with any new projects? He begged to move that the 9th clause be struck out.

VISCOUNT GALWAY said, he rose to move that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Viscount Galway.*)

MR. MILNER GIBSON said, that that clause was framed with the view of removing any opposition to the Bill. When a certificate for making a branch line of railway was granted by the Board of Trade, it was thought only fair that a Railway Company which petitioned the House, and declared that it had an interest in the Bill, should have the right to be heard before the Select Committee upon the measure in question. He certainly could not consent to make any change in that arrangement.

VISCOUNT GALWAY said, his objection was that landowners were not placed in as good a position in that respect as Railway

Companies. He would, therefore, insist upon his Amendment that the Chairman should report Progress.

Question put, and *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

STREET MUSIC (METROPOLIS) BILL.

[BILL 90.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed; "That the Bill be now read a second time."—(*Mr. Bass.*)

Mr. THOMSON HANKEY said, he thought the measure required grave consideration before it was sanctioned by the House, interfering as it did with a large class of persons, and those the poorest of the community. Street music might annoy some persons, but it certainly amused many more, and it was to be regretted that the extreme sensibilities of a few individuals should have led them to enter upon a crusade against it. If a Bill like that had been proposed for the City of Dublin or Glasgow, it would not have been entertained for a moment. It was said that street musicians were supported by a kind of black mail; that, in fact, they were paid by people for the purpose of getting rid of them ; but he utterly denied that statement. They were supported on the ordinary principle of supply and demand. Why should they seek to interfere with the amusements of the lower orders? They might as well attempt to put down smoking, which gave enjoyment to those who indulged in it, but annoyed others who did not. They ought to have a clear proof of the evils resulting from the practice against which the Bill was aimed, and also clear proof that that was the proper mode of remedying those evils ; and at present the House possessed neither. That was, after all, a paltry kind of legislation, unworthy of the British Parliament, and if they were to legislate against every petty annoyance which some individuals suffered, they would involve themselves in interminable difficulties. Many people complained of the nuisance caused by children practising at the pianoforte next door to them. He was thankful he had not to endure such an infliction. Was that to be put down by Act of Parliament also? It was a great annoyance to a house in which there was somebody lying sick that their neighbours should give an evening party. Why should that not be checked by legislation as well as organ playing? If that Bill passed it would enable the Chancellor of the Exchequer to suppress the band which played in the park in the rear of his house, and which afforded so much amusement to numbers. The bands played in the parks to the great amusement of a large concourse of persons ; but that Bill would enable any one of the neighbouring housekeepers to deprive the public of that source of enjoyment. He regretted that the bands of the regiments quartered in London, which were only employed by the rich at their entertainments, did not play much oftener for the gratification of the people generally. He remembered that in one of his Budget speeches, the Chancellor of the Exchequer cited it as a sign of the extraordinary poverty of large districts of the metropolis that there were whole streets in them in which the notes of the organ boy were never heard. The right hon. Gentleman meant by that, that the inhabitants were so poor that they were deprived of an innocent gratification. If street music was to be considered a nuisance, and required any kind of regulation, such regulation ought to be effected by means of the police, and not by special Act of Parliament like that now proposed. He would conclude by moving that the Bill should be read a second time that day six months.

Mr. BUTT begged to second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Hankey.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. LAWSON said, he understood that the hon. Member for Derby (Mr. Bass), who had brought forward the Bill, had a coadjutor out-of-doors who had written a pamphlet on the subject of street music, and who maintained that the whole body of organ-grinders was supported by the licensed victuallers and the proprietors of public-houses. He believed that the habit of frequenting public-houses and the amount of intoxication was much augmented by means of music at the doors. It therefore found support in the licensed victuallers.

Mr. AYRTON said, there was already legislation upon this subject. He begged to suggest that the Amendment should be withdrawn on the understanding that the Bill should be brought on another night at an earlier hour, when it could be properly discussed, which it could not be at that time of the night.

SIR GEORGE GREY said, he agreed with that suggestion. He had told the hon. Member for Derby (Mr. Bass) that he would not oppose the second reading, but that it would be necessary to amend the Bill in Committee.

MR. BUTT said, he thought it was absurd to suggest that the discussion should be taken in Committee. The Bill consisted of only one clause, and consequently the whole question was now at issue. [*Cries of* "Oh!"] If anything could induce him to advocate the suppression of street music, it would be the cries of "Oh!" from some hon. Gentlemen, for sounds more resembling those of a barrel organ out of tune he had never heard; but he should be sorry to put a stop even to the discordant exclamations of the opponents of the Bill by so arbitrary and tyrannical a measure as the present.

MR. ADDERLEY said, the principle of the Bill was admitted by the present legislation. The question was its adaptation to what might be called the German crusade, and the prevention of twenty or thirty trumpets blowing a blast into the windows of houses in many of the streets of the metropolis. He thought they might pass the second reading, and reserve the discussion for the Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he must take issue with the last speaker, and contended that while the principle of the existing law was reasonable, the principle of the Bill was most unreasonable. The principle of the existing law was that for reasonable cause any street musician might be stopped and sent away by the police; but the hon. Member for Derby (Mr. Bass) wished to substitute for a reasonable cause the purely arbitrary veto of a single individual. He believed that if the Bill passed in its present shape it would authorize him to require a policeman to disperse the band which now played every evening within fifty yards of his windows, and the performances of which were attended by and amused from 2,000 to 3,000 persons. He thought those who attended concerts and the opera were not good judges of what amused the people in that respect. The Bill, in short, was an unwarrantable interference with the amusements of the people, and there was nothing unreasonable in the demand that it should be discussed at an earlier hour.

MR. BUTT begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Butt.*)

MR. HUNT supposed that the Chancellor of the Exchequer opposed the Bill as a friend of the Italian cause, forgetting that Savoy had recently been annexed to France, and that barrel-organs were not included in the French Treaty. For his own part, he objected to all discordant sounds, even though they might come from the Treasury Bench, and his ear had been offended by hearing the Home Secretary say he was in favour of the second reading, and the Chancellor of the Exchequer that he was decidedly opposed to it; and the President of the Board of Trade appeared to be the same. He had no wish to interfere with the amusements of the people, and if there were a class fond of street music, in the name of Heaven let them have it; but he maintained that if the inhabitants of any particular street did not want to be driven crazy by the sounds of a barrel-organ, they should be permitted to send the grinder away. All that was intended by the Bill was to prevent those men from wandering into streets where their discordant sounds were not appreciated, but where they levied the greatest amount of black mail. As to the case of the band playing near the Chancellor of the Exchequer's house, that scarcely came within the ordinary definition of street music. At any rate, if all street musicians performed as well, he would never wish to send them away. He hoped the hon. Member for Derby would persevere with his Bill. He was as anxious as the right hon. Gentleman the Chancellor of the Exchequer that the tastes of the people should be consulted, but he denied that the tastes of the people required the music which it was proposed to remove.

MR. BASS said, he would not now enter on the principle of the Bill, as he had already given an assurance that a full opportunity of debating it would be allowed on the Motion to go into Committee. To show the necessity for legislation on this subject, he would mention an incident in which he himself was concerned. At eight o'clock that morning, while at breakfast, he was put out of humour by a street band; at nine, when reading *The Times*, another struck up; and at ten, when he was engaged in his correspondence, a band of trumpets and trombones came under his window and blew a blast which shook his very house. His patience broke down under the last infliction, and he told his servant to ask the band to withdraw. The latter, however, declined, and when the policeman was asked to interfere he replied that his instructions were to do nothing unless the servant could say that his master was dangerously ill or dead. He was so astonished at that statement that he made his man write it down on paper and return with it to the constable for confirmation. He even went to the policeman himself, and ascertained that he had given the answer attributed to him. He had also an interview with Sir Richard Mayne on the subject, who said that the constable had somewhat exaggerated his instructions; but he believed that the man had done so to a very slight extent. Sir Richard assured him that it was impossible to put in force the present law in regard to street music. He hoped the House would read the Bill a second time.

MR. COLLINS said, he hoped that the debate would be adjourned. He should oppose the Bill. It would interfere most tyrannically with the amusements of the people.

SIR ROBERT PEEL said, he trusted that the House would agree to the second reading of the Bill for putting down the abominable nuisance of street organs. He happened to live next door to a religious club, and regularly every Saturday morning an Italian came and played the 100th Psalm on a hand organ. He sent his servant out on one occasion to request the man to vary the psalm; but he said he had not another in his *repertoire.* The evil was not felt in poor neighbourhoods so much as in the large streets and squares. Reference had been made to Ireland, but he believed that organ-grinders never went there. Certainly they would never dream of going to Youghal, where they could have no chance of levying black mail.

Question put, "That the Debate be now adjourned."

The House *divided* :—Ayes 19; Noes 56: Majority 37.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday,* 29th June.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 10, 1864.

MINUTES.]—PUBLIC BILLS — *First Reading*— Church Services (Apocrypha) [H.L.]* (No. 125); Clerks of the Peace Removal [H.L.]* (No. 126).

Second Reading—Chain Cables and Anchors* (No. 101).

Select Committee — *Report* — Scottish Episcopal Clergy Disabilities Removal [H.L.]* (No. 123).

Committee — Court of Justiciary (Scotland)* (No. 82).

Report — Scottish Episcopal Clergy Disabilities Removal [H.L.]* (No. 124); Insane Prisoners Act Amendment* (No. 110).

Third Reading—Chimney Sweepers and Chimneys Regulation [H.L.]* (No. 112).

CHAIN CABLES AND ANCHORS BILL.

(NO. 101.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF HARDWICKE, in moving the second reading of this Bill, said that nothing had tended more to the destruction of ships in the merchant service, and the consequent loss of life, than the use of defective anchors and cables. In proof of this he would refer to the Report written by Admiral Dundas when in command of our fleet in the Black Sea, where, during the memorable storm that occurred on 14th of November, 1854, no fewer than thirty transports were lost through the parting of their cables, or the breaking of their anchors, while not one of Her Majesty's ships suffered seriously upon that occasion. The reason was, no doubt, that all the cables and anchors in the Royal service were rigorously tested; and the object of the present Bill was to introduce a similar security in the case of chains and cables used in the mercantile marine. He was convinced the measure was calculated to confer great benefit upon the shipping interest. In one week of December, 1862, no fewer than 190 disasters occurred to our mercantile marine on the English coast, and he believed that in all those cases the vessels were injured or lost entirely from the use of bad anchors and cables. The provisions of the Bill were no more than were necessary to secure the object in view. It had been suggested that a clause should be inserted to exempt the Trinity Board from the operation of the Bill; but it was peculiarly desirable that the Trinity Board should possess good anchors and cables in order that the light ships stationed on the sands and shoals of the coast should preserve their position. It was said that the Trinity Board tested their anchors and cables; but so did some of the great manufacturers who might equally claim exemption with the Trinity Board. He hoped, therefore, that the Bill would pass in its present form; but of course if a case were made out, the Bill might undergo alteration in Committee.

Moved, That the Bill be now read 2ª.—(*The Earl of Hardwicke.*)

LORD STANLEY OF ALDERLEY said, he thought the Bill was likely to prove an extremely useful one. It was perfectly true that many of the disasters which occurred in our mercantile marine arose from the use of defective anchors and cables, and many of these evils might be prevented by applying to all vessels a test similar to that to which they had recourse in the Royal Navy. The Bill had been considered in the other House of Parliament in the course of two Sessions, and a select Committee to whom it had been referred had reported unanimously in its favour. As to the claim of the Trinity Board for exemption, this would form a proper subject for consideration in Committee.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

GREENWICH HOSPITAL.

OBSERVATIONS.

THE EARL OF HARDWICKE, in rising to call the attention of the House to the Letter of Sir Richard Bromley to the Duke of Somerset, on the Reform of the Government of Greenwich Hospital, said that they must remember with gratitude that so noble a building had been founded by a Queen of England, and that it was supported by revenues which had been bequeathed to it as a provision for worn-out and disabled mariners. He believed he might place this Hospital at the head of the charitable institutions of the country. Its wealth was enormous. It possessed in the Three per Cent Consols £1,144,450, in the Three per Cent reduced £1,485,912, New Three per Cent £99,462, and in the Two-and-a-Half per Cent £8,800, making a total capital in the funds of £2,738,625. It had lent on mortgage to the Woolwich and Greenwich Trust £1,604; in Cumberland, £28,128; on an estate in Northumberland, £18,000; and to the Commissioners of the Exhibition of 1861, £20,000; making in all, £2,906,358. It also possessed a landed estate yielding £49,611 per annum, which if capitalized might be fairly estimated at £1,200,000. From the mines in Cumberland it derived a yearly income of £7,663. From Greenwich rents it obtained £4,000 a year; from the market at Greenwich £130; annuity from Consolidated Fund, £20,000; freight of treasure, £6,000; making an annual revenue of £30,130. It had therefore, in all, an estate of nearly £5,000,000. But, unfortunately, this fine institution was sick, and the malady from which it was suffering was one under which it had laboured for many years. It might be aptly described as a house divided against itself. In 1860 a Royal Commission reported upon the state of the charity, and a Bill was brought into Parliament for the purpose of remedying the evil complained of; but the Bill was withdrawn. From that period nothing whatever had been done. Recently, however, the noble Duke, the first Lord of the Admiralty, seemed to have resolved to take some action, and he appointed Sir Richard Bromley to inquire into its condition and report accordingly. Now, if any document could demonstrate to what an extent the institution was demoralized, it was the report of Sir Richard Bromley. His object in bringing the subject forward was to elicit from the noble Duke, the First Lord of the Admiralty, his views upon the Report. After stating an instance in which he had attempted to introduce a change for the better, Sir Richard Bromley said—

> "This is not a solitary instance of my endeavour to establish a better feeling of accord between the civil and military authorities at the Hospital, whereby much useless and acrimonious correspondence might be avoided, and the ordinary business of the institution be conducted at Greenwich, leaving the most important question only to be considered at the Admiralty. The abolition of the reference of papers to and fro, and the consequent saving of time and simplification of business at the Admiralty, would be also an important consideration. Under these circumstances, I assure your Grace it will be useless to attempt to simplify the business at Greenwich Hospital, and adapt its machinery to the usage and economical practice of the present day, unless the recommendation of the Royal Commissioners for the complete amalgamation of the military and civil authorities be carried into effect, and the double system of government which now prevails at Greenwich, and has outlived the times, be put an end to."

After suggesting the amalgamation of the military and civil authorities, Sir Richard Bromley proceeded to say—

"Let the amalgamation take place, and the reforms will be comparatively easy to effect; and from my long experience as Secretary to the Audit Board, when the accounts of Greenwich Hospital passed in review before me for many years, and from my knowledge of the manner in which the accounts are now kept at Greenwich, I shall feel it my duty as a trustee to place them upon a sound system of double entry, even should the old system be continued for a time; and I will take care that sounder checks are established for the due security of the funds and property of the institution than those which now exist."

Mr. Tierney and Vice Admiral Richards, in a Report to the Secretary of the Admiralty, complained of the course adopted by Sir Richard Bromley, and stated their conviction that if his plan were carried out the result would be seriously injurious to the interests of the institution. They said—

"The Lords Commissioners of the Admiralty will doubtless fully appreciate the peculiar difficulty of our position, as well as the motives which induce us to refrain from making any comments upon the most unusual step of a single member of a Board framing a long and laborious Bill of indictment against his brother Commissioners, and urging the necessity of their extinction as the only means of effecting any real reform in the institution—a reform which he pronounces impossible to carry out in the face of their prejudice and obstruction."

In 1864 it is now proposed, by a singular process of reasoning, to destroy the existing constitution, in the working of which the most hostile and unscrupulous tongues and pens have never ventured to breathe a suspicion of peculation or dishonesty, and which has largely added to the resources inherited from its predecessor. We may fairly be entitled to ask, where are the grounds for making this great and serious change?"

The spectacle was presented of one Commissioner making recommendations to which the other two Commissioners were decidedly opposed. Then, again, there was the evidence of the distinguished officer who was the Governor of the institution, who, referring to the document put forth by the two Commissioners, said, that however specious in theory it might be, there could be no doubt as to the evils which resulted from having two antagonistic authorities. The objections to the present system were well known, and the question was, what remedy could be applied for them. Their Lordships, as possessors of property, knew that the due management of the Hospital funds was really a very simple matter if proper steps were taken. It was a disgrace to the country that a great national institution should have been for so long liable to the heavy complaints which had been brought against Greenwich Hospital. The country desired that our seamen should receive the benefits of an institution which had been expressly designed for them; that those who raised our revenues by commerce in time of peace, and who defended them in time of war, should have the benefit of the very best management that could be devised. He, therefore, wished to ask the noble Duke whether he was prepared to state the intentions of the Government with respect to the future management of Greenwich Hospital?

THE DUKE OF SOMERSET said, he could assure the noble Earl that he, in common with all of their Lordships, fully shared in the earnest desire that the funds of Greenwich Hospital should be applied in the best possible manner for the benefit of those for whom it had been established. There had been for many years complaints made of the management of Greenwich Hospital. Some of the evils complained of belonged to the administration, and if they were examined it would be found that some were incidental to the nature of the institution. The Hospital was originally founded by Queen Mary for disabled seamen who were incapacitated by age or by wounds from obtaining a living by their own exertions. Afterwards, when the large Derwentwater estates were added to the property of the Hospital, it was thought that increased scope should be given to the institution. Accordingly the benefits of the Hospital were extended to a class of men who received a certain weekly pension, but who were not wholly incapacitated or disabled. Indeed many of them were perfectly able, and were at a time of life when they could occupy themselves in employments. Some of them were married. Endeavours were made to meet the requirements of all classes, and to make the Hospital as agreeable as possible; but the very nature of the building, with large halls and long corridors, unfitted it as a place of residence for married men. It was therefore impossible to allow the men's wives to live in the Hospital; and accordingly the men lived there while their wives lived outside. The men were allowed to carry their dinners out of the Hospital. That arrangement led to a very unsatisfactory state of things, and produced many complaints from pensioners and their wives. When he first accepted his present office, the subject was brought to his notice, and he appointed a Commission to inquire into the facts. Those Commissioners made an able report, and recommended certain additional allowances to the men, suggested a division of the building to make separate houses for the married men, and further recommended that the governing body should be changed, and a special officer appointed to manage the finances of the institution. He (the Duke of Somerset) brought in a Bill to carry out those recommendations; but it was not received with favour by the noble Earl opposite, nor, indeed, by many of their Lordships. It was felt that the interest of the officers who at present enjoyed advantages from Greenwich Hospital ought not to be wholly ignored in any future re-arrangement of the institution. He admitted there was force in that view; but the Bill was withdrawn because, by the practice of Parliament, it ought to have originated in the other House. Since then, however, he had determined to see whether he could not carry out such of the recommendations of the Commissioners as did not require the sanction of an Act of Parliament. The pensions had been increased, married men received larger allowances, and a variety of small changes had been made, but the best and most deserving class of men were still unwilling to enter the Hospital. Sir Richard Bromley, who had been appointed the Civil Commissioner, in the report which had been referred to by the noble Earl, showed that a very unsatisfactory state of things prevailed in the Hospital, and he recommended that a change should be effected with regard to the civil and military elements in the management of the Hospital. It then became evident that it would be necessary to go further than had been recommended by the Commissioners. The reason for the double government which had been so much complained of was, that with the large funds belonging to the Hospital it was felt that it would not be right to intrust the uncontrolled management of those funds to the same officers who had the distribution of them. He had felt that it would be necessary to go even beyond the recommendation of the Commissioners, and to separate entirely the management of the income from the management of the Hospital. The business of the one was quite distinct from the business of the other. There was another question — whether they should bring seamen to the Hospital who were still able to take other employment, or whether it was not much better that they should live in the ports and maritime places where all their friends and relations were, rather than force them into a sort of monastic establishment. Instead of fitting up the long corridors of the Hospital, or building model cottages for the comfortable reception of the pensioners, he thought it would be much wiser to keep the Hospital strictly to the purpose originally intended — namely, an infirmary with a helpless ward—and apply the income of the Hospital in increasing the pensions of the seamen elsewhere. One of the recommendations of the Commissioners was, that the pensioners should be allowed to go and visit their friends, their expenses being paid; but surely it would be much better that the pensioners should live along with their friends. In that way they would be enabled to provide for a class of seamen whose services it was most desirable to reward; for the best class of seamen preferred to live with their families, and would not come to the Hospital unless they were in a state of destitution. With some little additional income they would be enabled to live among their friends and have there both occupation and amusement. To show the position to which they were coming under the present management of Greenwich Hospital, he would observe that one of the recommendations of the Commissioners was that every sort of amusement should be invented to induce the men to remain at Greenwich; and one suggestion was that some part of the Hospital should be fitted up like the deck of a ship, and that they should be provided with a fiddler every evening, and that they should have lectures on different subjects. He did not think that was the way in which to treat seamen, but that it would be much better to provide them additional means of living among their friends. Without going into details, he might say that, after reading and considering the report, he had prepared a memorandum on the subject explaining what he thought should be the future management of the Hospital, restricting it to the purpose of an infirmary. It was admitted that the infirmary was an admirable institution, worthy of the generosity and liberality of the country. It was conducted in the best possible manner. He proposed to retain the infirmary; and also the schools, which had been improved during the last three years, and which he believed were now working very well. These schools were a great boon to seamen; their sons received there an education which fitted them at once for Her Majesty's service, the mercantile service, or any other situation in life. He also proposed to keep a certain portion of the Hospital, so that, in the event of war, they should have a hospital for seamen close to the water. As to the rest of the building, and the best mode of using it, he should like to take some further time to consider that point. The outline of this plan would leave a surplus which has been estimated at £70,000 or £80,000 a year, which would be applied in the best manner for the relief and encouragement of seamen, and a certain portion would be laid aside to meet the claims of officers on the Hospital. By these means they would be enabled to effect more good in the Hospital than had been effected in past years. He had prepared, as he had stated, a memorandum on the subject; and, if the noble Earl would move for it, he should be happy to lay it on the table.

The Earl of COLCHESTER and the Earl of SHREWSBURY and TALBOT made some observations which were not heard.

THE EARL OF HARDWICKE replied, observing that he thought it would be very much better financially that a large number of the in-pensioners should be out-pensioners.

THE EARL OF DERBY said, there was one point mentioned by the noble Duke which required some explanation. As he understood him, he proposed to divert a certain portion of the funds of the Hospital for the purpose of rewarding persons who had deserved well of their country. To reward such persons might be very desirable; but it was not quite clear that it should be done by the diversion of funds set apart for a different object. Such a proposal demanded careful consideration.

THE DUKE OF SOMERSET said, that in selecting the seamen who were to receive pensions, they would select them from that class who would be entitled to enter the Hospital. There were many excellent seamen who quite deserved to be admitted to the Hospital, but who did not like to go there. Last year, some £12,000 had been devoted from the surplus funds of the Hospital to make provision for the widows of sailors who had been drowned in the service.

THE EARL OF HARROWBY said, that one of the original objects contemplated in the charter of the institution was the benefit of the merchant seamen. That object, he thought, ought not to be entirely lost sight of. Considering the national importance of our mercantile marine, and the relation it bore to the Royal Navy, it was most desirable that some mode of bridging over the interval between the two in this matter should be adopted.

CHURCH SERVICES (APOCRYPHA) BILL [H.L.]

A Bill to amend the Law relating to the reading of Portions of the Apocrypha in the Services of the United Church of England and Ireland—Was *presented* by The Lord GAGE, and read 1ª. (No. 125.)

CLERKS OF THE PEACE REMOVAL BILL [H.L.]

A Bill for amending the Law relating to the Removal of Clerks of the Peace—Was *presented* by The Lord CHANCELLOR, and read 1ª. (No. 126.)

House adjourned at half-past Six o'clock till Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 10, 1864.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS — *Resolution reported*—Countess of Elgin and Kincardine [Queen's Message 6th June]; Greek Loan (Consolidated Fund).

Ordered — Countess of Elgin and Kincardine; Greek Loan (Consolidated Fund).

Second Reading—Weighing of Grain (Port of London)* [Bill 119] (*count out*).

DENMARK AND GERMANY.
THE ARMISTICE. — QUESTION.

MR. DISRAELI: Sir, I take this opportunity of making an inquiry of the noble Lord at the head of the Government, with reference to the statement which he made last night respecting the continuance of the suspension of arms. I understood that there was to be a further continuance of the suspension of hostilities for one fortnight, dating from to-morrow. I wish to know to what day now the Conference is adjourned; and also whether the suspension of hostilities for the space of one fortnight was connected with any conditions which might account for that particular duration of the armistice?

VISCOUNT PALMERSTON: Sir, I cannot at the present moment say why the suspension of hostilities was limited to that particular period. That particular duration was not dependent an any conditions, but was the limit of suspension to which the Danish Government agreed. The other parties wished for a longer suspension, but only a fortnight's suspension was agreed to.

Mr. DARBY GRIFFITH said, as secresy was so little observed by other parties to the Conference that the intelligence communicated to that House yesterday was known at Berlin was telegraphed back to this country before it was communicated to the House, he felt relieved from any obligations with respect to reticence. He wished therefore to ask the First Lord of the Treasury, Whether it is understood that no further extension of the armistice will be pressed upon Denmark by the British Government, in case the Conference should not come to a final agreement within the limits of the additional fortnight to which the duration of Conference is now extended?

Viscount PALMERSTON: I may be able to answer any question of fact, as, for instance, with respect to the extent of the armistice; but I really am not able to give an answer as to what the Conference may do in cases which are yet to come.

EDUCATION—COMMITTEE ON INSPECTORS' REPORTS.—QUESTION.

Lord ROBERT CECIL said, he wished to ask the Vice President of the Committee of Council on Education, Whether he will undertake that none of the witnesses who may be examined before the Committee on Inspectors' Reports shall suffer any prejudice to their official position and prospects, so far as the Council Office is concerned, on account of any evidence which they may give before that Committee?

Mr. H. A. BRUCE said, it was evident that in giving the undertaking which the noble Lord required, the Committee of Council were incurring the risk of being obliged to retain in a post of great importance an officer who, from his own statements and admissions, might have proved himself unworthy of the trust. At the same time he believed it had never been the practice of any department to allow one of its officers to suffer for evidence given by him with respect to the Acts of that department; and as, in the present case, it was important that in an inquiry affecting the character and honour of a department the evidence of an officer of that department should be given freely and without any fear of personal consequences, the Committee of Council did not consider that they would be right in withholding their consent to the undertaking required by the noble Lord. At the same time it should be clearly understood, that that concession was confined strictly within the limits indicated by the Question of the noble Lord.

Sir JOHN PAKINGTON: I should be glad to know when the Committee is likely to sit, as I understand the noble Lord (Lord Robert Cecil) and the Lord Advocate have been appointed assessors. It is well known that the right hon. and learned Lord Advocate is daily engaged in the Yelverton appeal case, and I should like to know if the Committee is to await the settling of that appeal, or whether any arrangement has been made.

Mr. H. A. BRUCE: The Committee is summoned for Monday next, and then the necessary arrangements will be made.

INDIAN PENSIONS.—QUESTION.

Mr. ARTHUR MILLS said, he understood the right hon. Gentleman opposite, the Secretary of State for India, last evening to state, when the question relative to Lady Elgin's pension was before the House, that pensions granted out of the Indian revenue are not submitted to Parliament. He would now beg to ask if there is not a provision in the Act of 1858 under which all pensions and charges on the Indian revenue are to be laid before Parliament within fourteen days.

Sir CHARLES WOOD: No doubt the pension would be laid before Parliament. What he stated was, that it was not necessary that it should be submitted for the Vote of Parliament.

ARMY—MARRIED SOLDIERS' QUARTERS, ALDERSHOT.—QUESTION.

Sir HARRY VERNEY said, he wished to ask the Under Secretary of State for War, Whether the promise made in the last Session of Parliament, that the quarters of the married soldiers at Aldershot should be separated, has been carried into effect?

The Marquess of HARTINGTON replied, that the arrangements for the improved accommodation of the married soldiers in different camps had in some cases been carried out, and in other cases were in course of being carried out. The arrangements which had been in operation were that five or six families should be lodged in one hut. In some cases the quarters were separated by boarding, and in others only by canvas. Now, however, a sum of money had been taken in the Estimates for separating those quarters in a more permanent manner. It was intended that not more than four families should occupy one hut, and a chimney should be erected in the centre, so that each family might have a separate fireplace. The families would then be completely by themselves, and although he could not say that sufficient money had been taken to carry out all the arrangements in the present year, still he believed very great progress would be made towards that object.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COMMITTEES ON PRIVATE BILLS.

RESOLUTION.

LORD **ROBERT CECIL** rose to move—

> "That in the opinion of this House it is expedient that the duty of ascertaining the facts upon which legislation in respect to Private Bills is to proceed should be discharged by some tribunal external to this House."

He feared he had but little chance in the present state of public feeling upon the great and important national questions which occupied their attention, of successfully inviting the attention of the House to the comparatively humble subject which he desired to bring before them. If it had anything in it that could commend it to the attention of hon. Members it was the fact that it had reference to their personal comfort and the ease with which they might perform their Parliamentary duties. Few of those who heard him but had personally suffered from the system of legislation on Private Bills as it existed. The Treasury Bench was, he believed, exempt from serving on Private Bill Committees, as, also, were those hon. Gentlemen who occupied an analogous position on that (the Opposition) side of the House. Gentlemen advanced in years were likewise free from the necessity of discharging the onerous duties to which he alluded. But with these exceptions every hon. Member had been forced at one time or another to take part in those duties. What he wished to point out was this, that a feeling against the existing system was generally prevalent, and that there was to be found a remedy for the evil which the House would easily be able to put into operation. He appealed to the experience of hon. Gentlemen themselves. That experience would afford him ample testimony to the inconvenience of having, in addition to the performance of their public duties, to occupy a great part of their time in discharging duties which more properly belonged to another tribunal. He hoped that hon. Gentlemen would not run away with the idea that when they sacrificed themselves in order to do the duties which fell upon them in consequence of the system they thereby earned any considerable title to the affection of their fellow countrymen. He was afraid the fact was quite the reverse; for the discontent outside the House with the system was general. When he last brought forward the question he referred to a petition from the Associated Chambers of Commerce, presented by the hon. Member for Bradford, in which the system of Private Bill legislation was denounced in the strongest terms. Since then the Associated Chambers had met again and expressed their opinion in terms so distinct that he would quote them to the House, and he would remind hon. Gentlemen that these Chambers of Commerce represented the classes principally interested in the successful and just performance of that particular duty. They represented the commercial classes, who chiefly came before the Committees of that House to ask protection for commercial undertakings or to resist alleged encroachments on their rights. The Associated Chambers of Commerce had passed a resolution, in which they stated that the present system of Private Bill Legislation was expensive and inefficient, and interfered with the course of public business; and they recommended that a superior court should be constituted, consisting of judges, with the requisite professional and engineering information. Not only was that resolution passed, but a debate took place, and he would refer to what fell from a gentleman representing the Hull Chamber of Commerce, in order to give to hon. Members an idea of the appreciation in which their labours on private committees were held. That gentleman (Mr. Norwood) said that he was concerned, as chairman of a proposed dock company, in a Bill which three years ago was a long time before a Committee of the House of Commons, consisting of five gentlemen, four of whom had no knowledge of commercial matters; and such was the ignorance displayed by them of the matter under consideration, that after being examined for a considerable period to show the necessity for the formation of a graving dock, he heard to his great mortification one Member of the Committee say to another, "What does he mean by a graving dock?" to which question the other replied, "I am sure I do not know, but I suppose it is something relating to ships." Considerable expense (Mr. Norwood added) was caused by the ignorance of Committees, who often took a great deal of evidence which had nothing to do with the matter before them, and it was owing to their want of knowledge on special subjects that they allowed themselves to be brow-beaten, as they sometimes were, by the Parliamentary agents and counsel. It was apparent, from the resolution passed at that meeting, and from the speeches by which it was supported, that the commercial classes were not very fond of this particular jurisdiction, which inflicted so much inconvenience on Members of that House. He knew that he should be told that the House of Commons was jealous of that jurisdiction, and that every considerable authority was against depriving the House of the power it had so long exercised. That was a mistake, however, for no authority could be found in support of the existing system. A Committee sat on the subject last year, and many competent witnesses were heard before it. He would not refer to their evidence, but simply mention the names of those who condemned the system. Among these witnesses were Mr. Rickards, the speaker's counsel, Lord Redesdale, Mr. Massey, Lord Grey, Mr. Adair, Mr. May, and Colonel Wilson Patten. He did not say that all agreed in the remedy which he proposed, but they all concurred in the opinion that the present system was bad, and according to their several characters, they expressed an opinion in stronger or milder terms, but they agreed that the present system did not give to the parties that justice for which they paid, and to which they had a right. The matter had at last come to a crisis, the machinery had broken down, and hon. Members felt the evil of the call made upon them. He need not remind the House how difficult it had been during the Session to carry on both the public and private business. Persons out of doors had noticed how often the deliberation of the House had been interrupted by what was called a "count out," and they attributed the circumstance to the indolence of hon. Members. If the public really knew the burdens which hon. Members had to bear, they would form a more charitable judgment. It was not merely the public business that had broken down, but the private business was coming to an equal dead lock. His hon. and gallant Friend the Member for North Lancashire (Colonel Wilson Patten) told him that his difficulty was increasing daily, and that he was afraid of passing before an open window lest he should be thrown out of it by indignant private Members lurking about. The position of the hon. Member was like that of a familiar of the Inquisition in olden times in respect to Moors and Jews; and private Members looked on the hon. and gallant Gentleman as a man who could take away their liberty and shut them up for three or four weeks. The useless labour imposed on the hon. Member for North Lancashire and the Committee of Selection to maintain an inefficient system would, he believed, have amply sufficed to discharge all the functions which the House had any occasion to perform in reference to Private Bills. He had stated that there was no authority who said that the present system was satisfactory; but he was wrong, for there was in the blue-book, containing the evidence given last year, the testimony of a certain number of witnesses who asserted that the system was everything that was satisfactory. It was a curious phenomenon, for which he did not attempt to account, that this testimony was given entirely by Parliamentary agents and counsel. Perhaps a little light was thrown on this matter by the hon. and gallant Member for North Lancashire, who stated in his evidence that—

> "The great defect of the present system is that there is no single individual who appears before the Committee who has not a direct pecuniary interest in prolonging the proceedings."

That possibly might, in some degree, account for the support given by the parties he had named to a system which every other authority most unflinchingly condemned. The House would naturally ask him what plan he had to suggest in place of the existing system. It was not, of course, for him to furnish information on that point in detail, and he needed only to point out principles on which a remedy might be based, leaving to others who had opportunity and official knowledge to fill up the details. He had gone through a good deal of the minutes of evidence taken before Private Bill Committees, with the view of ascertaining whether a portion of their labours might not be transferred to some other tribunal. The issue presented by every Private Bill was very simple. On one side there was to be considered the injury done to private individuals, and, on the other hand, the advantage to the public from the project contemplated. The balance had then to be struck in order to see which outweighed the other; but before that point was arrived at, there was an enormous amount of facts to be proved, and a great deal of time was wasted in ascertaining those preliminary facts. For instance, on a Water Bill, which had occupied a great deal of time this Session, and which desired to bring water to a population. It might drain certain lands, interfere with mills, or it might interfere with existing companies. There were three opponents to deal with—the old water companies, the people to be supplied, and those whose stream was injured. A great part of the labour of the Committee was devoted, however, to such questions as these :—The amount of population, the present supply of water, the exact nature of the scheme, the distance of the sources, the volume of the contemplated supply, the size and safety of the reservoirs, the area of the gathering ground, the height of the hills, the angle of the fall, the rainfall of the district, the chemical composition of the water, and the estimates of expenses. These were all simple facts. They were not matters of opinion. They could all be ascertained by an engineer going to the spot, and when once ascertained could admit of no doubt. If the opposing party chose to appoint an arbitrator, the two could decide whether the facts were true or not without any expense or labour on the part of the Members of the House, and without any danger of their decision being called in question. It was the same with railways. There were gradients, curves, distances, configuration of surface, the geological character of the ground, the estimate of the work. These were the items which now occupied the time of the Committee, and which might be easily disposed of by a scientific arbitration. In one Committee on a Water Works Bill, he remembered hours being consumed in inquiring into the safety of the reservoir. Was that a subject for the consideration of Members of the House? Was it not rather a subject that could be more fitly abandoned to an engineer? The same with regard to railways. He remembered a whole day being spent in an inquiry into the nature of the ground through which a tunnel was to pass. Surely that labour might have been spared to the Committee. Besides these questions of fact there were questions of opinion. The traffic between place and place, and the injury done to individuals. Those were points upon which scientific men could not judge, and which ought to be decided by a tribunal, such as a jury empanelled on the spot, or that recommended by the associated chambers of commerce, rather than by five Members of the House of Commons. The damage done by a railway after a Bill was passed was left to be decided by a jury, and by the same analogy, the injury done before the Bill passed, should be decided also by a similar tribunal. He had no wish that any Gentleman who took the same side as himself should assent to all the details of his Motion. All he wished was that private Members should unite with him in condemning the system as a whole, in pressing the matter on the attention of the Government, and intimating to them that they must undertake the duty of remedying it. The truth was that, unless private Members took the matter up, nothing would ever be done. It was not the interest of official Members to do anything—they were free from the burden. The argument constantly urged whenever an attempt was made to induce Members to abandon the system was, that the House of Commons was jealous of its prerogative, and would not part with it. He believed that such an argument was a libel on the House of Commons. The House of Commons would readily part with any jurisdiction which had ceased to be useful to the public whom they represented. Any pride or pleasure that might have been felt in this jurisdiction had long since passed away under the heavy pressure which it imposed on private Members. He knew that he should be opposed by Members of great authority in these matters. He saw his noble Friend the Member for King's Lynn (Lord Stanley) taking notes, and his noble Friend had had more to do with imposing this weight on private Members than any other man: *Delirunt reges plectuntur Achivi.* When his noble Friend went mad, private Members were victimized. His noble Friend was an enthusiast for that particular kind of work, but his enthusiasm was confined to his own breast, and the mass of Members would gladly see a jurisdiction, against which suitors murmured, and the expense of which was a reproach to English jurisprudence, transferred to a more efficient tribunal, leaving their own energies free to perform those most important and larger duties with which they were charged by their constituents. The noble Lord concluded with his Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the duty of ascertaining the facts upon which legislation in respect to Private Bills is to proceed should be discharged by some tribunal external to this House,"—(*Lord Robert Cecil,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MILNER GIBSON said, he entirely concurred with the noble Lord in the description he had given of the labours hon. Members of that House had to perform during the Session in connection with private legislation. No doubt, the duties of representatives of the people of this country, both in reference to public and private business, must be heavy and laborious. The business of law-making in a country like this could not be done without labour or without great sacrifices. Law-making must be founded on deliberate and anxious inquiries—and private Bill legislation was a form of law-making. It was, in fact, the making of exceptional laws for cases which were not provided for by the general law of the country. If the general law of the country could be reduced to such a form that everybody could do those things now requiring special legal sanction under certain conditions laid down beforehand, there would be no need for Private Bill legislation; but until that could be done, Parliament was obliged to pass exceptional laws for particular cases, and he was one of those who believed that these exceptional powers ought to be given only by Parliament. They were matters of judgment, discretion, and expediency; and it was for Parliament to consider, after an investigation of its own, whether the facts made out justified it in rejecting or passing the proposals made to it. The noble Lord had hardly fairly described the qualities of Members of that House for deciding matters brought before them in Committees; nor did he think there was so much dissatisfaction amongst the public with the manner in which Parliament had performed this duty. Improvements, undoubtedly, might be made in the mode of bringing business before the Committees, and also in the mode in which the business was conducted; but there was not that general dissatisfaction with the Parliamentary tribunal which the noble Lord had described. Though the noble Lord had said that many of the witnesses condemned these Parliamentary tribunals, he had not informed the House what was the finding of the Select Committee who heard those witnesses on one side and the other. [Lord ROBERT CECIL: The Report was only carried by a majority of one.] There was a small majority, but he thought it was carried by more than one vote. The Chairman did not vote. The opinion of the Committee was this:—

"That having regard to the character of the questions which arise on the consideration of contested Private Bills, your Committee is disposed to concur with the view entertained by the majority of the witnesses, that no court of inquiry could be constituted for the purpose of investigating such questions which, on the whole, would be so satisfactory to the public as Committees composed of the Members of the Houses of Parliament."

The noble Lord named many eminent gentlemen who had given evidence condemnatory of the present system; but nearly every one of those gentlemen proposed to form his new tribunal in some way or other out of the old ingredients. The Members were to be Members of Parliament or Peers. Take the case of Lord Redesdale, to whom the noble Lord had referred. He would have had a Committee composed of two Commoners and one Peer, and they were to sit before the commencement of the Session of Parliament and to eliminate from the measures proposed to be laid before Parliament such as in their judgment ought not to be passed, allowing the rest to be carried in the ordinary way. Then take the case of the hon. Member for Ipswich. His proposition was to leave the Committees as they were with the exception that he would appoint a paid Chairman—a plan which he thought would ensure the duties being performed under an increased sense of responsibility. The other hon. Gentlemen named by the noble Lord, all of them, contemplated the ultimate decision coming to Parliament. They all agreed that whatever external tribunal there might be there must be an appeal to Parliament. Then, if there was an appeal to the House of Commons, what would the House do? Would the whole House entertain it? No; they would hand the question to a Select Committee, and the interested parties would have to be heard by counsel. [Lord ROBERT CECIL: No, no.] Was it probable that in those great struggles, in which the main question was whether old companies should retain possession of a district or new companies should be admitted to compete with them, any Judge would endeavour to stop persons from proceeding further who had a right of appeal to the House of Commons? On the contrary, he would say at once, "this is a question for Parliament to decide, involving, as it does, points of expediency and discretion." That being so, the battle would after all, in all great questions, be fought within the walls of that House; and all that would be effected by establishing such external tribunals as were proposed was, that one stage more would be added to the conflicts which took place—one more source of expense. There had, he might add, been something like an attempt to provide for Private Bill legislation by means of such preliminary inquiries before external tribunals. A Committee, which sat in 1853, and of which his right hon. Friend the Member for Oxfordshire (Mr. Henley) was Chairman, made a report in which were set forth the failures which had attended the attempts made to control the action of Parliament by preliminary inquiry. The first who tried was Mr. Huskisson, and he failed; next came Lord Dalhousie; and in 1844 the Government of Sir Robert Peel proposed a scheme to determine what plan should be adopted in reference to the subject; but Parliament refused to be controlled by those preliminary inquiries. He did not, he might add, quite understand the plan of the noble Lord. His Resolution was—

> "That in the opinion of this House it is expedient that the duty of ascertaining the facts upon which legislation in respect of Private Bills is to proceed should be discharged by some tribunal external to the House."

Did the noble Lord propose that the facts and the evidence were to be taken before one court, and that the decision upon those facts and that evidence was to be pronounced by another? Were the facts to be ascertained by some judicial body, and then the preamble of the Bill to be settled by a Committee of the House of Commons? The difficulty in such a case would be to define beforehand what a Committee would consider to be material in guiding its decision. If the facts which it was necessary to prove before the Committee could be settled beforehand, it would be quite possible, no doubt, to ascertain them by any process which it might be deemed right to adopt. Even then the Committee could not be precluded from examining further into those facts, because the inquiry before the Committee on a private Bill had no definite character. It was in the nature of an inquisition with the view to satisfying Members of Parliament whether it was expedient that certain powers should be given to the parties who applied for them, so that the facts to be ascertained could not be defined beforehand without great difficulty. If it were proposed that the Committee should meet first in order to consider what facts should be inquired into elsewhere, he did not think much time or labour would by such a plan be saved, or much expense or delay to the parties themselves avoided. The Committee would first assemble to decide what facts were material to the issue; a court would then set about the investigation of those facts; and then the Committee would have to meet a second time, to sift them as reported by the court, and see whether they establish the preamble. Let him take, by way of illustration of his argument, a proposition for the formation of a tunnel in Oxford Street, from the Marble Arch to Tottenham Court Road. What facts could in that case be ascertained for investigation by an external tribunal, with a view to their being laid before the Committee? The Committee, in exercising its inquisitorial power, would gradually understand the whole bearing of the question, and those facts would come out which appeared to be material for guiding them in their decision. The principle for which the noble Lord contended was, no doubt, acted upon to some extent at present, for instance, by the 150th Standing Order it was laid down that, in cases of amalgamation, certain things should be proved to the satisfaction of the Board of Trade; whether, for instance, the respective parties paid up a certain part of the capital ordered to be raised by means of shares and so forth. The Committee, supplied with those facts, took them as matters proved, and to that extent their labours were of course diminished. He was quite willing moreover to admit that, if it could be done, the lessening of those labours farther was an object which it would as far as possible be desirable to accomplish. Those, however, who had carefully considered the question, could hardly, he thought, see their way to the expediency of taking the jurisdiction over private business out of the hands of the House of Commons so clearly as the Chambers of Commerce to which the noble Lord referred seemed to do. It must be borne in mind that the proposals which came before the House in the shape of Private Bills changed with the times, and that they ought not, therefore, to be dealt with by a fixed body, apt to be guided by precedents; and to lay too much stress on consistency and uniformity. They ought rather to be judged of by the representatives of the people at the moment, and if the contrary course had been pursued, it was possible we might not have had a railway at all; or, at any rate, the railways would have been long delayed, for lawyers would naturally proceed upon the principles which he had just mentioned, and great obstacles would thus be thrown in the way of progress and improvement. Such a tribunal might have been astounded at the proposal to make the railway from Liverpool to Manchester. Lawyer-like they would have looked to consistency, and felt bound by precedent. He believed there was no body in the country fit to deal with these fluctuating and changeable questions like a representative body; and therefore he, for one, would not give his consent to the Resolution, if in the least it went to take away the jurisdiction of Parliament in these matters. Lawyers could tell the legal effect of certain facts, when facts were proved before them. A law being in existence, judicial bodies might apply the law to the facts; but he denied that judicial bodies were the proper parties to say what the policy of the country should be. It was not a question of administration but of legislation; and he thought it behoved the House not lightly to agree to any proposition which seemed like parting with its jurisdiction over the private legislation of the kingdom.

COLONEL WILSON PATTEN said, that after the satisfactory and conclusive statement of his right hon. Friend he should not have trespassed on the attention of the House were it not for the peculiar course which had been taken by the noble Lord below him in recommending his Resolution to the House. He regretted that the noble Lord had not contented himself with pointing out the defects of the present system of Private Bill legislation without seeking to cast so much odium not only on Committees of the House, but also on individuals composing those Committees. He had scarcely ever heard, for instance, so unjust and uncalled for an attack as the noble Lord had made on his noble Friend the Member for King's Lynn (Lord Stanley). Did the noble Lord, he would ask, know the circumstances under which his noble Friend took upon himself the laborious duty of presiding over the Committee to which his observations pointed? His noble Friend had, at the end of last Session, come to him and stated that he was afraid he could not again undertake that duty, and it was only at his particular and earnest request that he consented to go through the labour which it imposed during the present Session. Yet the return which his noble Friend got was that the noble Lord sought to throw upon him the odium of the present system. [Lord ROBERT CECIL: I should be the very last person to do anything of the kind.] He was sorry if he had misunderstood the noble Lord, but he had, at all events, thrown odium on the Committees of that House, and had quoted statements made by somebody—nobody knew whom—as to what he had heard pass in conversation in a particular Committee between two of its Members. Now, if there was anything for which the Committees of the House on Private Bills were distinguished, it was for their impartiality and the painstaking manner in which they devoted themselves to the investigation of the cases which came before them. Although the commercial community complained of the way in which the business was conducted, it was the great railway bodies who, when another system was tried some years ago, brought back the present course of procedure by declaring their want of confidence in any tribunal except one constituted in Parliament. He had expressed an opinion before a Select Committee that certain facts might be ascertained elsewhere; but when he consulted with men of experience, such as the noble Lord the Member for King's Lynn, the hon. Member for Ipswich, and other Chairmen of Committees, he found that they were of opinion that the investigation could not be divided between Parliament and an external tribunal. The experiment of having a preliminary inquiry had already been tried without success, for it only doubled the expense without giving any satisfaction; and after two years' experience of it he felt compelled to move its abandonment. Perhaps some mode might yet be devised of holding a preliminary investigation; but unless the House had some practical scheme in view, it would be dangerous for it to pass a general Resolution leading the public to expect something which all their experience hitherto had proved impracticable. If his noble Friend really wished to have the matter taken up, he should move for another Committee, and place himself at the head of it. His noble Friend had alluded jocularly to the animadversions which were passed by hon. Members on the Committee of Selection; but he was bound to acknowledge seriously the great and valuable assistance they had derived from Members in conducting the private business of the country. He hoped the noble Lord would not press his Motion.

LORD STANLEY said, he felt bound to state that he did not understand his noble Friend to speak of him (Lord Stanley) in any other spirit than that of good humour, and he also wished to discuss the question in the same spirit. The House was indebted to his noble Friend for bringing forward the subject. He was the last person to deny that the manner in which the Private Bill legislation was conducted was capable of various amendments in detail. Fault-finding was easy; but the real question was, however, not whether the existing arrangements were perfect, but whether any other system could be substituted which would work better. As to the general dissatisfaction with which it was alleged the decisions of Committees were regarded, he could not admit it. It must be remembered that several rival interests were represented before a Committee, and it stood to reason that some of them must be defeated. Those parties whose hopes were disappointed not unnaturally left the Committee not particularly well pleased. What they had to consider was whether it was possible to transfer the decision of these cases from Parliament to any other tribunal. It was suggested that they might have a Board or Commission, which would be paid for its labours, would sit regularly, and would possess the advantage of greater experience and greater despatch. But the next point was whether this Commission was to give judgment with or without an appeal. If there was to be an appeal, it must be to the House or to a Committee, and in either event he did not see what would be gained. In every case, involving important pecuniary interests, the Bill would be fought to the last, and thus the result would be, if it were sent to a Committee, that an additional step would be added to the trial, with a corresponding increase of expense to the parties concerned. If, on the other hand, the decision rested with the House at large, he feared the consequence would be a mere scramble for Parliamentary influence. Or, lastly, if there was to be no appeal, they must consider the amount of absolute irresponsible power which would be placed in the hands of three or four permanent officials. Railway business to the amount of £30,000,000 or £40,000,000 annually came before Parliament. It was no answer to say that the Judges dealt with pecuniary interests quite as important. He admitted that; but a trial before one of the ordinary courts bore no resemblance to the trial of a Private Bill before a Parliamentary Committee. The Judge had a simple and definite issue before him. He had to decide whether, say, a property belonged to A or B, or whether the law had or had not been violated by certain persons. He had no arbitrary power or discretion. He had only to ascertain what the law was, and to apply it to the particular matter before him. But in the case of a Private Bill there was no fixed law. The issue was whether this or that company should make a line, but there was no right in the matter. It was merely a question whether it would be more for the public advantage that the one or the other should get authority to construct the line. It was impossible to deal with matters of that kind in a way which would not leave a large and arbitrary discretion in the hands of those with whom the decision rested, and on that ground the ultimate judgment could not safely be intrusted to any body apart from the House. It had been proposed, however, that the facts ascertained in the preliminary inquiry should be embodied in a report, or summary of evidence, which should be laid before the Committee, and upon which counsel should be allowed to argue, before the Committee came to a decision. Without absolutely condemning that plan, he would point out some difficulties which attended it. Whatever might be gained by the more methodical course of procedure in taking evidence, it was inevitable that the evidence would be exceedingly voluminous. Even omitting details which were unimportant, if not irrelevant, it would often happen that the testimony would fill a folio volume of several hundred pages; and there was no security that the Committee would master that printed statement as completely as they would learn the features of the case from listening to the witnesses day after day. He did not deny that that plan would save some time to the Committee, but when they took into account the length of the inquiry before the Commission, in addition to the trial before the Committee, they would see that the whole affair would last a great deal longer than now. It was to be remembered, too, that defeated parties would probably be dissatisfied with having decisions given against them by an unseen and unknown tribunal. There would not be the same conviction in their minds that their cases had been fairly gone into, as there was when they saw the witnesses examined in their presence and observed the Committees carefully watching the evidence. Such were the difficulties which appeared to him to stand in the way of the proposition now before the House.

The principal objections to the existing mode of transacting private business were three in number—the allegation of the uncertainty of decisions, the expense to the parties, and the labour imposed upon the Members of that House. His belief was that since the House had adopted the practice of limiting the number of chairmen, and thus throwing the main responsibility into fewer hands, the instances of contradictory decisions, so much complained of formerly, had, if not ceased to occur, been greatly diminished in number. The fact was, that even if all Private Bills were tried by some independent tribunal they never could have that uniformity of decisions which prevailed in courts of law; because, in dealing with Private Bills, there was no fixed law to administer, and the question of what was best for the public interests was necessarily a very vague and general one, upon which men of equal competence might come to different judgments in different cases. He was afraid, again, that they never would get rid altogether of unnecessary expense to the parties whatever mode of procedure might be adopted; but he thought that the promoters and opponents of Private Bills were themselves principally in fault. Other litigants proceeded at their own charges, but when Railway Companies fought one another upstairs, the shareholders paid the expenses, and the directors enjoyed the pleasure and excitement of the contest. He did not know why railway shareholders did not, as a general rule, exercise much control over their boards; but such was undoubtedly the case, and as long as one set of men spent the money and another found it, so long they could not expect economical administration. He believed, in the last place, that the labour imposed upon the Members of that House fell hard in some instances; but the evil lay not so much in the amount of the work as in the inequality with which it seemed to be divided. He had made some rough calculations on that subject—though he was afraid he could not vouch for their strict accuracy—from which it appeared that assuming from the total number of members 150 might be deducted as disabled by age, or exempted by station, and distributing the duty among 500 hon. Gentlemen, the average amount of labour devolving upon each did not come to more than eight days in the course of a year. Considering the magnitude of the interests involved, it could not, he submitted, be fairly said that that amount was excessive. At the same time he thought that some relief might be given in that respect. For example, he had never been able to understand why in ordinary cases there should be separate hearings before Committees of the two Houses of Parliament. When some time ago a joint Committee was appointed to consider the London Railway Bills, he was himself afraid that the experiment might not succeed, but the plan worked very well, and he had no doubt that in 99 cases out of every 100—for he presumed that each House would preserve the right of dealing separately with cases requiring special attention—one Committee might do the work for both Houses. That course would lessen the work to a considerable extent. Then he thought that the number of five members on Private Bill Committees was unnecessarily large. Last year he proposed to reduce it to three, and he was still inclined to hold that opinion. The objection urged against it was that in the event of any one of the three being disabled by illness, the whole of the responsibility would rest upon the Chairman. If the House were of opinion that that objection was of so much weight as to overrule the advantage of diminishing the number to three, then it might be reduced from five to four, the only disadvantage of which would be that in doubtful cases it would be necessary to give the Chairman a double vote. He had calculated in a rough way that the effect of these alterations would be to reduce the amount of labour imposed upon members by one-third. Such were the practical suggestions he had to offer, and he hoped they would be taken into consideration with any other amendments that might be proposed; but, meanwhile, he trusted the House would not proceed upon the unusual and unsatisfactory plan of passing a general Resolution, which condemned the existing system without substituting anything else in its place.

MR. SCOURFIELD said, he concurred with a good deal of what had been said by the President of the Board of Trade, and by the noble Lord who had just sat down, upon this question. The Committees of the House of Commons with regard to private business, had assumed more and more the character of prophets than of judges. The facts were daily lessening, and the matter became one of speculation more than of judgment. He had reason to believe that if the House directed their rules to be more rigidly enforced, half of the burdens thrown upon Members would quickly disappear. It appeared from a return, that the sum lodged with the accountant general as deposits for railway schemes that year, amounted to £6,300,000. That was to be multiplied by 12½, to represent the capital involved in the decision of the Committees; so that nearly the sum of £80,000,000 was brought under the adjudication of Parliament. The first thing he would ask the House to consider was, how far the existing rules and regulations had been attended to. If their rules were not only not enforced, but were allowed to be set at defiance, he should feel little interest in any plan which might be proposed. They should first try what the enforcement of their rules would do before they rushed into a totally different and new system of proceeding. He dared to say the Committees did not give satisfaction to all parties, but he should be glad if in some respects they gave less satisfaction. If the present system should be found so bad as to be wholly incapable of enabling them to transact the business which came before them, then he would say reform it altogether. He thought the Chairmen of Committees, of whom he was one, might do something by coming to an understanding with each other on the subject of Standing Orders. At present, there seemed to be a considerable variation of opinion as to the degree in which the Standing Orders should be carried into effect.

MR. GATHORNE HARDY said, he could not support the Resolution as it stood, as he was not prepared to give up the practice of taking *vivâ voce* evidence by the first tribunal before whom a case might come. The proceedings of the Committees, however, might be shortened in many ways; for instance, when a Bill originated in the House of Lords, a Committee took the evidence in full. When the Bill reached the House of Commons, why should they re-hear the whole of that evidence instead of accepting the printed evidence from the House of Lords, just as the two Houses recognized each others' blue-books on political subjects? When a Bill had come from the other House, he thought a Committee of three, instead of five, was sufficient to deal with it; and that, unless in the case of a special application, no evidence further than what had been heard before the Lords should be given. As to a tribunal external to the House, he thought, however carefully its inquiries might be conducted, its decisions would not be treated with very much respect by the House. Indeed, the scheme which was recommended by his noble Friend had been tried, and had completely failed. He remembered the case of an inquiry in the country on which a friend of his sat for six weeks, and then when the Bill came before the House the whole matter was gone into again before a Committee. The same was the case with reference to the inquiries under Lord Dalhousie and the Board of Trade, although they were so elaborate and so careful that nearly every recommendation which they made had, though rejected at the time, since been accepted by Committees of that House. He regretted that his noble Friend (Lord Stanley) should have so completely sacrificed himself to the conduct of private business that he was unable to sit upon public Committees, or to give the full advantage of his assistance in the proceedings of the House. The duty of serving upon Committees ought to be more equally distributed among the Members, and it would be well if no one would consent to do more than his share of it.

MR. LOWE said, that he had the greatest respect for the Committees of that House, the Members of which discharged a most onerous and ungrateful duty with great ability and the greatest integrity; but he did not think that full justice had been done to the evils of the existing system. The first objection was that a great amount of valuable labour was diverted from the public Committees and public business of the House to the performance of judicial functions, and judicial functions of by no means a high order. The second objection was that the Gentlemen who sat upon those Committees were in somewhat the same position as juries would be if they were called upon to administer the law without judges to assist them. They were gentlemen of ability and integrity, but they were in the hands of practised counsel, by whom they were addressed in artful and able speeches, and they had to perform many of the duties of a judge at *Nisi prius* without the training and practice which gave authority and facility to the decision of such judges. The proceedings before such a tribunal must necessarily be greatly prolonged, and such a prolongation caused enormous expense and led to a denial of justice to many persons, who had to put up with injuries of which they could not afford to complain. Nor must they look, as in ordinary cases, to the litigants to agitate for redress, because, although they did not say so, there was no doubt that the great railway companies regarded the enormous expense of these Parliamentary contests with complacency, as they looked upon it as a security for their maintenance of what they had got from the Legislature. Since the Committee system first came into operation, the theory upon which the Legislature dealt with joint-stock companies had greatly changed, and much time and labour would be saved if Committees, accommodating their practice to that change of principle, were to confine their inquiries, in the case of railway companies at all events, to those parts of the Bill which authorized companies to do something which they could not do without the authority of the Legislature. Then, although decisions were continually being given upon points which were of the greatest consequence to the public, no rule, no law was created. Although a judicial decision was of value to the litigants, it was of still greater use to the rest of the community, who steered their course by it, and were thus enabled to avoid litigation. Such a result was not, however, attained by the Committees of that House. One Committee did not know what another had done or was doing. No record was kept, although a point might have arisen twenty times before, it was treated as a case of first impression; and the same question was often decided by different Committees in diametrically opposite ways. The result was that no one knew when he was sure to maintain his right, and no one could tell that he might not overthrow it. This afforded a great encouragement to experiments, and was a great source of anxiety to those who were interested in established undertakings. If a judicial and permanent element were introduced into the Committees, their judgments would be reported and gathered together, and would form precedents which would guide future decisions. A hundred years ago it was thought that the mercantile law could not be reduced to rule, but Lord Mansfield took the matter in hand and accomplished it. At the present moment railway companies did not know on what terms they held their property. They did not know whether competition was a proper ground of opposition; so that there were some hundreds of millions sterling embarked in railway property, and no one knew on what security. Not only had the House no practical control in the matter, but it really knew less about railway business than about any other kind of business; and after twenty years' experience of the inconvenience and insecurity arising from this, we left things just where we had found them. He did not pretend to any great practical knowledge on the subject, but it struck him that there were several modes by which an improvement could be effected. He believed it would be an improvement if a single person took the evidence now taken by Committees, and reported it to the House, leaving it for parties to move for a Committee if a Committee was desired. Again, he imagined it would be a great improvement to have joint Committees of the two Houses, even if the evidence was still to be taken by Committees. He thought it would be an improvement if hon. Members consented to act as special jurors, and to be presided over by a judge, so that they would act like special jurors in a case at *nisi prius*. Then, he could imagine that there might be a Committee appointed to act in these cases as the Judicial Committee of the Privy Council acted in appeal cases for the latter body. He believed there was no tribunal whose decisions gave more satisfaction than did those of the Judicial Committee of the Privy Council. He felt bound to express his opinion that Committees of the House of Commons, as then constituted, were not a satisfactory tribunal, and that some change was required in respect of their private legislation.

MR. RICHARD HODGSON thought the decisions of Committees on Private Bills, although sometimes erroneous, were on the whole very satisfactory, and were much respected by the public. If an error was committed one Session, it could be remedied the next. No tribunal that he could imagine would pronounce decisions that would be equally satisfactory to the public. Turning to the Motion of the noble Lord, he did not see how, as was suggested, it would tend to save expense. True, the evidence as to the estimates connected with Private Bills might be taken by a Commission appointed by Government, or by the House of Commons; but evidence of that kind was open to dispute, and would frequently be required to be given again before the Committee at a great addition to the expense. It was the great expense of these inquiries that the country objected to. The fees which parties who came before the Committees were obliged to pay had been beyond all measure extravagant. Something had already been done in the way of reducing those expenses, and he hoped that still more would be effected in that direction, for by that means much of the dissatisfaction entertained against Private Bill legislation would be removed.

LORD HARRY VANE said, his right hon. Friend the Member for Calne (Mr. Lowe) had placed the matter in so clear a light, and he concurred so fully in his right hon. Friend's observations, that he should not have thought it necessary to address the House, only that the great weight of authority seemed to be, not only against the proposition of the noble Lord the Member for Stamford, but also against any essential change in the present system. He concurred in thinking that the country was not so satisfied with the existing system, as some hon. Members seemed to suppose. A Select Committee was composed of Gentlemen some of whom might have a great knowledge of the subject to be considered, and others of whom might not have any knowledge of it at all. It was, therefore, an uncertain tribunal, and its decisions must be unsatisfactory, and lead to constant appeals to that House. He agreed with the President of the Board of Trade, that in a community like that of England, where opinions and interests were continually changing, it would be unwise to intrust to a fixed tribunal the powers administered by Parliamentary Committees; but it seemed to him that some one ought to be connected with a Committee who should give it a judicial character, and that it should be guided by some one of experience in the matter before it, as well as skilled in judicial investigation. It frequently happened that a great mass of evidence was taken by a Committee which had no bearing on the question. Counsel, Parliamentary agents, and solicitors had no interest in shortening the proceedings; and if the Chairman had not the moral courage to stop them, it often happened that they protracted the proceedings very unnecessarily. The suggestion of his right hon. Friend, therefore, was one of a practical character; and though it had been made before, was one worthy of consideration as likely to be of considerable advantage. The suggestion of the hon. Member for Leominster, that evidence should be taken once instead of twice, was one of which he approved; and if the Lords would consent to accept the evidence taken before a Committee of the House of Commons, and the House of Commons would adopt a corresponding rule, the proceedings would be shortened and a saving of expense effected. It should be borne in mind that the parties upon whom the expenses of proceedings before Parliamentary Committees ultimately fell were often not the litigants. There was a large class interested in litigation before the Committees, whose views consequently were not identical with those of the shareholders. Attention should, therefore, be directed as much as possible to the reduction of expenses. These would never be lessened unless the House took the matter in hand; and great credit, therefore, was due to the noble Lord for directing attention to a matter which was more thought of out of doors than hon. Members might be disposed to believe.

MR. PAULL said, the Motion had called forth many interesting speeches from Gentlemen well qualified to pronounce opinions on the subject, but the noble Lord would see that it could not be expected to do more. His proposal to have one tribunal to take evidence, and another to decide upon it, was one which the House would never adopt. The noble Lord (Lord R. Cecil) was in error in assuming that the House and the Government had not grappled earnestly with this Question. There was no subject which had commanded more attention from the painstaking and practical Members than that of Private Bill legislation; and the fact that the grievances still continued showed how difficult it was to provide a remedy for them. Everybody admitted the evil, but it was the very magnitude of the grievance which led to its continuance. From many of the proposals made that evening he felt compelled to differ. He did not believe, for instance, that hon. Members would feel themselves satisfactorily placed under the guidance of a judge by whom their attention was to be directed to special issue. The training of the judicial mind would infallibly lead the judge to discard many of the innumerable issues which always presented themselves in the investigations of Private Bills, and thereby a great deal of matter would be excluded which yet might well deserve consideration. Members, moreover, coming, as they did, from various classes of society, would better appreciate the force of those issues than a single judicial mind could be expected to do. Again, he felt considerable doubts as to the propriety, in a constitutional point of view, of joint Committees of both Houses of Parliament. The subject had a right to petition both Houses of Parliament; and suppose a petition, setting forth important facts, were presented to either House after a Bill had undergone investigation by the joint Committee, the House surely could not ignore that petition. That very evening, in the case of the Dublin Improvement Bill, an instance had been afforded of the importance of a second hearing in another place, where the omissions, neglect, or misrepresentations of parties at the first hearing might be supplied or corrected. No doubt, investigation by the second tribunal was attended with expense, but that was a secondary consideration compared with security of individual interests. It was impossible that the noble Lord himself could more ardently desire improvement in legislation of this nature than he did. In fact, he had introduced a Bill relating to one branch of the subject, piers and harbours, and presided over the Committee that the Bill was referred to. He then learnt from most respectable witnesses, that the view he had taken was erroneous, and that the Parliamentary tribunal was by no means so unsatisfactory to the public as was supposed; those gentlemen declared their preference for the independent and impartial decisions of Committees, attended though these might sometimes be with expense and delay, to the arbitrary caprice of a public department, the officials of which were apt to run in a groove and to decide everything accordingly. He had come to the conclusion, as regarded a very large proportion of the business brought before Parliament, that it would be difficult to find any other tribunal which could deal with it as satisfactorily. There were, however, a vast number of applications which might be submitted to some tribunal out of doors; and he believed the extension of the system of provisional orders, being purely permissive, might be attended with useful results, preserving always the right of ultimate appeal to Parliament. The working of the Piers and Harbours Bill threw some light upon the matter. In the first year there were nine applications for provisional orders; seven were granted and passed by Parliament without opposition: last year there were fifteen applications; thirteen were granted, and there was one appeal to Parliament. That year there were twenty-seven applications, and in only three cases were objections taken and referred to a Committee. Without going into the question of the constitution of the Committee, his strong feeling was that these subjects must be kept within the walls of Parliament, as regarded final legislation, but that the provisional order system might be extended with a salutary effect.

MR. WHALLEY said, the real question at issue in most of these Private Bills, especially with regard to railways, was the question of competition between great companies; and, if that could be settled, he believed there would be no difficulty in acceding almost unanimously to the views which the noble Lord had so admirably expounded. The reason why the great companies were so unanimous in favour of the existing tribunal was because, owing to the expenditure and the great uncertainty of an appeal to Parliament, struggling enterprizes were kept out of the field. The present system gave a virtual monopoly to the great companies, and seriously damaged the prospects of new local undertakings. Out of some £3,000,000 spent on new lines in the district with which he was connected, he believed he was not exaggerating when he said that an expenditure of £1,500,000 was due to the fact that all these schemes had to pass through Parliament. Money could rarely be raised for a local project in the district itself, and then it was necessary to apply for aid to contractors, engineers, and solicitors, who had no identity of interest with the district; who assumed the management of the line with reference only to their own interests, and who repaid themselves at the rate of 50 per cent for the risks they incurred. The great railway companies found out that they had no chance of getting their claims so well attended to as by the Committees of Parliament, and they acted on that knowledge. That was the only reason why that class of business was retained in the House, with such public results as the noble Lord had described, and with the private results upon the personal convenience of Members which must be familiar to all. It should be remembered that there would be as much finality in the decisions of any other tribunal to which those questions might be referred as there was in those of Select Committees. Those Committees did not really legislate — they simply reported their opinion to the House ; and this would be the case with any other tribunal to which these matters were referred. The Report of the Committee of last Session noticed the various schemes which had been brought forward in reference to that class of business, and said that as it was not proposed by any one of the schemes to absolutely exclude parties from going before a Committee, in most cases they would avail themselves of the privilege, and thus the institution of a preliminary tribunal would only add to the length of the proceedings. That really was the ground for the House not parting with that class of business; and surely they should not be deterred from doing so, in consequence of the difficult questions involved, for the questions before Railway Committees were really much more simple than those brought before other Committees. In fact Railway Bills were much less complicated than Gas or Inclosure Bills. The increasing power of the great railway companies deserved the attention of that House. In 1853 competition was first allowed as a ground of objection to a new scheme; and then only at the discretion of the Committees. In 1863, when the question of competition was discussed by the Committee upon the various projects for the improvement of the present system, he carried a vote in the Committee that, so far as competition had been allowed as a ground of objection to new projects, it ought not to have been allowed, and that it should not be so in future ; but that Resolution, though it formed the basis of about one half of the Report, was actually rescinded by the Committee—a step altogether without precedent, and due entirely to the overwhelming power and influence of the great companies in the Committees of the House. If they could exercise such influences in the Committees appointed to consider the subject of Private Bill legislation, much more might it be expected that such influence would be felt in the Private Bill Committees. The trade and general commerce of the country were involved in the question to an extent that was not exceeded by any single matter that engaged the attention of Parliament. The power of the great railway companies was also shown in regard to the Bill now before the House, and brought in by the President of the Board of Trade, for affording facilities for constructing railways. The Bill provided that where all the parties in a district having an interest in a new railway consented to its construction they could apply to the Board of Trade, and need not incur the expense of going before a Committee. The great companies, however, combined as one man, and insisted that they must have a voice in the new project. The Bill had therefore been altered to meet their views, and as it now stood it provided that if any railway or canal company intimated to the Board of Trade that they were not satisfied with the project, then the whole machinery of the Bill was set aside, and the parties applying for the Act were referred to a Committee upstairs, where they would have to cope with the inexhaustible resources of a great company. He trusted that, whatever the result of the present Motion might be, the noble Lord (Lord Robert Cecil) would not abandon the subject, but would continue to give it the patriotic, earnest, and enlightened attention he had already bestowed upon it. The noble Lord would find additional reason to be satisfied that he was devoting his influence and ability to a subject which would well repay his attention.

MR. DUTTON said, that although he did not go so far as the noble Lord, yet he could not think that Committees of the House were satisfactory tribunals to deal with these matters, except, indeed, so far as the honesty and integrity of purpose which they brought to bear upon the subject. It would be supposed that almost the first requisite of a tribunal to consider a railway Bill was great local knowledge, yet the Members of a Committee invariably came from different parts of the country, and thus could not have the requisite local knowledge. It had been said, in reference to the enormous sums spent before Committees, that the directors spent the shareholders' money recklessly; but on behalf of himself and his brother directors he must say that the expenditure was forced upon them, and chiefly by counsel overloading the inquiries with unnecessary evidence. Directors had a clear interest in saving money, because what they spent was partly their own. It had been said that the great companies were in favour of the present system; but he certainly had never heard his colleagues express such an opinion, or that they wanted to keep small companies out of the field. It was true that they were obliged to fight a great number of Bills, and often had eventually to buy the interest of the new companies, but that was not an economical mode of acquiring a line. Unfortunately the facilities for obtaining freeholds were now so great that, with the aid of a discount house and a contractor, any project, no matter how absurd, could be set afloat without difficulty. And then it was competent for a company to go before a Committee, and after fighting for a time, if their scheme was rejected, they might go before a new Committee the next year, with the same counsel and the same engineer, and then they would probably get a Bill without adducing any new evidence. That showed that the present system was not very perfect. He had listened with great pleasure to the speech of the right hon. Gentleman the Member for Calne, and agreed with him in thinking that there was a great want at present, because there was nothing to guide the Chairman of a Committee to a decision; there was no system of railway law to which he might look for direction in any difficulty. If the noble Lord should carry the question to a division he could not support him, but he thanked the noble Lord for the very able manner in which he had brought the subject before the House.

Mr. PUGH said, he should have great pleasure in voting for the Resolution of the noble Lord. In a matter of this nature he would not have ventured to intrude his opinions on the House, but having read with much attention the Reports of the Select Committees of 1858 and 1863, and the best portion of the evidence, he collected that the highest authorities in that House and out of it were unanimous in expressing a strong sense of the evils of the present system. Considerable changes had been made in consequence of the Report of the first Committee, and the question was whether the time was not now come for going still further. It was stated by some of the authorities to whom he had alluded, that the evils of the present system were inseparable from the nature of the tribunals; that their decisions were fluctuating, uncertain, and frequently inconsistent, and did not command public confidence. It was also said that the Committees disliked the work allotted to them; and no one could blame them if they did. They knew that their constituents had no interest in that work; if they had, there was no labour they would not willingly undergo. As it was, they would prefer to devote their time to social and imperial questions, or to the study of international law, which now more than ever invited the attention of the country. They saw that the strength and talent of the House was eliminated before an appeal was made to their ranks. Those engaged in office were exempt, and likewise those engaged in the profession of the law. The orators of that House, to whose utterances they all lent an attentive ear, on whose effusions they ever dwelt with so much pleasure, were rarely, if ever, found to ply the labouring oar in the Committee-rooms upstairs. The duties of the Committees were of a more humble and unaspiring nature—

"The applause of listening senates to command
Their lot forbade."

Thus, they found themselves committed to a contest beyond their strength, from which not much of credit or reputation was to be gained. It was the advice of a celebrated critic of antiquity to the poets never to take up a subject above their resources, and to consider well beforehand what burden their shoulders were able to bear—

"Sumite materiam vestris, qui scribitis, æquam,
Viribus; et versate diu, quid ferre recusent,
Quid valeant humeri."

And the same rule applied to orators, as an orator is said to be next akin to a poet. If he were asked what system was to be established in lieu of that now to be displaced, he would refer to the suggestion which had been made of a railway tribunal composed of men either in Parliament or out of it; and he would not attach too much weight to the objection against parting with any of their jurisdiction. In other matters, such as those submitted to the Inclosure Commissioners, they had parted with a good deal already, and he thought they might part with more of that description without the slightest diminution of their hereditary splendour. He hoped he had said nothing in any degree disparaging or undervaluing the labours of those who in the chief Committees set all this machinery in motion with so much ability and self-devotion. He had experienced from them nothing but consideration and kindness, and it was only because he had studied their opinions as embodied in the Reports with the deepest attention, and was influenced by their high authority, that he had ventured to say what he had, adopting their suggestions and treading in their steps, though, perhaps, going a little further than some of them. Seeing, then, that this confinement of Members in committee-rooms was unnecessary and useless, and might better be dispensed with; seeing that they had abolished the slave trade, and that Factory Acts had been passed with the approbation of every friend of humanity and his country, he would cordially vote for the Resolution, as containing within it the element and the germ of the emancipation of Members of Parliament.

LORD ROBERT CECIL said, he thought it would be useless to press his Motion in the then state of the House, and therefore he proposed to withdraw it.

Amendment, by leave, *withdrawn.*

GOLD CURRENCY FOR INDIA.

RESOLUTION.

MR. J. B. SMITH: Sir, I rise to move,

"That the increasing trade and commerce of India, and the consequent increasing demand for a portable circulating medium, require that a gold currency should be established in that empire."

In India, and Eastern countries, silver is almost the sole instrument of exchange, even for the largest transactions. This fact has important bearings upon our trade, which, with the East, differs from that with other countries. In the case of India, our exports are insufficient to pay for our imports, and the consequence is that we have to pay the balance in specie. The extent of the exports of specie to India, from the commencement of the present century, will be shown by a Return moved for by my hon. Friend the Member for Aberdeen (Colonel Sykes); from which it will be seen that the balance of imports of specie, after deducting exports, into the provinces of Bengal, Madras, and Bombay, from 1801 to 1851, a period of fifty-one years, was £110,662,000, and from 1852 to 1863, a period of twelve years, it was £123,691,000. The average import for fifty-one years appears to have been about £2,000,000 per annum; but for the last twelve years it has increased to £10,000,000 per annum. Last year (1863), however, the import amounted to £19,367,000. Now, in order to obtain specie for the payment of our Indian imports, it is necessary that we should export our manufactures to countries producing specie. There would be little inconvenience in this operation, but the specie required by India is silver, while the chief production of the precious metals is gold. A double operation, therefore, becomes necessary, first to exchange our manufactures for gold, and then to exchange the gold for silver. But besides the ordinary demand for specie, to pay the balance of our imports from the East, a variety of circumstances have concurred to create an extraordinary demand for silver within the last fifteen years. About £50,000,000 have been invested in Indian railways. There has been the expense of the mutiny in India, a Persian war, two Chinese wars, an increased importation of a variety of Indian products, and this year an extraordinary importation of cotton, amounting probably from £30,000,000 to £40,000,000. In addition to the demand for silver from the East, there has been also a drain of silver to supply those countries which have demonatized gold. The discovery of gold in California in 1848, and subsequently in Australia, produced a great panic in the commercial world. Bank directors and writers, who were supposed to know more about such questions than any one else, predicted a serious decline in the value of gold, and a rise in price of all commodities. In 1850, Holland took the alarm, and demonatized her gold currency. Belgium followed her example. Russia, Spain, and Portugal prohibited the export of silver. In 1852, the East India Company, which previously to that time received gold mohurs at the treasury for fifteen rupees each, declined to receive any payments except in silver. The effect of this demonatizing of gold was, on the one hand, to create a great demand for silver, to replace the gold circulation; and, on the other hand, to increase the alarm occasioned by the influx of gold, by swelling the volume of gold which was rolling in from California and Australia. The natural supply of silver is limited; the demand for it has been exceptionally large. M. Chevalier estimates that the export of silver to the Levant and the East in

1857 was £20,145,921, being more than double the yield of all the silver mines which supply the Western world. The exports to India alone, in the last twelve years, amounted to £98,476,766, besides probably £30,000,000 to £40,000,000 to China. The exports of silver are still increasing: last year, to India alone, the export was equal to the whole production of the silver mines. It is surprising, under all the circumstances, that the advance in the price of silver in this country has been so small, for while it has advanced in India 10 to 12 per cent, it has only advanced here 1 to 4 per cent, and less disturbance has been hitherto created by this extraordinary state of things than might have been expected. This inordinate Eastern demand for silver, could not have been met without occasioning a great advance in price, had it not fortunately happened that we have been able to obtain from France immense supplies of silver in exchange for gold. M. Chevalier says, the excess of exports over imports of silver from France, from 1852 to 1858, amounted to £45,080,000; and since then the exports have been in a like proportion. Until the gold discoveries, France had only a nominal circulation of gold, a small paper circulation, but an immense accumulation of silver coin. Her increasing trade and wealth had rendered her cumbrous silver currency inconvenient for large transactions, and she willingly availed herself of the profitable opportunity of an Eastern demand, to get rid of it in exchange for gold. By these means the demand for silver has been met with comparative ease; but this source of supply, however, cannot long continue unexhausted, and the produce of all the silver mines in the world being inadequate to meet the continued demand, some remedy is absolutely necessary to prevent the great commercial disturbance which must inevitably take place if a remedy be not applied. India has petitioned for a gold currency. A forcible memorial from the native Bombay Association to the Governor General sets forth—

> "That from time immemorial, until some years ago, India possessed a gold currency. That the superior convenience of this circulating medium is well understood by the natives of this country. That the transport of a bulky and cumbrous silver currency entails constant and useless expense upon the country, and its consequent sluggish circulation is a serious impediment to trade. That India is not yet prepared for a paper currency, which does not circulate in the interior."

The great amount of the trade of India—the probable increase from the development of its resources by the opening out of roads, has made it necessary to adopt a more portable and convenient currency to facilitate its large transactions. In ten years the commerce of Bombay has increased 250 per cent. In 1863 the imports and exports amounted at Bombay to £59,000,000; Calcutta, £34,000,000; Madras, £13,000,000; total, £106,000,000. A Government paper currency has been introduced with a view to facilitate commerce; but its circulation is small, and confined to the Presidency towns, while the great want is in the country. It will take a long time to establish a paper currency in a country like India, if it be possible ever to circulate it beyond the large towns. I confess, however, I should regret to see a Government paper issue successful. No profit can compensate for the danger of its introduction in a country where ignorance and religious excitement are the characteristics of the people, and where whole districts are continually disturbed by fanatical appeals to their superstitions. The mutiny, which was the result of these causes, cost about £100,000,000 before it was subdued. How greatly would our embarrassment have been increased, if in addition to the anxieties of that period, a demand, influenced by a panic, had arisen for the immediate conversion of the Government notes into silver. The indiscretion of officials might produce such a result at any moment. Only the other day we saw how the religious bigotry of the people was excited from one end of India to the other, in consequence of an attempt being made at Calcutta, for sanatory purposes, to induce the people to bury their dead instead of partially burning and then throwing them into the river. The fanatical cry was immediately raised, that the Government wished to destroy their religion. Of course the only object was to preserve the public health, and the Government finding that its object was misconstrued, wisely withdrew the order; but the incident showed the fanatical temper of the people. It appears to me, then, that the safest and best course is to adopt a gold, instead of the attempt to introduce a paper currency. Why should not India, which is equally prepared for it, adopt a gold currency as well as France?

The world is not likely to be so inundated with gold, that its value will be more affected than that of silver. No doubt a general impression prevailed on the discovery of gold in California and Australia, that a serious decline in its value would take place, founded on the effects produced on prices by the influx of the precious metals on the discovery of America. This feeling was confirmed by the opinions of one of the most distinguished writers on these subjects in Europe, M. Chevalier, whose able work, *On the Probable Fall in the Value of Gold,* has been translated by my hon. Friend the Member for Rochdale (Mr. Cobden). Baron Humboldt, however, appears to have taken the largest views of this question. He wisely observed, in reference to the difference between the influx of silver on the discovery of America, and the recent gold discoveries, that "a small quantity of rain would flood a rivulet, which would have scarcely a perceptible effect on a mighty river." And this seems to be a correct analogy between the barbarous state of Spain—with little trade or enterprize — the "rivulet," into which the vast supplies of silver were poured on the discovery of America,— and the present world, "the mighty river," teeming with activity, industry, and enterprize, the results of the growth of civilization and the advance of science and invention. The effects of the influx of gold have not so far realized the anticipations of those who believed that it would raise the price of commodities. Notwithstanding that, since 1848, a larger amount of gold has been produced than America produced from the first voyage of Columbus to the discovery of the mines of California in 1848, a period of 356 years, there is no evidence that the prices of commodities have been affected by this enormous influx of gold. Some commodities have no doubt risen, but the increase in price is in no way attributable to the influx of gold. The advance in cotton is the result, not of the influx of gold, but of the American war—of wine, the disease of the vine—of silk, the destruction of the silkworm, and so of other commodities. But let us take the price of wheat which Adam Smith adopts as the barometer of prices—

> "The influx of silver on the discovery of America," he says, "caused a continuous decline in the price of wheat, until at the end of fifty years it required three ounces of silver to buy the same quantity of wheat which was previously bought with one ounce."

What have been the effects of the gold discoveries on the price of wheat in England? I find that the average price of wheat in 1847, the year before the discovery of gold in California, was 69*s.* 9*d.* per quarter; and now, in spite of the influx of gold since that period, the price instead of rising has fallen from 69*s.* to 39*s.* per quarter. An ounce of gold will, at the present moment, buy 75 per cent more wheat than in 1847, the year before the discovery of gold; in fact, the price of wheat, taking the quality into account, is as low now as at any period within the last half-century. Not only have writers been deceived as to the effects of the influx of gold on the price of commodities, but also in their expectations of vast accumulations of the precious metals in the national banks, such as they expected would render money almost valueless. There was, indeed, a great accumulation of bullion at the Bank of England at one period. In 1852, she held upwards of £20,000,000, the largest amount she ever held; but, within the last two months, her bullion was reduced below £13,000,000; and instead of money becoming almost valueless, she was obliged to raise the rate of discount to 9 per cent to keep her treasure from running away. In 1852, the bank of France held £24,000,000 of bullion; within the last two months, however, it was reduced below £10,000,000, and the rate of discount was raised to 8 per cent to prevent the efflux of her treasure. Sufficient allowance appears not to have been made by writers for the effect of the influx of gold in stimulating the production of commodities. If the production of commodities increase in proportion to the production of gold, their relative value will remain the same. Let us suppose all the commodities of the world, at the time of the gold discoveries, to be represented by the figures 100, and the precious metals then necessary to circulate the commodities to be also 100. An influx of the precious metals to double the amount, say to 200, without any increase in the quantity of commodities, would have the effect of doubling their price; but if commodities were also increased to 200, the relative value of gold and commodities would remain the same. There can be no doubt that the first effect of the gold discoveries was to create a disturbance in the relative value of gold and commodities. Half-a-million of men ceased to be producers, and were suddenly converted into wealthy consumers of commodities; prices rose; the abundance of money gave a stimulus to increased production, until an equilibrium was restored between gold and commodities. There is every reason to believe that the production of commodities has kept pace with that of the precious metals. We see an enormous increase of trade all the world over. Our own trade has increased nearly threefold since the gold discoveries, which could not have taken place except by the increase of commodities. It is not improbable the production of gold has reached its maximum; for while, on the one hand, fresh discoveries are constantly made; on the other hand, the produce of California and Australia is reported to have fallen off. By a Return, moved for by the hon. Member for Perth (Mr. Kinnaird), it appears that the exports from Victoria for the last five years show a constant decline, namely :—

		OZ.		VALUE.
1858	...	2,555,263	...	£10,220,000
1859	...	2,280,525		
1860	...	2,128,466		
1861	...	1,978,864		
1862	...	1,662,448	...	£6,642,624

As the alluvial deposits become exhausted, recourse must be had to the working of the quartz rocks; gold mining then becomes a manufacture, and comes into competition with other industries, and will not be continued unless it be equally profitable. Of the mines which may be abandoned, because at present unprofitable, many may remain as a reserve for future generations, when population becomes more dense, labour cheaper, and capital more abundant; in the same way that mines in this country, which were abandoned by the Romans as unprofitable, are now being scientifically worked, and are yielding large profits. Whatever falling off, however, there may be in the production of gold, we have at present experienced no diminution of the supply. The war in America having led to an irredeemable circulation of paper, a large amount of the gold previously circulating in that country has been exported, and this is sufficient to account for any diminution in the production of gold not being yet felt in Europe. The results of the influx of the precious metals, consequent upon the discoveries in California and Australia, have not then realized the expectations of those supposed to be best informed on these questions. There have been no sufficient grounds for the alarm which led to the demonatization of gold. It is shown that the price of gold, as compared with commodities, has not declined, and that even the rise in the price of silver has not been occasioned by the influx of gold, but by the enormous exceptional demand for it from the East. These facts are important in considering the policy of adopting such a gold currency in India as will circulate from hand to hand, which it cannot be said that country has yet enjoyed; for although previously to 1852 the gold mohur was received at the Treasury at the fixed value of fifteen rupees (or fifteen times its weight in silver), being intrinsically worth more than fifteen rupees in silver, none were paid in, so that the law was in effect a dead letter. In 1852, in consequence of the apprehension of a great decline in the value of gold from the discoveries of California and Australia, gold mohurs began to be paid into the Treasury at fifteen rupees: the Directors of the East India Company, however, then prohibited the receipt of gold at the Treasury, and silver became the sole legal tender. Had this prohibition not taken place, it is not improbable that India, like France, would by this time have had, in addition to its silver, a large gold circulation. Now, assuming that a gold coinage for India has become a necessity, is it desirable to coin mohurs, to circulate English sovereigns, or to have an entirely new coinage? It has been suggested that sovereigns should be allowed to circulate in India; if, however, they are to circulate at the market price of silver, it will be equivalent to saying they shall not circulate at all, since all experience teaches us, that gold coins will not be voluntarily accepted by the public, if they be only allowed to circulate at a fluctuating value. In such cases they only circulate with money changers. Another suggestion is, that sovereigns shall be received at the Treasury for the value of ten rupees. Now, as the intrinsic value of a sovereign is ten and a half rupees, a plan like this would be as great a joke as the Queen issuing a proclamation that spade-ace guineas would be received at the English Treasury for twenty shillings. No doubt a continuous enormous demand for silver, and a short supply, may so raise its price in India, that a sovereign may temporarily pass for only twenty shillings; but what is wanted is, a permanent gold currency, a gold coin which will circulate from hand to hand, and be received for taxes and all other payments as in England and France. No such coin will thus circulate, unless it represent a definite and fixed value, the Queen's stamp being the certificate that it contains a fixed quantity of pure gold. Hitherto the proportion between gold and silver coins has been fixed at one to fifteen, but as gold is intrinsically more valuable than fifteen times its weight in silver, gold coins bear a premium, and only circulate with money changers. To provide a coin which shall circulate from hand to hand, a change in the relative proportions of gold and silver will be necessary. The most convenient coins for India would probably be gold pieces of five and ten rupees each. But if these gold coins were issued in unlimited quantity, there would arise the difficulty of a double standard. Without advocating a double standard, it is a fact worthy of note, that a double standard has existed in France for sixty years, and it has not been shown that any inconvenience has arisen from it. We all know that the argument against a double standard is, that as the price of gold and silver constantly fluctuates, debtors having the option to pay in either, would always pay their debts in the cheaper metal. If it be advisable to adopt a gold currency in India, it is worthy consideration whether it be possible to obviate this by a gold coinage made subsidiary to silver, taking the standard for instance of France, of a gold piece equal in value to fifteen and a half times its weight of silver, and so to limit the issue as always to preserve its value. I am aware that this is a novel suggestion, but it is acknowledged that even an irredeemable paper currency, if limited in quantity, will maintain an equal value to that which it represents; and why should this not hold good in a gold circulation, issued as subsidiary to silver? I remember having a conversation with the late M. Horace Say in 1851, on the subject of paper issues, arising out of the suspension of specie payments by the Bank of France at the Revolution of 1848. At that time there was a run upon the Bank for the purpose of hoarding, which would soon have exhausted its treasure: the Bank, therefore, with the concurrence of the Government, suspended cash payments, and its notes became inconvertible. The first effect of this suspension of payments was, that its notes fell to a discount of 1 to 2 per cent, but this continued only for two or three days, for such was the skill exhibited in the management of the Bank in limiting its issues, that the notes were ever afterwards of equal value, and sometimes even more valuable than specie. In Germany, some twenty years ago, the Prussian Government issued a limited quantity of notes, which were receivable for taxes, but which were found so much more convenient for carrying about than rix-thalers, that they bore a small premium, which I constantly preferred to give rather than be encumbered with silver. If such be the effect produced by the limitation of a paper circulation, why should not the limitation of a gold circulation be equally effective in preserving its value? It may be objected that the coins so issued would be melted, but having always a higher value than gold, because of their value as money, it would not be the interest of any one to melt coin in preference to cheaper gold. The existing large demand for silver from the East is exceptional, but may yet last for several years. I have reason to believe the Secretary of State for India is alive to the importance of the question; but let me urge upon the right hon. Gentleman, that prompt measures be taken by the Government to meet evils which, if neglected, may by and bye have a serious effect on the financial interests both of England and India.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "the increasing trade and commerce of India, and the consequent increasing demand for a portable circulating medium, requires that a Gold Currency should be established in that Empire," —(*Mr. John Benjamin Smith,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL SYKES said, he considered the subject one of very considerable importance and interest both to England and India; for it involved this question—how England was to pay for the annual debt she incurred to India for the sugar, cotton, tea, coffee, indigo, and other commodities she received from that country? The imports received from India had been from year to year increasing from £10,672,862 in 1854, to £34,133,551 in 1861, and to £48,434,517 in 1863, while the exports from England had been only increasing from £9,620,710 in 1854, to £15,346,426 in 1862, consequently the balance of debt was increasing in the same proportion. To meet that balance of debt England sent silver to India. Since 1801, by a Return on the table of the House, it appeared that the silver bullion sent to India amounted to £234,000.000, including small quantities of gold. The question arose whether, owing to the annually increasing demand of silver bullion for India, the production of silver from the mines went on with a proportionate increase to the demand. Recently the prospect had become so unsatisfactory, that the Chamber of Commerce at Bombay had addressed a memorial to the Governor General, Sir John Lawrence, on the subject. That memorial stated that within the last ten years the trade to Bombay had been trebled, and last year the aggregate export and import of the three Presidencies amounted to £106,000,000. The total product of silver from the mines was only £10,000,000 per annum, while India took from us on an average silver to the amount of £11,500,000 per annum. Last year she took £14,500,000 of silver. The result was an increase in the price of silver. England must therefore either buy less of the products of India or pay in some other way than silver. There could be no doubt that the Natives of India would receive gold money. His right hon. Friend (Sir Charles Wood) possessed in the museum that belonged to the East India Company a collection of all the coins of India—the finest in Europe. It comprised specimens of coins from the time of Alexander's successors in Bactrea and the Punjab down to the present day. During a period of 2,100 years there is proof that gold monies had been in circulation among the people of India. There was no doubt, therefore, about the fact that his right hon. Friend had nothing to do but try to induce the people of India to accept his gold in the same form in which they had accepted it in former times. When he himself went to India he received his pay in gold rupees of about the size of spangles. The Madras army was then paid in gold currency called Pagodas or Hoons. There could be no question, therefore, about the readiness of the people to accept a gold currency if given them under conditions to which he would presently refer. So lately as the time of Moolraj, gold rupees were coined at Mooltan, and he (Colonel Sykes) possessed a specimen. But there was evidence that the people of India were quite satisfied to receive the gold coins of Europe, provided they were pure. On the Malabar Coast and in the Province of Canara and in the Nielgherries gold coins of the Roman Emperors were frequently turned up. In 1851 at a village ten miles eastward from Cananore, on the slope of a hill, while persons were searching for gold dust, hundreds, indeed thousands, of Roman gold coins were found, ranging from the reign of Augustus Cæsar down to that of Antoninus Pius. General Cullen, the Resident in Travancore, was good enough at his (Colonel Sykes) request, to present specimens to the museum of the India Company, where they now are. Why had these coins been sent there? The Romans, when they wanted to get the products of the Malabar coast, had nothing but gold to pay for them, for they had no acceptable manufactures to offer in exchange. So, again, the Venetians, when they traded with India, took with them the sequin—a pure gold coin, with the figure of the Virgin Mary upon it; and that coin, under the name of the Pootlee or figured coin, still existed in India, and was treated entirely as a commodity at its market value. He next came to the conditions on which a coinage could be circulated among the people of India. The gold coins to which he had referred were all of pure gold. There never had been a standard of value in India; and when we talked of such a standard among ourselves we used a conventional term which was often a mockery. Why, formerly, when our gold coin was exported to Spain in the Peninsular War to pay our army, people in England had to give 28*s.* for a gold guinea if they wanted one! There could be no such thing as a permanent standard of value. Supply and demand regulate the exchangeable value of all commodities, and gold and silver are only commodities. The gold mohur was nominally worth fifteen rupees; and if the Government agreed to receive their taxes in gold mohurs they might get only fourteen rupees for each of them in the market; or, on the other hand, if mohurs were scarce, the Government might make a profit on them. The Government took its land tax in rupees, irrespectively of whether sixty pice or less could be got for each rupee. That would entirely depend on the market value of copper. What he wished to impress on the Secretary of State for India was that if he would introduce a gold coin of five or ten rupees, and have it of pure gold, of a certain weight, the people would take it. But then, again, the Government must take it at its market value, not at a conventional price. At Madras since the years 1847-8 they had never coined a gold coin at the Mint; at Bombay since 1836 they had never coined a gold coin; in Bengal there had been very trifling additions made to the gold monies. It was objected to pure gold coin that it wore away rapidly. He had in his hand a note from a gentleman who had charge of the whole of the coins in the British Museum, and who was a great numismatist. The writer had thoroughly studied this subject, and he said—

> "I have been thinking over the question of a gold currency for India, and have looked at the various regulations as given in *Prinsep's Tables*, vol. ii. p. 69, &c., and also at the earliest gold coins we have here, being those of Sardes and probably of Crœsus, or some other Lydian king. I cannot from the former come to his conclusion, that because the introduction of a gold currency in India has not hitherto met with the success it seems to deserve, or because some mistakes appear to have been made in the manner of its introduction, that, therefore, such a step is impracticable; and from the latter, I should be inclined to argue strongly in favour of the durability of gold, if the coins should be struck thick, and considerably rounded, like the ancient Sardian money, and not flat, like the present sovereign. The question of wear and tear is rather one for the chymist; but certainly these Sardian coins have lasted wonderfully since the sixth century B.C., and it is obvious that a surface considerably rounded is naturally much less liable to abrasion than our flat modern money. These Sardian coins are very nearly pure gold—that is, there is no intentional alloy—and I believe that if not required to be flat, like the sovereign, the proportion of alloy now used would not be required. It has been argued that if you introduced a pure gold currency into India the Natives would melt the coins down to make ornaments, and that you must insert a larger alloy than we do here, on the same principle that you have added a considerable quantity of alloy to your rupees to render them less fit for subsequent native adaptation. I confess I should be inclined to leave a question of this sort to time and to the gradual operation of the good sense of the people."

The writer continues—

> "I imagine that any gold coinage struck for general acceptance in India must be quite pure, or at least as free from alloy as was the Greek gold, and that you could not expect the Natives to accept a gold coinage which was alloyed at all in the manner or degree that your present rupees are."

That was the opinion of a gentleman whose extensive knowledge and experience rendered his authority well worthy the consideration of his right hon. Friend. He would tell his right hon. Friend that his sovereign would never circulate and be accepted as a currency in India in its alloyed state. If the Government would introduce a pure gold coin of ten rupees, which would be received back at its market price by the Treasury, he would succeed, but not otherwise.

Sir CHARLES WOOD said, the question which his hon. Friend the Member for Stockport had brought before the House was very interesting and important, and, from the attention which he had himself always paid to subjects of this nature, he felt a peculiar interest in it. When they came to discuss it in detail it would be found to be, perhaps, suited to the consideration rather of a scientific meeting than of the House of Commons. There were, however, some general views on the subject which might be stated. He could not agree with his hon. Friend in his criticism on the paper currency of India. Two or three years ago the Government undertook to establish a Government paper circulation in India, in lieu of the partial circulation of private banks, which existed to the amount of about £3,000,000. Although the arrangements made in India for that purpose were so faulty that delay had occurred in extending the operation of the system, yet the present issue of paper amounted to about £5,000,000 in the Presidency towns. It was also not a little remarkable, that when there was great pressure at Bombay on account of the scarcity of coin, people were bringing in rupees in order to obtain paper in exchange. Measures had been taken to develop the system, and to establish centres of issue in the great centres of commerce in India, where a paper circulation would furnish a useful, safe, and convenient mode of conducting business. It was well known that bills of exchange were transmitted to a large extent from one part of India to another, and the Hindoos were remarkably clever in these commercial transactions; therefore, he saw no reason why they should not avail themselves in a considerable degree of the facilities afforded by a paper circulation. He agreed with his hon. Friend, that the form of currency which existed in this country was the best. A gold standard coin of a certain fineness and weight, with subsidiary silver and copper coins, and a paper circulation of a limited amount on securities, and the remainder based on gold or silver in the banks. Whatever might be our own opinions, however, as to the best form of a currency, there could be no doubt that it was a very difficult thing to attempt a change in that respect and to bring such a system into effect in a land where transactions were small, where there was little demand for gold, more for silver, and much more still for copper. Except under the pressure of a few months of last autumn, they had always been able to meet the demand for silver circulation, but they had been hardly able to meet the demand for copper. Looking to the greater value of gold coins, therefore, he had no doubt that gold would be circulated to some, but not to a very large extent. His hon. Friend had fallen into one or two inaccuracies, having probably been misled by the petition on the subject from Bombay. In times past silver was the only standard and the only legal tender in India, with the exception of a single gold coin in Bengal. When the currency was reformed some years ago a gold rupee, or, as it was called, mohur, was coined, which was equal to fifteen silver rupees. The mohur was not a legal tender, but it was received by the Government treasuries as the equivalent to fifteen silver rupees. It had been stated that this change was a dead letter, and that was in the main true. The people of India were not very partial to the gold mohur; they preferred pure gold, and no great amount of the coinage of gold was circulated in the country. That was the state of affairs up to 1853. At that time, and indeed until within the last year or two, there was an impression among philosophers and well informed persons that the discoveries of gold in California and Australia would tend to depreciate very considerably the value of that metal. The people of India were disposed to share this view, and began paying in the gold mohurs to the Treasury. The Government took alarm, and declined any longer to receive the gold coins at the treasury. His own opinion was that the alarm was unnecessary, for the ultimate loss to which the Indian Government could have been subjected would have been comparatively trifling. The amount of gold in circulation was not sufficiently large to affect the state of matters in the same way as it did in France when a change took place in its value. His hon. Friend said that the rule for receiving gold at the public treasuries had been a dead letter, and then added, that but for the prohibition of Lord Dalhousie, the same effect would have been produced in India as had been produced in France of changing the currency from silver to gold. Surely it must be obvious that no such effect could have been produced by repealing a regulation which was a dead letter. The change in France arose without any alteration of the law from a change in the relative value of gold and silver. Both were legal tenders in France, a debt might equally be discharged by coins containing an ounce of gold, or by coins containing 15½ oz. of silver. Before the recent discoveries of gold, an oz. of gold was worth nearly 15¾ oz. of silver, and of course no man gave what was worth nearly 15¾ oz. when 15½ oz. would answer his purpose. After the discoveries of gold, an oz. of gold was worth only about 15¼ oz. of silver, and, of course, everybody was glad to pay in gold what was worth only 15¼ oz. of silver, when if he paid in silver, he must have given 15½ oz. Under the system of a double standard, and with the change of relative value of the two metals, this change took place in France; but the value of gold has never fallen so low as to reach its relative legal value to silver in India. The production of gold had now fallen off, and large discoveries of silver, and greater cheapness of producing it from the discoveries of new mines of quicksilver are anticipated; and if it should so happen that the relative value of gold and silver was restored to its former proportion all that had taken place in France would be reversed, and the currency of silver be again restored. It was a good instance of the evils of a double standard.

The next question was, whether a gold standard should be substituted for a silver standard in India. There would be many advantages in having a gold standard; and the sovereign circulating there as well as in this country and Australia, but he was not prepared at present to undertake the responsibility which would be involved in substituting a gold for the present silver circulation in India, for such a change could not be carried into effect without a great disturbance of trade. Until the people were more accustomed to gold it would be a serious measure, and might be dangerous to remodel the whole circulation of India in the manner proposed; for a belief might be induced among the Natives that in arbitrarily altering the standard from silver to gold, the Government meant to take some advantage of them, and that their whole property would be put in jeopardy. He was not prepared to incur this risk, and then came the question, what steps could be taken to produce the desired effect of gradually introducing gold into circulation in India, and accustoming the people to its use. All through India the general request was, that the English sovereign should be received in the Government Treasuries as equivalent to 10 rupees. He admitted that the establishment of the sovereign in England, Australia, and India would be a great convenience in commercial transactions, but the difficulty was how to do it. In the public accounts of India the rupee was taken, no doubt, as the tenth part of a sovereign, because for certain purposes it was convenient to reckon the rupee as equivalent to 2*s.*; but, in point of fact, that was not its real value, for a sovereign was worth more in the market than 10 rupees. The standard in India being silver the value of the sovereign there should be measured by silver, but he regretted to say that he had not been able to ascertain with any degree of accuracy what the value of gold in the Indian market was, although it ought to be as readily obtainable as the market value of silver in this country. The extent to which sovereigns could be substituted for silver coins in India, so as to obviate the necessity now imposed upon mercantile men of carrying great quantities of silver about with them, would depend upon the amount of sacrifice involved in receiving a sovereign as equivalent to 10 rupees. He found that during the last two years the sovereign had varied in value at Calcutta from 10 rupees and 1 anna, that is, about 1½*d.* to 10 rupees, and 4 annas, and a-half, that is, about 6¾*d.* If that might be accepted as a real indication of the value of the sovereign, the sacrifice would not be great, and therefore he was disposed to try the experiment of receiving a sovereign in the Government Treasuries as equal to 10 rupees. No doubt this would give it a certain amount of circulation, because any person taking a sovereign up country, if he could not sell it in the market for what it was worth, would, at all events, be able to dispose of it by paying it into a Government Treasury. Still he did not pretend to say that this concession would have any great effect, because the intrinsic value of a sovereign was more than 10 rupees; but, as it would meet the wishes of the people, and would go some way towards introducing gold, he had no objection to such a measure. At the same time, he did not wish to be understood as giving any positive assurance on the subject, for he must first ascertain the opinion of the Indian Government itself. The memorial to which the hon. Member for Stockport had referred was at present under the consideration of the Indian Government, who would doubtless announce what they thought practicable and prudent after receiving reports from different parts of India, and taking the opinion of the intelligent merchants; and meanwhile he did not think it would be right to give any positive directions from here. In point of fact, he did not wish at this moment to express any decided opinion as to what should be done, and he believed no good could be derived from attempting to come to a decision here until the views of the Indian Government were ascertained. He hoped, under these circumstances, that the hon. Member for Stockport would not press his Motion to a division.

MR. WATKIN said, that the right hon. Baronet had not attempted to answer the question of his hon. Friend the Member for Stockport, but perhaps he had misunderstood the effect of the Motion. He had argued as if the proposal was to substitute a gold for the existing silver circulation in India. What the Motion before the House really meant was that, inasmuch as the silver circulation was deficient, it should be augmented by the establishment of a gold circulation, in order that the increasing requirements of trade and commerce might be fairly met. But the right hon. Baronet had assumed that there was no gold coin but the British sovereign to supplement the Indian coinage. He (Mr. Watkin) thought that the use of the gold did not depend so much on the relative values of gold and silver as on the size of the coin which would be introduced. Hon. Members who travelled in France knew the great convenience afforded by the introduction of a little gold coin, worth five francs, instead of the old silver five-franc pieces. If the right hon. Baronet would address himself to the question, whether he could not coin a gold piece representing a two-shilling piece, he might, without any destruction to trade, bring in a useful coin into the British dominions in India.

MR. GOSCHEN said, the hon. Member, in advocating the proposal that silver coinage should be supplemented by a gold one, was really aiming at establishing a double standard. No doubt it would be desirable to supplement the gold coinage by a silver one, but it would be difficult to do that without creating a double standard. He understood that the Natives of India would not take a sovereign because it contained alloy, and if that were so, they would not be likely to take a gold token, which the gold rupee would be in the absence of a double standard, unless it were of pure gold. Perhaps the only possible mode of doing it would be by the introduction of the sovereign in some such manner as that suggested by the right hon. Gentleman, and by its superior portability and other advantages it might possibly be brought into use.

MR. J. B. SMITH said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

EDUCATION—(SCOTLAND).

QUESTION.

MR. DUNLOP said, that in putting the Question of which he had given Notice relative to Education in Scotland, he wished to give his right hon. Friend the Vice President of the Committee of Council an opportunity of explaining to the House and the country the course which it was the intention of the Government to adopt with reference to a matter which had created the greatest interest in Scotland —the appointment of a Royal Commission to inquire into the subject of education in that country. A large body of the Members for Scotland had recently waited on the Lord President of Council, and strongly impressed upon him the anxious desire of the people of Scotland that Her Majesty's Government should issue a Royal Commission to inquire into the state of education in Scotland, not simply in reference to the narrow question of the introduction into Scotland of the Revised Code, but to the subject of education at large, with a view of establishing a basis for restoring and extending the old national system of education in Scotland, and rendering it more efficient. They, at the same time, thought that if any such inquiry should be determined upon, it would only be just and right that the operation of the Revised Code should in the meantime be suspended in Scotland. That Code was adopted after an inquiry relating to England, without any reference whatever to Scotland; and, in many respects, it was not in accordance with the habits of the people. From the reception given to the deputation by the Lord President, they had strong reason to hope that the Government would give a favourable consideration to their application; and he now requested his right hon. Friend to inform the House of the conclusion at which the Government have arrived in the matter. If it be, as he had some reason to expect it would be, in favour of granting their application, he could assure him, on the part of all the gentlemen who waited upon the Lord President on that occasion, that such an announcement would be received with great satisfaction.

MR. H. A. BRUCE said, in answer to the questions which have been put by my hon. Friend, I beg to inform him that Her Majesty's Government have decided upon issuing a Commission, one of the principal objects of which is, as my hon. Friend has stated, to consider whether it is not possible to erect a national system on the foundation of the old parochial system in Scotland, as amended by the Schoolmasters Act of 1861. In considering the question, whether the Revised Code should be applied to Scotland in the interim until the Commissioners had presented their Report, there certainly did seem to be valid objections to such a course. The Revised Code came into operation on the 31st of March in the present year, and up to this time it has been applied to very few schools. It could hardly be justifiable to insist upon the immediate application of that Code to Scotland, seeing that the inquiries of the Commissioners may result in the recommendation of a system of national education in Scotland for the working classes, which will differ not only from the Revised Code, but also from the system which was in operation before the Revised Code was adopted. For these reasons, Her Majesty's Government have consented to suspend the operation of the Revised Code until the Report of the Commissioners shall have been presented, on the understanding, however, that that Report shall be made within twelve months of the issue of the Commission. This suspension, however, will have reference only to the elementary schools, and not to the normal schools. With respect to the normal schools, to which the Minute of March last applies, there does not appear to be any reason why the same course should not be adopted with regard to them which is adopted with regard to the same class of schools in England.

Mr. BUCHANAN, Mr. LESLIE, and other Scotch Members said, that the announcement of the right hon. Gentleman would be received with great satisfaction in Scotland.

NAVY—SCHOOL OF NAVAL ARCHITECTURE.—PAPERS MOVED FOR.

MR. AUGUSTUS SMITH said, he rose to move for copies of a communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture. It was most important that the House should have every possible information on that subject. He objected to the Vote for the institution on the ground of its being placed at Kensington, and one of the principal reasons given for having it there was, that it afforded an opportunity of having a staff of professors ; but it appeared that there was no such staff, and to provide them would render a large outlay necessary. Then they were told that there were suitable apartments available at Kensington, whereas the school was held in a ramshackle kind of shed. It was impossible to tell what the expense of this institution might be, and he wished to know whether the scheme for the institution had been submitted to the Treasury, and if it had investigated whether the system was likely to answer, and its probable cost ?

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture,"—(*Mr. Augustus Smith,*)

—instead thereof.

Motion made and Question proposed, "That the words proposed to be left out stand part of the Question."

LORD CLARENCE PAGET said, he was sorry his hon. Friend so pertinaciously opposed the school of naval architecture, which had been generally called for by the public. The Government itself shared in that opinion, and the school in question had been projected by the Government in deference to the policy of the country, and because they themselves thought it would be productive of considerable advantage. A site for the school had been selected at South Kensington simply because it presented itself at the time, and because the Admiralty were of opinion that it would be advisable on the score of economy to establish it there; but he did not mean to say that it should, therefore, be permanently fixed in that quarter. A very eligible site might possibly hereafter be found at Greenwich, but he merely mentioned that to show that the Admiralty had arrived at no positive conclusion as to where the institution should at a future time be located. He objected to the Motion of his hon. Friend because—while admitting freely the high scientific qualifications of Sir W. Snow Harris—he thought it would be introducing a novel system to print at the public expense a document containing simply the views of a private individual, however eminent, who was not a recognized authority on the subject treated of. If Sir W. Snow Harris's pamphlet were published, there was no reason why the opinions of the noble Lord the Member for Huntingdon, who had taken great pains to make himself acquainted with the subject of naval construction, and of other distinguished persons should not be published also.

MR. W. WILLIAMS said, he would take that occasion to call attention to the unsatisfactory mode in which the business of the House was being conducted, as if the voting away of the public money was only a matter of secondary importance. Night after night hon. Members had to remain until between eleven and twelve o'clock before the Government got into Committee of Supply, and then millions of money were voted away ultimately at hours when many Members had been obliged to leave the House. There were no less than twenty-two Motions on the paper to-night, on the Motion for going into Committee of Supply.

VISCOUNT PALMERSTON said, he regretted as much as his hon. Friend could do that such impediments should be cast in the way of the discussion of the Estimates, but the Government had no power to prevent it. It was quite natural that hon. Members should desire to call the attention of the House to subjects in which they felt an interest; but, considering the advanced period of the Session, and the great number of votes which remained to be taken, he trusted that they would exercise a little more forbearance as to putting down Motions on going into Supply.

SIR HENRY WILLOUGHBY said, he would suggest that Friday night should be given up to general discussions, and that for the remainder of the Session the House should go into Committee of Supply on Mondays and Thursdays without the interposition of any other questions.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) QUEEN'S MESSAGE [6th June] read; £20,000, Sir Rowland Hill, K.C.B.

VISCOUNT PALMERSTON: Sir, I trust that the Committee will be disposed to concur, without any objection, in the recommendation which Her Majesty has been graciously pleased to make. Sir Rowland Hill is a man of great genius, of great sagacity, of great perseverance and industry, and he has rendered important services to this country, and I may say to other countries also. He formed the opinion, in which I concur, that the Post Office was more properly a department for the performance of service than for the mere collection of revenue; and with a boldness which staggered a great number of persons who had not looked at the matter from the same point of view, he recommended a very large reduction in the rate of postage, with the confidence that it would in the end bring up the revenue to the same amount to which it had previously stood, and would in the meantime confer great benefit upon the community. Grave doubts were entertained, many people thought that he was too sanguine in his calculations, and that, although the number of letters might increase, the increase would not be sufficient to make the revenue recover the great shock which the introduction of the penny postage would inflict upon it. Those anticipations have been falsified, and the calculations of Sir Rowland Hill have turned out to be correct. Sir Rowland Hill had for nearly a quarter of a century performed, with some slight interval, the arduous duties which have devolved upon him in connection with the scheme, and he is now at a time of life when his health must have suffered from the great labour which attaches to his office. The Treasury have on that ground given him permission to retire, and have done that which I am sure this House will not think too much—they have given him his full salary for life. He is now, I believe, in the seventieth year of his age, and his health has been shattered by the labours which he has had to perform. Under these circumstances, Her Majesty thought that this House would be of opinion that the great services which he has performed would recommend him for a grant which should enable him to make those arrangements for his family which the short period during which he may probably enjoy his pension would not otherwise permit him to make. His labours have produced more beneficial results than may strike persons at first sight. It is quite clear that the facilities which the penny postage has given to all the transactions of commerce and to all communications connected with business must have been infinitely advantageous to the industry, and, by that means, to the revenue—not to the revenue of the Post Office, but to that revenue which arises out of the general prosperity of the country. In that view Sir Rowland Hill has performed great services to the country; but there is another view in which he has produced still more startling results—namely, in the amount of happiness and comfort which his plan has conferred upon millions of the poorer classes of the community. When the rate of postage was as high as it was before that plan was introduced, communication between the members of a poor family who were scattered about the country was difficult and expensive. How could a poor labouring man pay 1*s.* or 6*d.* for a letter? Communications between the members of such families was more difficult than the communication between England and Australia is now. The cultivation of the affections, which frequent intercommunication assists, raises men in their own estimation and in the standing which they occupy in society. It improves their morals, and develops all those qualities which tend to make useful members of the community. Therefore, I say that Sir Rowland Hill, independently of the benefits which his plan has conferred upon the general interests and prosperity of the country, has the merit of having conferred a great benefit upon the labouring and poorer classes of the people, which would of itself entitle him to any mark of approbation and reward which the House may be disposed to confer upon him. In the year 1838, before the penny postage was introduced, the number of letters transmitted through the Post Office was 76,000,000; in 1863, the number was 642,000,000. That is a measure of the extent to which that plan has assisted the industry and contributed to the comfort and happiness of the community. There are many matters connected with the plan which are independent of the mere reduction of the amount paid for the postage of letters. Among others, there is the facility which his arrangements have given for the transmission of money in small sums from one part of the country to another. The amount of the Money Orders taken out in 1838 was £313,000; in 1863 it was £16,494,000. What an immense advantage to the community at large must have resulted from the facility for the safe transmission of so large an amount of small sums which it would otherwise have been very difficult and in some cases expensive to transmit! Then, there is the book post. It is greatly conducive to the interests of literature, and the arrangements have been most extensively taken advantage of. The gross revenue of the Post Office has increased very considerably, but of course the increase of facilities has led to the multiplication of establishments and officers, and has therefore largely increased the outgoings. In 1838 the gross receipts were £2,346,000; in 1863 they were £3,870,000; showing that Sir Rowland Hill was perfectly right in anticipating that at no distant period the receipts of the Post Office would recover from the diminution which the first introduction of his plan naturally produced. In point of fact, everybody is so well acquainted with the merits of Sir Rowland Hill's plan and the good effects which it has produced, that I shall content myself, without further observations, with moving the Resolution of which I have given notice. The noble Viscount concluded by moving that a sum not exceeding £20,000 should be granted to Her Majesty as a provision for Sir Rowland Hill.

Mr. W. WILLIAMS said, that no one more highly estimated the great services of Sir Rowland Hill than he did; but it ought to be remembered that he was not the only person who was concerned in carrying out the change in the postal system. The late Mr. Wallace, almost night after night, urged the subject upon the attention of that House, and did more to introduce the plan to the country than Sir Rowland Hill. No doubt great services ought to be rewarded; but years ago there had been a large subscription raised for Sir Rowland Hill, and he thought that and the pension were a sufficient recompense for his services, especially as the Post Office had yielded a very large revenue, whereas at present he did not think it paid its expenses.

Mr. J. C. EWART, on behalf of the large mercantile community of Liverpool, said, that he desired to express his satisfaction at the proposal of the noble Lord at the head of the Government. His constituents would have wished the Government to go even further, for at a public meeting at Liverpool, at which the mayor presided, the opinion was expressed that the proposed grant of £20,000 was inadequate.

Mr. J. A. TURNER said, that the people of Manchester felt the greatest respect for Sir Rowland Hill, and believed that he had conferred a benefit not only on them, but on the world. He was surprised at the objections raised by the hon. Gentleman the Member for Lambeth. He was glad that the noble Lord the Prime Minister had come forward with a more liberal proposition than had originally been made by the Government. He was sure that if he had gone round the Exchange of Manchester he could have raised more for a tribute to Sir Rowland Hill's family than the pension originally proposed by the Government.

Mr. BAINES said that, representing a large constituency, he fully believed that the whole mercantile interests of the country would most heartily concur in the proposition of the noble Viscount in proposing a liberal grant. The hon. Member for Lambeth had stated that Mr. Wallace had proposed a similar scheme many years before it was propounded by Sir Rowland Hill. [Mr. W. Williams: Not before.] The pamphlet of Sir Rowland Hill was one of the most consummate pieces of inductive reasoning he ever read, and it produced an effect which it was impossible for the Government of the day to resist. The measure was an exceedingly bold one. It proposed to reduce the postage from a shilling, and in some cases a larger amount, to a penny. That was thought most extravagant; yet it was proved by Sir Rowland Hill that the public revenue would be recouped by the increase of the correspondence that would ensue. And that had been done by the most extraordinary success that attended the measure. He believed the advantages of the scheme were altogether inestimable; and it extended not to England alone, but to the whole civilized world. Therefore, with the greatest pleasure, he supported the Motion for conferring that handsome grant on the family of a distinguished man.

Mr. CRAWFORD said, it was hardly necessary that further testimony should be given of the estimation in which Sir Rowland Hill's services were held; but representatives of large commercial communities having expressed their opinions, he thought it was hardly proper that the City of London should be silent. He, therefore, on the part of the City of London, begged to express his hearty concurrence in all that had been said in favour of the vote. He hoped that the principle which Sir Rowland Hill applied to internal postage would be extended to commerce with the world, and that, before long, an ocean penny postage would be established.

Mr MALINS said that, as the representative of a small constituency, he wished to express his hearty concurrence in all that had fallen from the other side of the House with regard to the vote. The hon. Member for Lambeth had expressed an opinion that Sir Rowland Hill had been amply remunerated by his salary during past years and its continuance in the shape of a retiring allowance during his life and the life of Lady Hill; but by usage Sir Rowland Hill would have been entitled to two-thirds of his salary as a retiring allowance for his services if they had been of an ordinary character. Allusion had also been made by the hon. Member to the public subscription for Sir Rowland Hill. In a great commercial country a gentleman often realized an enormous fortune for some happy thought and invention. Why, then, should not Sir Rowland Hill, who had conferred immense benefit, not only on this country, but on the whole civilized world, receive a moderate remuneration for his scheme? He trusted that Sir Rowland Hill would not only receive the sum proposed by the noble Viscount, but that the example would be followed by the whole civilized world.

Mr. MARSH remarked that the hon. Member for Lambeth had mentioned that another gentleman had advocated the scheme of cheap postage. It might be so; but the difference between Sir Rowland Hill and that gentleman was, that the one had succeeded in making his suggestion a reality, while the other had not. It reminded him of the old story of Cobbett, who said, "I prophesied that, but never told anybody." The whole country would be grateful to the noble Viscount at the head of Her Majesty's Government for the proposition before the Committee.

Mr. MONTAGUE SMITH said, he fully concurred in the proposition before the Committee, but he would venture to suggest that, vast as were the advantages of the penny postage system, it had its disadvantages also, for it enabled puffing tradesmen to cover gentlemen's tables with their circulars. Perhaps those individuals would be less prodigal with their penny stamps if they knew that, as a rule, their circulars were almost invariably consigned unread to the waste-paper basket.

Mr. COX said, he should be sorry if the feelings of the metropolis on this subject were supposed to be represented by the hon. Member for Lambeth. He was quite sure there was not a man in the metropolis who would not approve of the Vote. As to the subscription to Sir Rowland Hill, he was fully entitled to it. He thought it a gracious way of acknowledging the debt of gratitude they were all under to Sir Rowland Hill for the suggestion that he made, and for the ability with which he carried it into effect.

Sir FRANCIS BARING said, having been Chancellor of the Exchequer at the time Sir Rowland Hill introduced his scheme, he wished to bear his testimony to the value of the services of that eminent public servant. The difficulties were great, and at the time there was a strong feeling against it in many quarters, but Sir Rowland Hill, by his calm good sense, intelligence, and good humour, encountered and overcame them all.

Mr. NEATE said, he had the honour of being private Secretary of the right hon. Baronet who had just addressed the House, at the time the scheme was brought forward; and he wished to state that his right hon. Friend, in the panegyric he had just bestowed on Sir Rowland Hill, had forgotten his own share in developing the plan. He hoped the House would not lose sight of the patronage which Sir Rowland Hill had received from his official superior.

Mr. HENNESSY said, he wished to ask the noble Viscount at the head of the Government how it happened that Sir Rowland Hill always held a subordinate office, and was never made Postmaster General, an office which was reserved for Dukes and Earls? As Postmaster General he would have received £5,000 a year. In any other country in Europe, a man like Sir Rowland Hill would have been rewarded with such an appointment, and not been left in a subordinate post.

Viscount PALMERSTON: There is one very good reason why it would not have been an advantage to Sir Rowland Hill to have made him Postmaster General, it is, that he would not have received any increase of salary while he held the office, but would have to go out with a change of Government. The hon. Member for Lambeth doubted whether the Post Office paid its expenses. In answer to that, I beg to state that the net revenue for last year, after paying expenses, was £1,790,000.

MR. DARBY GRIFFITH said, it was a very remarkable thing that the practice should have sprung up of appointing Peers only to the office of Postmaster General, which was strictly of a commercial and mechanical character. The practice seemed to have grown up without any express warrant in the middle of last century, and he believed it to be a remnant of the old days of corruption in the department.

MR. WHITE said, the noble Lord had forgotten to deduct from his estimate of Post Office revenues the sum of £1,000,000 for packet services. That would reduce the net revenue to £790,000. At the same time, he regarded the present proposition as one of the most creditable acts of the present Government.

Vote *agreed to.*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £48,543, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, the Joint Stock Companies Registration Office, and the Designs Office."

MR. AUGUSTUS SMITH said, he wished to ask for some explanation of the increase which had taken place under the head of the Board of Trade since 1859. A new office of Secretary of the Marine Department, at a salary rising to £1,500 a year, had been created, and a new class of clerks called assistants to secretaries. It was not impossible that these new titles might have been introduced in order to get rid of some persons under the pretence that the offices to which they belonged had been abolished. Some information would likewise be acceptable as to the Meteorological Department. He wished to know what was the whole expense of the Meteorological Department. The weather returns were quite fallacious, and it was a pity that they should be issued in their present for m, thereby deceivingthe public.

MR. W. WILLIAMS said, that the Vote for the Board of Trade contained a greater increase than any other estimate. No less than four new places were created in the department, involving a very considerable expenditure. With respect to the appointment of temporary clerks, he would be bound to say, that if a permanent selection of proper men were made, a great step would be accomplished both in point of economy and efficiency.

MR. MILNER GIBSON said, the increase had arisen from various causes, and especially from changes made in the organization of the office, with a view to render it more efficient. It was true that some new places had been created, but some old places had been abolished. One principal cause of the increase of expenditure had been the increased amount of business which the Board had had to perform. There had been a considerable transfer of new business from the Admiralty in reference to harbours, and an increased establishment was therefore necessary. The whole increase was £3,363 over 1863-4; but this increase was absolutely necessary from the causes he had mentioned. As to the meteorological predictions, nobody, of course, pretended that Admiral Fitzroy had always foretold the weather, but no great storm had occurred which he had not foretold. The science of meteorology was at present experimental, and this was perfectly well understood by the House and the country. The experience gained by Admiral Fitzroy had been most useful, but sufficient time had not elapsed to enable the House to decide whether the establishment was of such a character as entitled it to be permanently supported by a vote of the House.

COLONEL DICKSON said he had been a witness to the dreadful accident which had occurred the other day on the South Western Railway. Two carriages were mixed up together, and three persons were entangled in the ruins. One was dead, and two were almost dead. They died before the eyes of the bystanders, who were unable to give them the least assistance. In the days of the road every coach or carriage used to carry a small tool-box in case of accident. If there had been ropes, hammers, and hatchets, by which the wreck might have been cleared away, two or three lives would have been saved. Could not the Inspectors of Railways of the Board of Trade insist upon some such apparatus being carried by every train so as to admit of effectual and speedy assistance being rendered in the event of an accident.

MR. AUGUSTUS SMITH said, he wished to ask for some explanation respecting the superannuations of the registrar and librarian of the Board of Trade.

MR. MILNER GIBSON said, the office of registrar had been abolished by the recommendation of the Treasury. The office of librarian was now discharged by a subordinate, at a reduced salary. In respect to the observations of the hon. and gallant Member for Limerick (Colonel Dickson), in reference to the late railway accident, he had to observe that the power of the inspectors was small as regarded the general management of railways. All the inspectors could do in regard to the late accident was to hold an inquiry. That inquiry was being held, and he was bound to say that the railway authorities furnished every facility for the most thorough investigation. That accident might no doubt be the means of adopting some such precautionary measures as the hon. and gallant Member suggested.

MR. AUGUSTUS SMITH said, that Mr. Edgar Bowring, who filled the office of registrar and librarian, at a salary of £800 a year, had been superannuated at the age of thirty-eight on £426 per annum. Another gentleman had been appointed librarian at £456 a year. He should oppose the Vote unless some explanation could be given.

MR. PEEL said, it was thought an improvement in the organization that the secretary should control the establishment —a duty which had formerly been discharged by the registrar. The office of registrar was, therefore, no longer required, and it was abolished, his duty of librarian being given to an officer of inferior salary.

Motion made, and Question,

"That the Item of £450, for the Salary of Librarian to the Board of Trade, be omitted from the proposed Vote,"—(*Mr. Augustus Smith,*)

—put, and *negatived.*

Original Question put, and *agreed to.*

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Cox,*) — put, and *negatived.*

(3.) £1,908, Lord Privy Seal.

MR. COX said, he should move to report Progress, and he was resolved to divide the Committee upon the Motion. He had been in the House until two o'clock on the previous day, and he had been there also from twelve o'clock on the previous day until the present hour (twelve o'clock).

COLONEL DICKSON said he was sorry that the constant attendance of the hon. Member was such an impediment to public business. He hoped the hon. Member would allow a fair chance of having the Estimates discussed.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Cox.*)

The Committee *divided :*— Ayes 7; Noes 59: Majority 52.

Vote *agreed to.*

(4.) £5,744, Civil Service Commissions.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £14,491, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses in the Department of Her Majesty's Paymaster General, including the Branch Pay Office in Dublin."

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Hennessy.*)

After a short conversation,

VISCOUNT PALMERSTON said, if this Vote were passed the Government would consent to Progress being reported.

SIR HENRY WILLOUGHBY said, that the duties of the Paymaster General were performed by deputy, and he wished to know if any change were contemplated by the Government in reference to that department of the army?

THE CHANCELLOR OF THE EXCHEQUER said, he could hold out no hope of any change in the constitution of the Pay Office. An alteration would only entail expense, without affording any advantage upon the present system, which was a good one.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

THE COUNTESS OF ELGIN AND KINCARDINE.

[QUEEN'S MESSAGE, 6TH JUNE.]

Resolution *reported,*

"That the annual sum of One Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 20th day of November, one thousand eight hundred and sixty-three, and to be settled in the most beneficial manner upon Mary Louisa, Countess of Elgin and Kincardine, widow of the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, for the term of her natural life."

MR. GREGSON said, he wished to quote the following passage from a congratulatory address to the Earl of Elgin from the members of the East India and China Association, to show the appreciation in which his services were held :—

> "We beg leave to offer to your Lordship our cordial congratulations on the distinguished success which has crowned your exertions as Her Majesty's High Commissioner and Minister Plenipotentiary to the Court of Pekin, by the conclusion of a treaty which, when fully in operation, will secure to Her Majesty's subjects a commercial intercourse of the greatest importance with that vast empire. Your Lordship's similarly successful negotiations with Japan, and the prospect of the early opening of her commerce to British and European enterprize, no less demand our acknowledgments and our congratulations. Trusting that your Lordship may speedily witness and long enjoy the satisfaction of contemplating the complete success of your labours in that increase of our national prosperity which they are so eminently calculated to promote, we have the honour to be, with the highest consideration and respect, your Lordship's most obedient servants."

The Earl of Elgin, in his reply, thus explained the objects to which his diplomacy had been directed, and the manner in which advantage might be derived from its success :—

> "The treaties recently concluded with China and Japan have in a great measure removed the obstacles to intercourse between those countries and the world, without which the jealousy, exclusiveness, and apprehensions of their despotic Governments had created. To the attainment of this end the efforts of diplomacy have been directed with some success; but its action extends no further; it rests with our merchants and manufacturers to complete the work by turning these new facilities to account, and establishing mutually beneficial relations between England and those countries, inhabited as they are by populations numerous, industrious, and commercially disposed. . . . For my own part, I have only to say that it is my sincere desire to continue to co-operate with you in the noble work of extending the blessings of commerce and Christian civilization to those remote and interesting regions of the earth."

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Viscount PALMERSTON, and Mr. CHANCELLOR of the EXCHEQUER.

GREEK LOAN (CONSOLIDATED FUND).

Resolution *reported.*

"That Her Majesty be authorized to relinquish, in favour of King George the First, the King of the Hellenes, during his reign, the sum of Four Thousand Pounds sterling a year, and to that extent to release the Greek Treasury from the obligation of a certain arrangement, concluded at Athens in the month of June, 1860, in reference to the Greek Loan."

SIR HENRY WILLOUGHBY wished to know how the Consolidated Fund was affected by the Resolution. If he understood the Resolution, it seemed that there was a sum of £4,000 a year which we claimed against the Greek Government, and which was now to be handed over to the King of the Greeks as a present.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Baronet need be under no apprehension that the Consolidated Fund would suffer. It was a mere question of foregoing a portion of a claim upon the Greek Government. The protecting Powers had agreed to forego each the payment of £4,000 a year from Greece, and the Resolution would but relieve Greece from remitting that amount annually to this country.

COLONEL DUNNE said, he would remind the House that the Greek Government had undertaken to pay pensions to certain civil servants of Great Britain. He thought it was a strange proceeding to abandon a debt due from Greece, while at the same time we were leaving our public servants to the mercy of the Greek Government.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Viscount PALMERSTON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. LAYARD.

ACCIDENTS' COMPENSATION ACT AMENDMENT BILL.

Bill to amend the Act ninth and tenth Victoria, chapter ninety-three, for Compensating the Families of Persons killed by Accident; *presented,* and read 1°. [Bill 143.]

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 13, 1864.

MINUTES.]—*Sat First in Parliament*—The Viscount Hereford, after the death of his Father.

PUBLIC BILLS — *Committee* — Public Schools (No. 100) [H.L.]; Scottish Episcopal Clergy Disabilities Removal* (No. 123) [H.L.]
Report—Admiralty Lands and Works* (No. 88); Court of Justiciary (Scotland)* (No. 82).
Third Reading—Insane Prisoners Act Amendment* (No. 111).

THE COUNTESS OF ELGIN AND KINCARDINE—THE QUEEN'S MESSAGE OF MONDAY LAST.

Order of the Day for the consideration of the QUEEN'S MESSAGE of Monday last read.

MESSAGE read.

EARL GRANVILLE: My Lords, in accordance with the Notice I have given, I have to ask your Lordships' concurrence to the Message which has just been read; and I have little doubt that your Lordships' sense of justice will induce you to cordially acquiesce in the course which I propose. I think, at the same time, it would not be respectful to your Lordships if I did not make a short statement as to the necessity of the case and the circumstances which form the ground of a debt of gratitude from this country to the late Lord Elgin. Your Lordships are all aware that Lord Elgin's name was especially dear to the northern portion of this island. Lord Elgin distinguished himself at Eton, and he subsequently achieved the highest distinctions at the University. It is a remarkable fact that of those who were his contemporaries, and with whom he associated at the University, there were six persons to whom the country looked up as likely for a long period to take a prominent part in the legislative and administrative affairs of the country. Of those five friends of his, only one now remains in perfect health and strength, and able to discharge public duties. Sidney Herbert, afterwards Lord Herbert, is no more. Your Lordships on both sides of the House, without reference to party, the other day expressed your feelings of regret that the Duke of Newcastle is in that state of health which gives little hope that he can ever again take an active part in administering the public business of the country. With regard to these two, it would be difficult to say that their labours, administrative and Parliamentary, and the courageous way in which they remained in harness to the last moment after their health had been attacked, may not have contributed to the injury of their constitutions. But of one thing we may feel perfectly certain, that with regard to the three contemporaries who succeeded each other in the government of India, in consequence of the responsibilities of their high office, and the discharge of their arduous duties in a climate of so unhealthy a character, they fell in the public service as much as Sir John Moore at Corunna and Nelson at Trafalgar. After leaving the University, Lord Elgin took his seat in the other House of Parliament, and made one good speech on a question of considerable importance. Almost immediately afterwards his father died, and he was condemned by our Constitution to that anomalous position in which Scotch Peers who do not obtain a majority of the votes of their brethren are debarred from taking any part in the work of either House of Parliament. Lord Elgin was shortly afterwards appointed to the office of Governor of Jamaica, and I believe he was the youngest Governor who ever left these shores. He carried on and consolidated the work which Lord Metcalfe projected and had partly carried out. For four years he remained there, and for the succeeding eight years he was Governor General of the important colony of Canada; and now that all party feeling is abated, I may say that by the maintenance of strictly constitutional principles in that colony, in the opinion of those best acquainted with the subject, he did much to preserve the loyalty of the people and their attachment to the Crown of this country. I may mention that during his tenure of office in Canada he was appointed to negotiate a most important treaty with the United States of America. On his return to this country he was sent to China to conduct negotiations which, it must be obvious to your Lordships, were of a most difficult character. He successfully negotiated the the Treaty of Tien-tsin. On coming back he joined the Government, in which he filled the office of Postmaster General. But in consequence of difficulties having arisen through the Emperor of China refusing to ratify the Treaty of Tien-tsin, Lord Elgin was requested to go out again to China; and your Lordships will remember the successful manner in which he conducted the subsequent negotiations. He thought he was fully rewarded by the opportunity afforded him of showing his disinterestedness when he was met by information of the rebellion in India, and took upon himself the responsibility of assenting to Lord Canning's request for the diversion of the troops placed under his orders for the war in China and sending them to assist in quelling the Indian mutiny.

At the same time, Lord Elgin himself proceeded to Calcutta, and we may imagine the feelings that arose in his breast when he found that one of the few faces which were unblanched with fear was that of his early college friend, the late distinguished Governor General of India. After that he proceeded to China, having given Lord Canning all the assistance in his power. He was again perfectly successful in China. At the same he had an opportunity of going to Japan, and there making a most important treaty of commerce. On his return to this country, he again joined the Government; but on the death of Lord Canning, he was sent out to fill that most important office, the Governor Generalship of India. My Lords, it has been said that Lord Elgin went out not without some anticipation that he should not return to this country; but I am informed, on good authority, founded on the statement of his medical adviser, that his health was perfectly sound when he went there. He went out, and I believe he deserved all the credit bestowed upon him for the judgment with which he conducted affairs until he was struck down by the effects of the fatal climate; and after passing through the most expensive part of his career, he was thus without the means of saving money. This, it is expected, a Governor General will generally be able to do, and a larger salary is given them for that purpose. But I am sure your Lordships will feel that one who lived in honourable exile from his country on very small means for the support of himself and his family is justly entitled to some recognition on the part of the nation. It is proposed that, in addition to an annual grant of £1,000 to be found by the Indian Government out of the Indian revenue, another £1,000 be paid annually to Lady Elgin out of the Consolidated Fund. I cannot help thinking that your Lordships will cheerfully concur in the Vote I have the honour to propose, not only from your generous feelings, but also from a perfect sense of justice. The noble Earl concluded with his Motion.

Moved,

"That an humble Address be presented to Her Majesty to return Her Majesty the Thanks of this House for Her Majesty's most gracious Message informing this House 'that Her Majesty, taking into consideration the distinguished services performed throughout a long series of years by the late James Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, is desirous, in recognition of such Services, to confer some signal Mark of her Favour upon his Widow Mary Louisa Countess of Elgin and Kincardine;' and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for securing to Mary Louisa Countess of Elgin and Kincardine a pension of £1,000 a year for her natural life"—(*The Lord President*).

THE EARL OF ELLENBOROUGH: My Lords, although I cordially concur in everything which has fallen from the noble Earl, which must, I am sure, have had the full assent of the House; still I hope to be permitted to say a few words in favour of the Motion. I only knew Lord Elgin as a public man. I had occasion to see him before his first and second missions to China, and I was with him for some time before he proceeded to India, and from the first moment that I became acquainted with his public sentiments he acquired my most entire confidence, which he continued to deserve and retain. Lord Elgin's first mission to China was of a most delicate and unusual character, for he had, in conjunction with the envoy of the French Government, to direct the proceedings of the joint forces—military and naval—of the two Powers. The two nations did not stand in exactly the same position in regard to divers matters in China, and Lord Elgin and the French Envoy had different interests to support; but it was to the credit of Lord Elgin that, during the time over which the proceedings lasted, no one point of dispute arose between the two nations, or between the armies of the two nations, and the result was that the operations which he conducted in China were brought to a happy conclusion to the most entire satisfaction of the Government of this country. That having been the case, Lord Elgin returned to England, naturally desirous, after his twelve years of service, to have some rest at home, having passed almost the whole public part of his life abroad in the discharge of great public duties. But difficulties arose with the Chinese Government as to the performance of their obligations under the treaty. A great naval disaster occurred at the mouth of the Peiho, and it was thought right by Her Majesty's Government—and I believe they were perfectly justified in so thinking—to request Lord Elgin again to proceed to the scene of his former labours. I said at that time, and I now repeat, that I do not recollect any occasion on which any public servant has been called upon to make so great a sacrifice as was then required of Lord Elgin. Not only had he to forego all the rest and comfort of home to which a man is justly entitled after a long period of public service, but he was asked to encounter the risk of losing that great reputation which he had already acquired, in again engaging in somewhat similar, but much greater, operations against an enemy, with a very much larger force, and on a coast on which it was exceedingly doubtful whether a landing could safely be effected, and in a country where it was equally doubtful whether operations could be successfully carried on, and under circumstances in which the great object was to get to the capital of China for the purpose of there securing a permanent and honourable peace. These were the great objects in view, but the difficulties were very great indeed; but these difficulties Lord Elgin surmounted. I know that many persons in this country, looking from a great distance at the operations in China, and seeing that they are conducted with almost uniform success, imagine that that success is obtained with great facility. There cannot be a greater fallacy. Depend upon it that no great public result is ever obtained by small efforts or without the exercise of more than ordinary talents. It is said that fortune is very capricious, but fortune, although not always faithful, generally shows a decided partiality to those who most deserve her favour. When Lord Elgin proceeded to India as Governor General, I viewed his appointment with the most entire satisfaction. Able, prudent, resolute, unimpassioned, he appeared of all men to be the best qualified to act in the true spirit of Her Majesty's wise and beneficent proclamation to the people of India; to calm the animosities between the native and English races by impartial justice, and to make both races forget the past in their common advance to an amount hitherto unknown of material prosperity obtained by enlightened legislation. Unfortunately it did not seem good to Providence that Lord Elgin should be permitted to complete that great work of reconciliation, without which there is no permanent security for our dominion in India. After a very short illness—full of honour but not full of years—he terminated a life in which there had been no rest, which had been entirely devoted in every part of the world to the performance of great and arduous public duties. My Lords, we may express, as we feel, great grief for the loss we have sustained, added as it has been to the loss of so many other considerable men connected with the service of India, whose counsels we had reason to hope that we might for many years have enjoyed; we acknowledge his merits, and it only remains for us to make such provision, as far as we can, for his noble widow—that anxiety for the future may not increase the poignancy of the grief with which she must ever look back upon the memory of the glorious and happy past.

THE EARL OF DERBY: My Lords, although it is not my intention to detain your Lordship, by entering into any detail of the eminent services of Lord Elgin, which have been dwelt on most properly by the Lord President of the Council and by the noble Earl near me, I cannot deny myself the gratification at least of paying to his memory, in a very few words, the high tribute of public respect and personal regard which is due to so eminent a public servant. My official connection with Lord Elgin began at the very commencement of his official career. Since the time when he quitted Jamaica I had no official communication with him; but, at the same time, knowing how admirably he had discharged his duties there, I watched his subsequent career with unflagging interest; and I have upon every occasion been happy to say, that that career has been distinguished by a combination of qualities most rarely met with in the same individual—the qualities of great decision, of great firmness, at the same time of great caution and great conciliation. Above all, Lord Elgin on every occasion showed us, as has been already said by the noble Earl, the most admirable and entire disinterestedness, and the most absolute abnegation of self. His whole heart was in his work, and in his country's service. He considered no personal sacrifice for a moment in competition with the great objects which he had to effect, and the great work in which he was engaged. It was impossible, upon an occasion of this kind, not to advert, as the noble Earl has done, to the mysterious dispensation of Providence by which, within the course of a very few years, the country has been deprived of the services of so many of those who had already attained to high political distinction, but who might naturally have looked forward to obtain still higher distinction, and whom the country might have expected to see adding to the services which they had performed and to the honours to which they had already attained. My Lords, the hopes which we might reasonably have entertained have in too many cases been destroyed, but I am convinced that the country will not forget the services of such men; and I am sure that with the names of Dalhousie, of Canning, of Herbert, and of Cornewall Lewis—I hope I may not have to add another name to the too long list of the honourable and distinguished men who have within a few years perished in the service of the State—that of Elgin will be honourably associated in the universal tribute which the country will pay to their meritorious services, and the deep regret which all must feel at the untimely disappearance of such men from among us. My Lords, I need not add that I cordially concur in the Motion of the noble Earl.

Address Ordered, *Nemine Dissentiente*, to be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty's most gracious Message informing this House,

"That Her Majesty, taking into consideration the distinguished Services performed throughout a long Series of Years by the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, is desirous, in recognition of such Services, to confer some signal mark of Her Favour upon his Widow, Mary Louisa, Countess of Elgin and Kincardine;" and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for securing to Mary Louisa, Countess of Elgin and Kincardine, a Pension of £1,000 a Year for her natural Life.—(*The Lord President.*)

And the said Address was Ordered to be presented to Her Majesty by the Lords with White Staves.

WEST RIDING OF YORKSHIRE ASSIZES. THE ASSIZE TOWN.

MOTION FOR AN ADDRESS.

Lord WHARNCLIFFE, in calling attention to the late decision of the Privy Council for the removal of the West Riding Assizes from York to Leeds, and moving an Address to Her Majesty thereon, said that this decision was entirely opposed to the evidence submitted to them. In 1829 a Commission was appointed to consider the advisability of removing the Assizes for the West Riding from York, and, if so, to which town they should be removed; and the result of the inquiry was unconditionally in favour of Wakefield. In 1857 another Commission was appointed, and the decision arrived at was different from the one which had been adopted by the Privy Council. In 1860 a Commission was appointed at the suggestion of Sir G. C. Lewis, and out of 107 magistrates who were examined upon the matter 99 were opposed to any change. In 1863, by the direction of Sir George Grey, a circular was sent to the magistrates of the West Riding of Yorkshire, and out of 329 magistrates answers were received from 266. The circular asked if the magistrates to whom it was addressed thought it desirable to remove the Assizes from York, and, if so, whether to Leeds or Wakefield, or to Leeds and Sheffield. The answers in favour of the last plan were so few that they might be entirely discarded. Of the remainder, 123 were in favour of retaining the Assizes at York, 87 in favour of a change to Wakefield, and 20 only approved the removal to Leeds. At the beginning of the present year a private circular was addressed to the magistrates of the West Riding, and 187 of those who replied were in favour of Wakefield, and only 59 in favour of Leeds. He thought that the opinions of these gentlemen ought to be taken into consideration, as they came from men who took an interest in the subject, and whose opinions were dictated by experience. There were some other points to which he would call their Lordships' attention, as he believed them to be material to the question. The population of the West Riding in the immediate neighbourhood of Wakefield was over 900,000, while in the neighbourhood of Leeds it was only 623,000, thus showing an advantage of about 30 per cent in favour of Wakefield. Wakefield contained the county prison and almost all the other public offices, and it was of great importance that the Assizes should be held where these public buildings were to be found. Now, against all the public buildings of Wakefield, Leeds had nothing to urge but the presence of the Bankruptcy Court. If the Assizes were held at Leeds and the West Riding gaol remained at Wakefield, as there was a distance of ten miles between the two towns, the prisoners would have to be conveyed by train in the morning and taken back in the evening until their cases had been decided, and these journeys would not unfrequently occur daily for an entire week. The country near Leeds was densely populated, the population being chiefly of an artisan character, and they might safely anticipate serious inconvenience from the necessity of carrying prisoners forward and back, especially in times of political riots or tumults; and in this opinion the governor of the gaol at Wakefield fully concurred. It was estimated that the expense consequent upon those frequent removals would amount to

£150 an assize, and as there were three Assizes held in the course of the year, the Riding would be called upon to pay £450 because of the decision of the Privy Council. After giving the question a full consideration, he could not conceive on what grounds the Privy Council had come to a decision so opposed to that of all those whose experience upon the subject entitled their opinions to respect. Wakefield was looked upon as the capital of the West Riding, and if the Assizes were to be removed from York, a large majority of the magistrates were in favour of its selection in preference to Leeds. When they were told that the decision was to rest with the Privy Council, they did not anticipate that Yorkshire would be little represented, the noble Earl the Secretary for War (Earl de Grey and Ripon) being the only Yorkshire Peer who was on the Committee of Privy Council by which the decision was arrived at. Every other Peer in Yorkshire was in favour of Wakefield. Under those circumstances he hoped that their Lordships would perceive that there were good grounds of complaint against the decision which had been arrived at, and would give their support to the Motion.

Moved,

That an humble Address be presented to Her Majesty, praying that the late Decision of the Privy Council, ordering the Removal of the West Riding Assizes from York to Leeds instead of to Wakefield, be re-considered.—(*Lord Wharncliffe*).

Lord HOUGHTON said, he had not been able to refuse the request of the noble Lord to give his support to this Motion. Upon this question he believed that the gentry of Yorkshire were so united, and their opinions were so well formed, that he could not understand what possible motives could have induced the Government to issue an Order in Council which was in entire opposition to their wishes and their supposed interests. He trusted that it would not be supposed that in opposing the transference of the Assizes from York to Leeds the gentry of Yorkshire were influenced by personal feelings. They were ready to perform their public duties whatever place might be selected. It was impossible to understand why the Government had made repeated requests to the magistrates for their opinions, when at last they had acted in direct opposition to those opinions. A large majority of the magistrates of Yorkshire had decided that they were quite content with York as the assize town, and there could be no doubt that the central position of that city and other circumstances rendered it well adapted for the administration of justice. It was true, however, that as the West Riding was more populous than the other Ridings, a considerable expense was incurred in bringing witnesses and prisoners to York; but if considerations of economy were to be permitted to override all other considerations, then assuredly the natural course would have been to remove the administration of justice to the place where justice could be most cheaply administered—to the capital of the West Riding. At Wakefield there was a very large prison; it was a town of moderate size, and was singularly well adapted for an assize town. Instead of going to Wakefield, however, the Government had thought fit to transfer the Assizes to a town with a large manufacturing population. The mere fact of Leeds being a larger town than York or Wakefield was no recommendation—if, indeed, its size ought not rather to operate against its selection. He thought their Lordships would do well to induce the Government to reconsider their determination, which was so much opposed to the general feeling of Yorkshire. He did not think the opinion of the magistracy of the county should be disregarded. He would submit that this was not a time to cast discouragement upon the magisterial station, so as to prevent younger men from accepting its duties and its responsibilities. It was the duty of Parliament, whenever it had an opportunity, to sustain the magisterial dignity, and he, therefore, felt confident that their Lordships would give their support to this Motion.

Earl GRANVILLE said, he felt bound, in the first place, to thank the noble Lord who introduced the subject for his singularly clear and able statement, and he hoped that in future they might frequently have the advantage of the noble Lord's participation in their debates. The complaints of the noble Lord referred to three points; first as to the removal of the Assizes from York; next to the selection of Leeds in preference to Wakefield; and, lastly, to a point which more immediately affected himself, and with which he would first deal. Their Lordships were aware that Her Majesty was empowered by Act of Parliament, with the advice of her Privy Council, to make division and arrangement as to holding Assizes at particular times. The question as to which particular town should be selected had been raised in the House of Commons, and the claims of Wakefield in preference to Leeds had been negatived; and after that the Privy Council had been called upon to deal with the subject. It would have been improper to delay bringing this subject before Her Majesty merely on the chance that their Lordships' House would express some opinion upon it. He might remind his noble Friend that it had been quite open to him to moot this question at an earlier period, seeing that the decision of the House of Commons was pronounced some weeks since. With respect to the removal of the Assizes from York, the noble Lord had referred to the adverse opinions pronounced by two former Commissions. With respect to the first of these Commissions, he could only observe that it was impossible to attach much value to the Report of a Commission made forty years ago, when the circumstances of the country were wholly different—when no railways were in operation, and when no *data* existed applicable to the present times. With respect to the second Commission, its conclusions were no doubt entitled to full consideration; but it must be borne in mind that there did not exist at that time the same strong feeling as now prevailed that the Assizes should be transferred. The noble Lord had referred to the opinions expressed by the magistrates of Yorkshire, and he could assure the noble Lord that those opinions had received full and careful consideration; but the Privy Council had not felt themselves to be bound by those opinions as to the nature of the advice which they should tender to Her Majesty. The noble Lord had referred to the delicate question of the selection of Leeds, instead of Wakefield; and he asked what were the motives which had induced Her Majesty's Government to make such a selection? All he could say was that Her Majesty's Government had no motive whatever except this—when once they had made up their minds that the West Riding was entitled to an assize town, to select that town which they thought the best situated for the purpose. It should be borne in mind that when it was proposed to make Liverpool an assize town there was the same opposition on the part of the magistrates of Lancashire. His noble Friend should remember that Wakefield and Leeds were not the only candidates—Sheffield had put in a claim—and in selecting Leeds instead of Wakefield the only motive the Government could have was the public advantage. He might appeal to his noble Friends who sat on the Committee, whether they were not of opinion that the balance of advantage was on the side of Leeds? The noble Lord had referred to the petitions in favour of Wakefield; but he was aware that these had been strongly criticized on the other side, and the argument turned entirely in favour of Leeds. With regard to the accommodation of the two towns, the evidence went to this extent—the accommodation at Leeds was ample and excellent, whereas there was no accommodation at Wakefield for assize business. The decision was very much influenced by that consideration. He did not know whether the noble Lord intended to press his Motion to a division; if so, he should have to oppose it. He did not think it could lead to any practical result.

LORD WENSLEYDALE addressed some remarks to the House, but the noble and learned Lord was not heard.

LORD BROUGHAM said, he remembered for the last fifty or sixty years to have heard this subject frequently discussed by members of the profession and the public; and he certainly recollected that whilst the preponderance of opinion was strong amongst both learned and unlearned against any removal from York at all, yet if there were to be any assize town at all, the almost universal feeling was in favour of Leeds. Some few persons were in favour of Wakefield, hardly any were in favour of Sheffield, and there were none at all who were in favour of Hull.

LORD FAVERSHAM protested against the statement of the noble and learned Lord who had just spoken. When he had the honour of representing Yorkshire, between thirty and forty years ago, the question of the removal of the Assizes from York was largely discussed; and in the course of his canvass he was frequently asked whether he would support Wakefield as the assize town for the West Riding, but he had never heard the town of Leeds put before Wakefield. To remove the Assizes from York would be an act of gross injustice—an act opposed by the great majority of the county magistrates, and calculated to subject the population generally to grievous inconvenience. Some time ago he took the liberty of asking whether the Government intended to persist in their determination to convert Leeds into an assize town to the prejudice of York; but he was sorry to say that the

President of the Council, with some slight discourtesy, did not favour him with an answer to his question. He did not wish to impute motives, but he knew the influence which had been at work. Leeds had been written up by one of its representatives, whom he now saw standing at the bar. ["Order!"] And he did not intend to impute any motives but a sense of public duty to that gentleman; but he had worked long and zealously at the matter, and it was no doubt through his influence that the Government had been brought to countenance a measure for which no valid reason could be urged.

EARL DE GREY AND RIPON said, the noble Lord (Lord Faversham) had referred to his canvass of the county in 1826; but he trusted their Lordships would not decide a question of this kind on a consideration of the state of things which existed between thirty and forty years ago. One of the questions raised in connection with this subject was whether a separate Assize should be given to the West Riding of Yorkshire, and a large portion of the opposition to the decision of the Privy Council sprung from those who desired to have no transfer of assizes at all from York. He (Earl De Grey and Ripon) sympathized with the feelings which actuated them; because, in the first place, in favour of the retention of the Assizes at York there were obvious considerations of personal convenience and comfort which, if great public interests were not concerned, it would be undesirable to overlook; and because, in the next place, the sentiments were very natural of those who looked upon the Assizes as the last link which bound the three Ridings together—for the Assizes and the High Sheriff were all that remained of the united county. But it was not upon considerations of this nature that the Privy Council could decide the question. They had to consider the amount of population and the amount of business to be done. The population of the West Riding was one million and a half, or scarcely less than the population of the whole of Lancashire, which would have three assize towns — Lancaster, Liverpool, and the newly created Assizes at Manchester. It seemed impossible, with this state of things, to resist the claim of the West Riding to have a separate Assize. Accordingly the Privy Council decided that a separate Assize should be given to the West Riding. The question then to be raised was, to what town these Assizes were to be given. It is said that the opinion of the Privy Council in favour of Leeds was against the opinion of the majority of the magistrates; but then the majority of the magistrates was against having a separate Assize at all. He knew from his own observation that there was a widespread feeling among the mercantile and manufacturing classes in the West Riding in favour of having justice brought nearer to them, and although, as had been said, a majority of the county magistrates were against the removal of the assizes from York, yet of those who thought otherwise by far the larger number preferred Leeds to Wakefield. Since then the Government had decided to have a separate Assize for the West Riding, they must consider how best their wishes to consult the convenience of the population were to be acted upon. Their object was to bring the Assizes to the bulk of the population. Their Lordships had been told that the population in and around Leeds was less than that in and around Wakefield. Statistics prepared by rival parties were necessarily of a very doubtful character, but it was only fair to mention that the statement on the other side was precisely the contrary, and that the Privy Council arrived at their decision with the fact before them, that the population of Wakefield was only 23,000, as against 207,000 at Leeds. It had been pointed out by Mr. Reeves that sufficient accommodation did not exist at Wakefield, and if the Assizes were taken there it would be necessary to build a new court, whereas at Leeds the present courts were amply sufficient. With regard to railway accommodation, the communication by rail was more direct and speedy with Leeds from the various parts of the Riding than it was with Wakefield. There was another point —that if the Assizes were removed to Wakefield it would bar for all time the claim of Sheffield on account of the proximity of Wakefield to that town, whilst Leeds was so far away that if the Assizes were removed to that town Sheffield would not be prejudiced by the decision. He had understood and heard the learned Lord (Lord Wensleydale) — whom, however, he had heard very indistinctly—to say that it was very undesirable to hold Assizes in large towns; but all modern changes had been in that direction—for instance, appointing Assizes to be held at Liverpool, Manchester, and Newcastle; so that the Committee of Council could not be charged with having established a new principle. The question was, no doubt, one on which much could be said on both sides; but on the whole, he believed that the Committee had adopted the arrangement which was best for the cheap and speedy administration of justice.

THE EARL OF DERBY: My Lords, I am not a Yorkshireman, and although I have some physical knowledge of the locality in question, yet I know nothing of the merits of this case except from an examination of those papers which have been laid before the House. I agree with the noble Earl who has just sat down (Earl de Grey and Ripon), that this question ought not to be decided by reference to the state of opinion that existed thirty-eight years ago; and still more, I think, that we ought not to be guided by the state of feeling which existed fifty or sixty years ago, and to which the noble and learned Lord (Lord Brougham) referred. But let us consider what has been the state of feeling for the last few years; and I think it is quite impossible to deny the fact, that the great balance of opinion on the part of the Commissioners who were appointed to inquire into the subject, on the part of the magistrates who are interested in the administration of justice, and a great proportion of the inhabitants of the county, and also on the part of the surveyor who was sent down by the Government specially to report upon the matter, was strongly in favour of the Assizes being held at Wakefield. The noble Earl who has just sat down has expended a good deal of time upon the question whether the local magistrates were or not in favour of removing the Assizes from York; and it may well be admitted that a great majority were in favour of retaining the Assizes at that place; but it being decided to remove them from York, and that the West Riding should have Assizes of its own, the question arose whether those gentlemen were of opinion that the Assizes should be removed to Wakefield, Leeds, or Sheffield, as the most convenient place? As to Sheffield there were so few in favour of it that it may be put out of the question; and as between Wakefield and Leeds, the majority in favour of Wakefield was 187 to 59. So far, therefore, as the opinion of the magistrates is to be taken for guidance, there is a very strong preponderance of feeling against Leeds. Although, as stated by the President of the Council, the Act of Parliament does not require the Council to consult the magistrates, yet, on the other hand, they are required to make such arrangements as, in their opinion, are most conducive to the convenient administration of justice; and I know no persons who could form a more satisfactory judgment upon that subject than could the local magistrates who are mainly concerned in carrying out the administration of public justice. The original Commission undoubtedly reported in favour of retaining the Assizes at York; but, presuming a change, not a single individual on that Commission reported in favour of Leeds, whilst a large number were in favour of Wakefield. Then you had the Lords Lieutenant of two Ridings, and the Vice Lieutenants of three, all in favour of Wakefield; thus coinciding with the great majority of the magistrates. Mr. Reeves, the surveyor who was sent down, it is true, reported that the accommodation for holding Assizes at Leeds was superior to that at Wakefield; but, on the other hand, he pointed out that the gaol accommodation at Wakefield was infinitely superior to that at Leeds; so that in one case it would be necessary to build an additional court, whilst in the other it would be necessary to add greatly to the gaol. Mr. Reeves reported that, looking to all the circumstances of the locality and the convenience of the great majority of the population, he was decidedly in favour of Leeds. In the face of Mr. Reeves's report, it certainly required considerable courage on the part of the noble Earl the Secretary for War to quote Mr. Reeves as a witness against Wakefield. There is only one consideration that induces me to hesitate as to the course which I should recommend my noble Friend (Lord Wharncliffe) to take. If the matter were *res integra*, I should not hesitate for a moment to advise him to press his motion to a division. As to the merits of the case, I have no doubt at all that they are strongly in favour of Wakefield; but the question which raises doubts in my mind is, that some difficulty might occur in consequence of the House of Commons having, by a small majority, expressed an opposite opinion to that embodied in this Motion. But that was done in the absence of those papers which are now before your Lordships. Then we have been given to understand by the noble Earl the Lord President of the Council, very decidedly, though hardly with any great courtesy, that whatever we do will not affect the decision which has been come to—that the decision is final; and though we may address the

Crown, yet it rests with the Ministers to advise the Crown, and consequently it is a matter of discretion on the part of my noble Friend whether he should go to a division; but still, if he should decide on going to a division, I must record my vote in favour of his Motion. But at the same time I would suggest, whether it might not be wise not to divide, considering the inconvenience which might arise from the two Houses of Parliament expressing different opinions, and whether your Lordships would do well to send up an address to the Crown when you have a positive intimation on the part of the leading Minister in this House that the Crown will not assent to your recommendation. I leave this matter, however, entirely in the hands of my noble Friend; and, as I said before, If he divide, I shall, though with some hesitation, divide with him; but I think that it is a question upon which he would do well to reflect before he calls upon the House to divide.

LORD WHARNCLIFFE said, that standing there as he did in this case as the representative of the West Riding, he could not abandon its interests, and he should therefore take the sense of the House on his Motion.

LORD CRANWORTH, as one of those who were asked to advise the Committee of Council, said, that he must observe that he knew of no motive which influenced the decision arrived at, except such as were apparent upon the papers. No doubt the opinion of the magistrates in favour of Wakefield had great weight, so far as the criminal business was concerned; but the evidence showed that more than four civil causes to one arose in and near Leeds as compared with Wakefield. This latter consideration naturally had very great weight with the Privy Council.

THE LORD CHANCELLOR said, that he had no interest, and that he had shown no partiality in the matter, and he could assure their Lordships that, in arriving at the decision to which they had come, the Privy Council had not been biassed by any considerations other than those which were apparent on the papers. He must, however, earnestly deprecate the course which was about to be pursued by the noble Lord; and he begged him to reflect on the position in which he would place their Lordships by his first Motion in that House —a position of conflict with the House of Commons. He begged him to recollect also the position in which he would place the Crown. The Crown had already received the opinion of the other House, and that opinion was in favour of the decision arrived at by the Privy Council. Encouragement had already been given to the people of Leeds to prepare for the removal of the Assizes to their town; and now that they had laid out money for the purpose of making the necessary arrangements, common justice forbade that the decision of the Crown should be reversed. What answer could the Crown make to the people of Leeds? Was the Crown to say, "We preferred the Address of the House of Lords to that of the Commons?"

THE EARL OF DERBY observed that the House of Commons had sent up no Address.

THE LORD CHANCELLOR: The noble Earl was perfectly right—there had been no Address; but the House of Commons had expressed its opinion. He earnestly hoped there would be no division; but if there was, he appealed to their Lordships not to put the Crown in the predicament in which they would place it if they agreed to the Motion.

On Question, their Lordships *divided:*—Contents 80; Not-Contents 54; Majority 26.

Motion *agreed to.*

And the said Address to be *presented* to Her Majesty by the Lords with White Staves.

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Harris, L.
Hatherton, L.
Hunsdon, L. (*V. Falkland*).
Lismore, L. (*V. Lismore*).
Llanover, L.
Methuen, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough*).
Portman, L.
Rossie, L. (*L. Kinnaird.*)
Seymour, L. (*E. St. Maur*).
Stanley of Alderley, L.
Suffield, L.
Sundridge, L. (*D. Argyll*).
Talbot de Malahide, L.
Taunton, L.
Wentworth, L. (*V. Ockham*).
Wodehouse, L.
Wrottesley, L.

PUBLIC SCHOOLS BILL [No. 100.]—

COMMITTEE.

Order of the Day for the House to be put into Committee read.

EARL GRANVILLE: My Lords, I am very reluctant to trespass upon your attention, but a very eminent member of the University of Oxford feels considerable annoyance at the somewhat unwarrantable manner in which his name has been referred to in debate, and wishes that some notice should be taken of it. I refer to the Dean of Christ Church. A noble Duke opposite (the Duke of Montrose) stated the other evening that the evidence of the Dean of Christ Church was not worth much, considering that everybody knew that no young men went up to Christ Church for the purpose of reading or for the purpose of obtaining honours. Now, if your Lordships turn to the Dean's evidence, you will see that it was not applied to all the boys who go up for matriculation, but only to the average boys; and his opinions respecting their attainments certainly do not stand alone, for they are supported by other witnesses of undoubted competency. The Rev. D. P. Chase, Principal of St. Mary Hall, said,—

> "In my opinion, the previous education given to the mass of those who enter the University does not fulfil satisfactorily the purpose of grounding in the classical studies which they are required to pursue. The result is that the minimum of attainment necessary for the B.A. degree is far below what it might and ought to be, while the difficulty which the majority of the passmen have in producing even that minimum necessarily restricts and narrows the course. Much of the teaching given at the University is such as ought to have been given at school. This, while it tends to weary and disgust those who have been better taught, precludes any higher teaching of those who must be kept to schoolboy work. . . . Consequently, for matriculation, it is usual to examine candidates only in authors which they have got up for the purpose. The answers to easy grammatical papers are commonly very imperfect; the Latin prose composition rarely such as would be accepted even at responsions (little-go). Deficiency in arithmetic, Euclid, and algebra frequently causes postponement of admission, and in most cases necessitates very elementary teaching afterwards."

The Rev. G. W. Kitchin, Junior Censor of Christ Church, said,—

> "The average men bring up but small results of the training to which they have been subjected for years. There is a general want of accuracy in their work; even the rudimentary knowledge of grammar and Latin prose writing is far less than it ought to be. I fear that the elementary schools send the little boys up to the public schools in a very unprepared state, and that the public schools, to a great extent, assume that the boys are fairly grounded when it is not the case. The only subjects which are professed at school, and do not form part of our system of work, are such rudimentary matters as English composition, spelling, arithmetic, &c. In these there seems to be considerable deficiency. The University course of teaching is much hampered by the crude state of the men subjected to it, and by the necessity of supplementing the shortcomings of school education. Our system becomes, for average men, both narrow and vague. We feel that the most we can do for men who come up deficient in knowledge of grammar, history, language, &c., is to

provide something for them to do; the time for real progress seems, in many cases, to be absolutely past."

Again, he says—

> "With a matriculation examination whose standard is very low, and solely intended to prove that men have a fair chance of afterwards passing responsions, and with every wish to admit men, we have still been obliged this year to reject about one-third of the whole number who have presented themselves. . . . As to average men, their exact knowledge of grammar, &c., is now tested by us, whereas a few years ago it was almost taken for granted. This makes me diffident in expressing an opinion about its improvement or decay. On the whole, I am inclined to think it has gone backwards, for I can easily imagine it better; it would be hard to conceive it much worse."

I think this shows that the Dean of Christ Church is not alone in the evidence he gave. With regard to the charge that nobody ever heard of young men going to Christ Church with any intention of reading, the last list of Oxford University shows, as I am informed, that out of five first-classes in mathematics two are from Christ Church. In the present year Christ Church men have also gained the Ireland University Scholarship, the Junior Mathematical Scholarship, and the Oriel Fellowship; and at the end of last week another Christ Church man won the Senior Hebrew Scholarship against very good competitors. That makes three University scholarships gained this year. Taking the years 1861, 1862, 1863, the period comprised in the last University Calendar, they reckon a Radcliffe Travelling Fellowship, a Stanhope prize for history, a Gaisford prize for Greek prose; in the Moderations School, nine first classes and fourteen seconds; in the final classical schools, three first-classes and four seconds. But there is another school which has great attractions for the class of young men who are most numerous at Christ Church—the School of Law and Modern History. Last November, out of five first-class men, three were from Christ Church; and two out of five second-class men. Since the present lecturer, Mr. Owen, was appointed, three years ago, there have been twenty candidates for honours in that school. Of these five obtained a first-class, ten a second, and five a third; so that not one fell below a third. Since the first establishment of the school, in 1853, Christ Church has had seventeen first-class men, twenty second, and thirteen third. Lately, I am informed, the University has relaxed its requirements in classics a little, so that the young men will be able to give more time to these studies; and they are doing so. The examinations are becoming harder, and yet the number of candidates for honours is increasing. There are instances which are of interest to your Lordships. The noble Earl opposite (the Earl of Carnarvon) himself got a first-class in this school; so did Lord Lothian and Lord Cowper. Lately, Mr. Abbott, Lord Colchester's son, got a first-class in this school, after having gained another first in classics and the Stanhope prize; and I hope at some very distant date he will in this House display the business-like habits which have always distinguished his father here. Lord Kenyon's son has just got a second-class, and it has been stated that many of his papers were up to the mark of a first-class. My noble Friend (Lord Wodehouse) has been so long among us that I think it hardly necessary to allude to the distinctions which he gained. This list will make good the conclusion, that if no young man whatever came to read, the tutors and lecturers must have a marvellous power of overcoming the *vis inertiæ* of a large number of these resolute dunces. It appears that at the present moment there are sixty or seventy young men at Christ Church reading for honours of one kind or another.

Moved, That the House do now resolve itself into a Committee on the said Bill.

LORD RAVENSWORTH said, he had felt much pain when these remarks were made upon the evidence of the Dean of Christ Church, who was his near relation, because, not having read the Dean's evidence, he was unable from want of proper information to notice those observations at the time. The Lord President of the Council had attempted to justify, and perhaps succeeded in justifying, the evidence by bringing forward other statements of a still stronger nature as to the incompetence of boys sent up to Oxford from the public schools. But, as the remarks made the other evening had a tendency to cast blame upon the Dean, it was important to know what the evidence given by him before the Royal Commissioners really amounted to. His noble and gallant Friend (Lord De Ros) had spoken with high praise of the general character and conduct of Eton boys; and he entirely concurred in what his noble and gallant Friend had said upon this subject, and upon the great merits of that establishment. But it seemed to be assumed from the evidence of the Dean of Christ Church, that Eton boys spent their Sundays in public-houses, in smoking and drinking, and in wandering about the fields, not unfrequently in a state of intoxication; that they were not instructed in the Scriptures; that they went up to matriculation entirely ignorant, and showed a disinclination to be further instructed. Now having greatly to thank his parents for having sent him to Eton, and to the masters who taught him there, it would have given him great distress if any such evidence had been given by a man bearing his name. But, on turning to the blue-book, he found not one particle of evidence in the course of the Dean's examination which in any respect bore out these charges, and they must therefore be founded upon statements emanating from some other quarter. As to the scholarship of those who came up for matriculation from Eton and Harrow, if the Dean of Christ Church found from his own experience that these young men were ill-grounded, and that they could scarcely put into decent Latin any exercise submitted to them, he was perfectly justified in stating those facts. The Dean of Christ Church had stated in his evidence that he thought the out-of-door occupations and the amusements of boys in large public schools offered greater temptations to the neglect of study than those to which boys in smaller schools were exposed. The Dean of Christ Church was certainly correct in his statement to a certain extent; but he might have so far qualified the inference which he had drawn as to bear in mind that those temptations existed only during the summer months, when the days were long and the weather fine, when there were the attractions of cricket matches in the hay fields and boat races on the river. But during the other periods of the year the boys attended to their studies as diligently as at other schools. He had intended to dwell at some length upon the general question, but as there still remained so much business before their Lordships he should be content with referring to the evidence of his learned and accomplished relative the Dean of Christ Church.

THE DUKE OF MONTROSE said, he was glad the noble Earl had had the opportunity of setting him right. He was sorry that, in the hurry of debate, he had made use of expressions that were too strong with reference to the evidence of the Dean of Christ Church. What he had intended to say was, that the expressions made use of by the Dean of Christ Church had given considerable annoyance to the authorities at Eton, because they believed that the opinions of that gentleman were not put in a manner which would give a correct impression. After saying that Eton and Westminster had not of late taken as many prizes as formerly, Rugby and Marlborough having been very successful, Mr. Sandford, Senior Censor of Christ Church, went on to say—

> "It must, however, be remembered that Eton has difficulties to contend with from which the other schools are free. The parents of the boys are richer; their sons have not their fortunes to make. In fact, it has the same difficulties to cope with as we have at Christ Church. It may be said that eldest sons come to Christ Church, and younger sons go to other Colleges. The boys at the other schools, on the contrary, know that if they are to succeed they must work. The real advantage derived from Eton is less intellectual than social education. Eton is expected to make a boy a gentleman, and this expectation it fulfils. It may be added, that many boys are sent to Eton not to learn, but to form connections. We do not, however, get the *élite* from Eton or Harrow. Christ Church has the *élite* from Westminster."

The Rev. G. Kitchin, Junior Censor of Christ Church, said—

> "I resigned my tutorship in 1855 and returned in 1862, and have had the opportunity of observing the state of the same class of men after an interval of seven years. They are decidedly improved, and show the effect of the great step which has been taken forward by the schools. Athletics have exerted a salutary influence on their moral condition, though there is, especially on the part of the public school men, a tendency to concentrate on sports and amusements that energy which ought to be given to work."

Dr. Liddell said, that Christ Church did not get the *élite* of Eton, as they mostly went to Cambridge. The success of Etonians at Cambridge was very creditable. Only last year, out of fifteen King's College men in the Classical Tripos six were Etonians, and they were all in the first class. At Oxford, in 1863, Etonians not at Christ Church carried off a scholarship at Trinity, University, Lincoln, and Corpus; while at Cambridge two Etonians obtained scholarships. The success of Etonians at Cambridge did not bear out the statement that classics only were taught at Eton. What he did say on a former occasion was, that a great number of young men did not go to Christ Church for the purpose of reading, but simply to pass away some years of their life. He would state what had been done at Christ Church since the present Dean had occupied that office. From 1856 to 1863 there were only four first-class men in classical honours at Christ Church, and of those four two were Etonians. During the same period there were thirty-one first-class men in classical honours at Balliol, of whom seven were Etonians. That fact showed that Eton did bring forward some scholars, and also that his statement with regard to Christ Church was not so unfounded as was supposed. He could not but admit that great improvement had taken place at Eton, and that there were many excellent scholars educated there. The instruction in geography and mathematics had made great progress, but he believed that French could with advantage be incorporated as a portion of the system of education.

THE EARL OF MALMESBURY said, he must attribute a certain want of discretion to the Commissioners in furnishing evidence which he thought ought not to have been published at all. They might have impressed on the country the necessity of reform of the great public schools, without going into those details. When the Duke of Wellington had won the battle of Waterloo he would not go into the question of trivial charges against a few young officers—and depend upon it he (Lord Malmesbury) was not taking a view which would not be borne out, when he said that the Commissioners had laid the ground of every sort of hostile criticism by foreign writers on the educated classes of this country and the schools at which they were brought up. He had read the Report and the evidence with an unbiassed mind, and if the statements made were true, it was most humiliating not only to those who sent their sons there, but to the whole nation. But were they true? With all respect to the Commissioners he must say he had great doubt as to whether they were true. He was at Eton, and he declared positively that it must be extremely altered, nay entirely changed, from what it was if these allegations were well founded. Among other things, the Commissioners recommended the teaching of drawing. That was quite right; but from that it might be supposed that drawing had not been taught there previously; whereas in his time a master was employed for that purpose, who was the celebrated Mr. Evans. It was intimated by the Commissioners that there was a supine state of mind on the part of the boys. All he could say was that a very different state of things prevailed from what had existed formerly, when a magazine called *The Etonian* was published, to which Winthrop Praed was a contributor, and which contained contributions which, when he reverted to them now, he must pronounce to be of a very high class. The only consolation he had on looking at this evidence was that he really could not believe it.

THE EARL OF CLARENDON would only say a word in answer to the attack the noble Earl had thought proper to make upon the Commissioners. The noble Earl was quite unmindful of what the Commissioners had been appointed for, of their duties, and their responsibilities. Because they had taken evidence which it was their duty to take, and which was unpalatable, and because they had not garbled it, they were to be called indiscreet!

THE EARL OF MALMESBURY: I did not say you should have garbled it, but that you should have used discretion as to what you printed.

THE EARL OF CLARENDON said, the noble Earl had only expressed in other words, and with greater circumlocution, the phrase he had himself employed. The noble Earl said that, having taken evidence which it was their duty to take, they should have altered or suppressed it—and this he would have had them do, as gentlemen, as honest men, and as men responsible to the public, in order that foreigners might think better of us than we deserved. No such feeling animated him or any of his colleagues, and he should have been ashamed of himself if he had obtained the noble Earl's approbation by any such course as he had suggested. It was the duty of the masters at Eton and other schools to answer the questions of the Commissioners as to the education and morality, and the general conduct of their scholars. They all answered the questions honestly, and said that there were exceptions as to morality, and that some did go to public-houses to drink. From the tutors at Oxford the Commissioners received concurrent testimony as to the ill-preparation of the boys sent up, numbers being sent back upon matriculation. Yet all those facts were to be suppressed to make foreigners think better of us than we merited! The Commissioners would have neglected their duty if they had omitted to publish facts which would tend to bring to bear that pressure of public opinion by means of which alone a reform of our public schools could be brought about. However humiliating might be the facts stated, they were true. The noble Earl had referred to the conduct of the Duke of Wellington after the battle of Waterloo; but then the Duke had won the battle, while what the Commissioners had to do was to win the battle of school reform. The noble Earl, who had perhaps read half a dozen pages of the Report, said he did not believe the statements, but the Commissioners who had given their most careful attention to the whole subject did believe them.

Lord DE ROS said a few words, which were inaudible.

Lord REDESDALE expressed a doubt whether there were a sufficient number of masters at Eton, looking to the number of boys in the different classes. The point had not been referred to in the debate, but he hoped it would receive consideration.

The Earl of POWIS contravened the statement that many of those who went up to Oxford from Eton, and who were likely to inherit fortunes, did not put themselves forward for honours, and appealed to the evidence of the class lists to the contrary.

Motion *agreed to:* House in Committee accordingly: Amendments made: The Report thereof to be received *To-morrow;* and Bill to be *printed* as amended. (No. 128.)

House adjourned at half past Eight,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, June 13, 1864.

MINUTES.]—Supply—*considered in Committee*—Civil Service Estimates.

Resolutions [June 10] *reported.*

Public Bills—*Resolutions in Committee*—New Zealand (Guarantee of Loan).

Ordered—Lunacy (Scotland)*; Local Government Supplemental (No. 2)*.

First Reading—Greek Loan* [Bill 144]; Lunacy (Scotland)* [Bill 146]; Local Government Supplemental (No. 2)* [Bill 147]; Chimney Sweepers' Regulation* [Bill 148] (*Lords*).

Second Reading—Pilotage Order Confirmation* [Bill 131]; Superannuations (Union Officers)* [Bill 133]; Coventry Free Grammar School* [Bill 124]; Settled Estates Act Amendment* [Bill 142] (*Lords*); County Constabulary Superannuation* [Bill 136].

Report of Select Committee—Metropolitan Subways* (No. 42).

Committee—Public and Refreshment Houses (Metropolis, &c.)* (*re-committed*) [Bill 92]; Burials Registration* [Bill 126].

Report—Public and Refreshment Houses (Metropolis, &c.)* (*re-committed*) [Bill 92]; Burials Registration* [Bill 126]

Considered as amended—Government Annuities, &c.* [Bill 114]; Beer Houses (Ireland)* [Bill 109].

Third Reading—Collection of Taxes* [Bill 96] (*Debate adjourned*).

HERNE BAY, HAMPTON, AND RECULVER FISHERY BILL [*Lords*].

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir EDWARD DERING said, that although he knew it was not usual to oppose a Bill which came down from the other House of Parliament on the second reading, yet this measure was so objectionable in its character that he felt bound to ask the House to suspend the proposed legislation. The Herne Bay Company, who were the promoters of the Bill, asked to be allowed to appropriate to their own use an area of about nine square miles, which was now a very productive fishing ground, and much frequented by the fishermen of Kent and Essex. It was computed that these rights would be worth eventually £25,000, and they were asked to confer that right on a private company, who gave no equivalent and held out no corresponding benefit to the public, except the possible decrease in the price of oysters. He did not advocate any monopoly for the existing companies. There was no reason why there should not be free trade in oysters as in all other things; but there were the strongest possible grounds why such a Bill as they were asked to sanction should not be passed. It was totally and entirely without precedent. It was unprecedented to make a grant of part of the foreshore of the United Kingdom. No such grant had been made either by Parliament or the Crown for many centuries. It was only in 1843 that the rights and privileges of the fishermen of this country were confirmed by the Fishery Convention Act, one of the clauses of which defined the right of Her Majesty's subjects to fish along the coasts of the United Kingdom at three feet below water mark. The whole of the coast sought for by this Bill was anchorage ground between the Medway and the Thames. Clause 48 of the Bill, however, imposed a penalty upon any one disturbing the proposed new oyster beds.

It appeared to him that the Bill, if carried out, would interfere with the free navigation of the rivers Thames and Medway. He trusted that, at all events, the measure would be delayed until the Fishery Commission, which was pursuing its inquiries, had made its report. He had just had a petition placed in his hands from the principal salesmen in Billingsgate Market against the Bill. The hon. Baronet concluded by moving that the Bill be read a second time that day three months.

Sir BROOK BRYDGES said, he rose to second the Amendment. While the existing companies had only one square mile and a half under beds, the company by which the Bill was projected proposed to take for the purpose as many as nine square miles.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Edward Dering.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. WYKEHAM MARTIN said, that by the 8 & 9 *Vict.* Parliament limited the power which it gave to a certain fishery company in Ireland to water-mark at spring tides, and to a limited area of the coast. The powers asked for under the present Bill were excessive, inasmuch as the company applied for 5,000 acres, whereas the grants made by Parliament to similar companies in Essex, Guernsey, and other places, never exceeded one acre.

Mr. BUXTON said, he would remind the House that a Committee of the House of Lords, after a very minute inquiry, reported in favour of the Bill. He thought that the objections which had been raised could be better discussed in Committee.

Mr. MASSEY said, the two main objections against the Bill were, first, that it would effect an encroachment upon the foreshores, and thereby would infringe the the rights of the Crown; and, secondly, that it was important to hear the report of the Fishery Commission that was now sitting before they proceeded further with this measure. In respect to the former objection he thought that the rights of the Crown over the foreshore might be safely left in the hands of the Board of Admiralty; and in regard to the Commission, one of the Commissioners had given the strongest evidence in favour of the Bill. He might add that the result of the evidence adduced before the Committee was to produce a unanimous decision in favour of the Bill. Under these circumstances he thought that the House ought to agree to the second reading.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

NAVY—NAVAL STATIONS IN THE PACIFIC.—QUESTION.

Mr. WATKIN said, he wished to ask the Secretary to the Admiralty, Whether Her Majesty's Government, bearing in mind the existence and extension of the Naval Stations of the United States near San Francisco, and of Russia at Sitka, propose to establish any means for enabling the docking and repair of Her Majesty's ships in the North Pacific; and, if so, whether the harbour of Esquimalt has been selected as the site?

Mr. CHILDERS, in reply, said, the Government had received a proposal from a company for the construction of a dock at the end of Esquimalt Bay, and asking for certain water rights, and offering that Her Majesty's ships should have access to the dock. Under certain restrictions with regard to the powers of the Indian Council, those rights had been granted, and they had also stated the number of ships that would in all probability use that dock. There was no other proposal at present on the subject, but there was a Committee now sitting upon the docks for the use of the Navy, both at home and abroad, before which the matter would come.

THE NATIONAL GALLERY.

QUESTION.

Mr. HIBBERT said, he would beg to ask the First Commissioner of Works, Whether, as the Vote for the New National Gallery at Burlington House has been rejected, it is the intention to take any steps to obtain possession of the rooms now occupied by the Royal Academy, in Trafalgar Square, so as to render the same available for the exhibition of the National Pictures?

Mr. GREGORY said, he also would beg to ask the First Commissioner of Works, Whether it is the intention of the Government to take immediate steps to procure the buildings to the rear of the National Gallery, inasmuch as the present structure is not large enough properly to exhibit all the National Pictures and selections from the National Drawings?

MR. COWPER said, in reply, that, in order to make his answer intelligible, it was necessary that he should say a few words in explanation, for which he hoped to have the indulgence of the House. There would be no difficulty, he apprehended, in the removal of the Royal Academy to Burlington House. The Royal Academy were in possession of a considerable capital, which they had accumulated from the proceeds of their annual exhibitions, and they were prepared to spend a portion of it in providing a permanent gallery whenever they might have the opportunity of doing so. They would be prepared to build a sufficient gallery upon the Burlington House site with, he believed, only one stipulation, which was that they should have an entrance in Piccadilly, and the expense of a building which would be suitable for their purposes would be somewhere about £80,000. If, on the other hand, they had been permitted to occupy the whole of the building in Trafalgar Square, they would not, of course, have expected that that sum of £80,000 would have remained in their pockets, but they would have contributed it any way which the Government might have required, either as a credit towards the expense of the new National Gallery, or in embellishing architecturally the façade of the building in Trafalgar Square. It seemed to be immaterial to the Royal Academy whether they went or stayed ; so that, as regarded them, no great difficulty existed. But as regarded the interests of the public there were certain considerations which required a good deal of attention. The building, supposing the Royal Academy should at once vacate the room which they possessed for exhibition, would not be large enough properly to exhibit the whole of the pictures which belonged to the trustees of the National Gallery. The apartments now occupied by the Royal Academy were about 7,000 superficial feet of floor area, which was not actually so large as the rooms at South Kensington, which were at present occupied by the Vernon, Jacob Bell, and other collections of British artists, and consequently even if the rooms now possessed by the Royal Academy would suffice to enable the pictures at South Kensington to be united to the rest of the gallery, they could not also provide for the better arrangement and hanging of those pictures, which were now so greatly crowded in their temporary position in the present National Gallery. Any one who had visited the Turner Gallery must have observed that the pictures were piled up from the floor to the ceiling, where they could not be seen, and in making any permanent arrangement it would be necessary that consideration should be given to the continual annual increase of pictures in the National Gallery, by purchase, gifts, or bequests. In addition to that it had been thought desirable by most persons who had paid attention to the subject, that the drawings of the original paintings by the old masters, alluded to by the hon. Member for Galway (Mr. Gregory), should be placed in the same building with the original oil paintings, that the two collections should be placed together, not only on account of the immense artistic value of the drawings themselves, but also as illustrating and explaining the oil paintings. It was, he thought, admitted by all the Committees and Royal Commissions who had investigated this subject, that it would be necessary to acquire either the whole or the greater part of the space which was in the rear of the present National Gallery in Trafalgar Square, which was at present occupied by the workhouse, Archbishop Tennison's library, the schools, some houses on the western side of St. Martin's Place, and the barracks. His impression was that ultimately the whole of that space would be required to make such a gallery as that House and the country ought to be satisfied with. Now, as far as one could judge, the parish of St. Martin was ready to come to an arrangement with the Government relative to the workhouse. They would require that a new workhouse out of the parish should be substituted in lieu of the old one, within a reasonable distance. They would also require a parish office in the parish, a ward for the casual poor, and the library would have to be rebuilt. Then the houses he had alluded to would have to be purchased to complete the area and give a proper frontage on the eastern side. The barracks were considered very important by the military authorities, but they might assume that it would be possible to provide other barracks of equal size in a central and convenient place. The expense of the alteration would be not less than £300,000, which would be required to be spent in obtaining a site of an equal area to that of Burlington House, and consequently that sum would be required to be provided by Parliament in addition to any that would have been required if they had taken Burlington House. Between the cost of building on the two sites there would not be so much difference as to call for special remark, but the site in Trafalgar Square would be the more costly, having more ornamental frontage. If the site of the National Gallery were permanently decided —["Order, order!"] He thought the House wished him to explain, for if he were not permitted to do so he should have some difficulty in answering the question of the hon. Member for Galway. It was right that the House should consider that if a sufficient National Gallery were to be placed on the Trafalgar Square site, the extent of building required would be reduced by the extent of the existing building. But on the other, if the same accommodation were to be provided elsewhere—at Burlington House for instance—although the building would not be diminished, the cost would be diminished by the amount of £80,000, or any other sum which the Royal Academicians might have to contribute. Under those circumstances he thought the House would not expect that he should be able to state the views of the Government at once upon the point, because those were matters which required great care and consideration. He was unable to say that any notice would be immediately given to the Royal Academy to vacate their part of the building.

Mr. HENRY SEYMOUR said, he wished to ask the right hon. Gentleman, Whether there is any objection to produce the plans prepared by order of the Government by the late Sir Charles Barry, and also those of Mr. Wilkins, showing the plan of the barracks as intended to form galleries in the National Gallery, if the building were ever extended?

Mr. COWPER said, he had never seen Sir Charles Barry's plans, and as far as he could learn they never had been sent to the department. The plans of Mr. Wilkins were mentioned before the Committee of 1848. [Mr. Henry Seymour: The Committee of 1836.] But he was quite ignorant whether there was any foundation for the statement alluded to. There was no record of the matter in the Office of Works, and he was totally unable to give any information on the subject.

CHINA—MAJOR GORDON'S APPOINTMENT.—QUESTION.

Mr. LIDDELL said, he rose to ask the Under Secretary of State for Foreign Affairs, By whose orders and under what instructions Major Gordon was appointed to the command of the Chinese Disciplined Force now employed in the suppression of the rebellion in China, and empowered to conduct the recent Military operations, having for their object the restoration of Nankin to Imperial rule, inasmuch as Sir Frederick Bruce, in the Inclosure of a Despatch to Earl Russell, dated June 12, 1863, being copy of a Memorandum addressed by him to Prince Kung, on June 5, 1863, stated

> "That he, Sir Frederick Bruce, must decline to allow Officers of Her Majesty's Army to take any part in Military operations further than may be necessary for the protection of British interests, and his first step consequently will be to desire that Major Gordon and others serving with him at Shanghai, shall not pass the boundary described as the thirty-mile radius."

Mr. LAYARD, in reply, said, he must beg to refer the hon. Gentleman to the blue-books laid on the table of the House on the "Affairs of China," Nos. 31 to 37, from which it would be seen under what authority Major Gordon took the command of Chinese troops. The authority was given by Brigadier Staveley on condition that Major Gordon should retire on half-pay. And by the Order in Council and other instructions, officers retiring on half-pay were permitted under certain circumstances to take service beyond the thirty mile radius.

Mr. LIDDELL: Was that sanctioned by Sir Frederick Bruce?

Mr. LAYARD said, he had every reason to believe it was sanctioned by him.

VACCINATION ACT.—QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the Vice President of the Committee of Council on Education, Whether, in accordance with the statement of the Lord President last year, "that the Government were considering the best means of effecting an improvement in the Vaccination Law," and having regard to the great loss of life from small-pox which has lately occurred in London, it is the intention of Her Majesty's Government to introduce any measure on that subject in the present Session?

Mr. H. A. BRUCE, in reply, said, there could be no doubt that a very large and unnecessary loss of life resulted from neglect of the provisions of the Vaccination Act. The right hon. Gentleman was of course aware that, although the Vaccination Act was obligatory, its successful application depended on the active concurrence of Boards of Guardians, vaccinating surgeons, and parents of the children. Where that was given the operation of the Act had been tolerably successful, but where it was wanting deaths had been frequent. A similar question had been put this year to his noble Friend the President of the Council, who stated that in his opinion there were only two methods by which the disease could be successfully grappled with. One was by increasing the compulsory powers of the Act, the other by offering pecuniary inducements to the vaccinating surgeons. Parliament, his noble Friend thought, would not sanction greater compulsory powers, and he did not see his way to the application of the other alternative. He understood that notice had been given by a noble Lord in the other House of an intention to introduce a Bill on the subject which would be referred to a Select Committee. He hoped that measure would have the effect of strengthening the law and removing the evil now complained of.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

INDIA—CLAIMS OF AZEEM JAH.

SELECT COMMITTEE MOVED FOR.

Mr. SMOLLETT said, he rose to move that "A Select Committee be appointed to inquire into the claims of his Highness Azeem Jah to the title and dignity of the Nawab of the Carnatic, and further to report upon the circumstances under which the Treaty entered into between his Highness's father, Azeem ul Dowlah, and the East India Company, dated the 31st day of July, 1801, has been declared void." Four years ago some papers relating to the case had been laid on the table of the House at his request. Being then a new Member of the House, he did not feel himself competent to carry to a successful issue a question of such magnitude. He, therefore, looked for aid, and communicated with the hon. Member for Southwark (Mr. Layard), who, after examination into the matter, was so satisfied that gross injustice had been done, that upon one or two occasions he accompanied him to the India Office and endeavoured to obtain justice. Of course they were unsuccessful. Restitution was a word not known in the vocabulary of the India Office. Since that time, the hon. Gentleman had been appointed Under Secretary for Foreign Affairs, and he was, therefore, not in a position to support a Motion that might bring into discredit a Department of the Government which he served. Last year the hon. and learned Member for Suffolk (Sir FitzRoy Kelly) brought forward this question. On that occasion the Government had recourse to the usual expedient of counting out the House, and that they succeeded in doing after one or two unsuccessful efforts. He had, therefore, undertaken to bring forward the Motion himself, although he approached the matter with reluctance, painfully sensible of his incapacity to do it justice. He would, however, do his best, and trusted he should receive the indulgent consideration of the House. He approached the subject with regret, because he should have to speak in terms of some asperity of Gentlemen with whom he had for some years been officially associated; but whilst he should call a spade a spade, he should, in speaking of their conduct, "nothing extenuate nor aught set down in malice." He could safely say that, during the whole time of his residence in Madras, he had no communication direct or indirect with the Nawab or his family; and he simply brought forward the Motion, because he believed that the Indian Government had violated the principles of truth and honour, and that the flagitious treatment which the Nawab's family had experienced would long rankle in the minds of the Indian people, to the discredit of this country. He would give a detailed statement of the circumstances of the case, and he hoped he should make the injustice clear to the House, and he should most certainly go to a division upon it. The case of the Princes of the Carnatic was not an isolated one. The history of that family was the history of almost every Prince of India that had had the misfortune to enter into political relations with the Government. When the East India Company was a body of merchants trading in the Carnatic, their obligations to the Royal Family were great, and they were constantly acknowledged; but when the East India Company became a powerful body, the political connection subsisting between the two Powers was looked upon as cumbrous, and the family had been ultimately trampled out in the scandalous manner he should endeavour to demonstrate. Towards the end of the last century, when the East India Company had great power in the Carnatic, the existing engagements based upon the Treaties of 1787 and 1792 were considered by the Governor General of that period complicated, and no doubt they were inconvenient, because they involved the necessity of a double government, the districts of the Carnatic being administered partly by the officers of the Company and partly by those of the Nawab. To get rid of the double government strong pressure was, therefore, brought to bear on the Nawab at the commencement of the present century in order to induce him to cede the civil and military administration of his dominions to the East India Company for a payment in cash; but that Prince would not listen to any cajolery of the diplomatists, and then threats of deposition were had recourse to. The threats of deposition were founded on the allegation that from the archives of Mysore he was known to have been engaged in a treacherous correspondence against the Company. But all in vain. The Nawab Omdut ool Omrah died in 1801, leaving behind him a son, of whose illegitimacy no doubt was ever entertained. The Marquess of Wellesley was then Governor General, a man of great ability and not very scrupulous. The Marquess at once proposed to acknowledge this illegitimate son as heir to an hereditary monarchy upon one condition. He said that no inquiry should be made into the young man's birth, provided he would make the concession demanded with respect to the civil and military administration. Unexpectedly, however, Hoossein Ali, the illegitimate son, not being made of very squeezable materials, positively refused. Upon that the Marquess full of expedients took quite the opposite course—he declared the throne of the Carnatic to be vacant on the ground of a disputed succession. He did more than that, in all the public and semi-official correspondence of the period he proclaimed his belief that he might then have lawfully seized on the Carnatic and held it by force, and he would have justified such a proceeding on the grounds of the treacherous correspondence which he affected to have discovered in the archives of Mysore. But he declared he would not act upon those grounds, and for this reason, that if he did, a strong impression would be created, that lust of power and a desire for territorial aggrandizement are the principles of our rule in India. The Marquess of Wellesley therefore instructed Lord Clive, the ancestor of the present Earl of Powis, his lieutenant at Madras, that he should acknowledge as heir to the Carnatic, Prince Azeem ul Dowlah, the first cousin of the late Prince, the real heir, with whom was made the Treaty of 1801, which existed for fifty-six years, and then was disgracefully violated. That treaty set forth in the preamble that security had not been obtained for British interests in the Carnatic, that therefore a new treaty was necessary to correct the defects of the Treaties of 1787 and 1792, and to place the relations between the two parties upon a permanent basis of security. It spoke of drawing closer the ties of amity heretofore existing, so that they might endure for ever. The main object of the treaty was stated to be to settle the succession as against the reputed son, and to that end the Prince Azeem ul Dowlah was declared to be established in the rank and dignity of the Nawab of the Carnatic, with the consent of the East India Company. The Prince so acknowledged ceded in perpetuity the civil and military administration of the Carnatic to the British Government. The East India Company undertook on their part that the Nawab and his heirs should preserve his title and dignity, and agreed to pay to him one-fifth of the net revenues after defraying all the expenses, with the proviso that the amount should not fall short of £100,000 per annum. It was also stipulated that such portions of the former treaties as were not expressly repealed by that of 1801 should remain in full force. The treaty was signed by Lord Clive on the one part, and by the Nawab on the other, and it was ratified by the Marquess of Wellesley. As soon as the treaty was ratified, a proclamation was issued and sent to all the Native Courts in India, announcing the nature of the arrangements that had been made. The Prince thus acknowledged died in 1819. The fact was immediately announced to the Madras Government, and that Government, in communicating the event to the Supreme Government at Calcutta, inquired whether it considered the treaty a permanent one, whether it guaranteed the succession in the direct line of descent, and whether some modification of the treaty might not be advisable. The Marquess of Hastings, then Governor General, and a man of the highest honour and integrity—

and he wished they had some of the same cast now—replied that it was not necessary to require the surviving Princes of the Nawab's family to acknowledge their adherence to the treaty, because *ipso facto* they were parties to it already; that the treaty was permanent and not temporary, and that there was no necessity for making the slightest modification in it. It was now alleged that the treaty expired in 1819, and that it was a temporary one. But would such an answer have been made by the Marquess of Hastings, if the treaty had been merely a personal one, and not permanent? Such a supposition was too preposterous to merit refutation. As soon as the reply of the Marquess of Hastings was received, the Madras Government installed the eldest son in the Musnud, and a ceremony equivalent to our coronation was performed. General Abercrombie, then holding the reins of government at Madras, attended and made a speech, in which he congratulated the Nawab on ascending the throne in the direct line of hereditary succession, and informed him that the Treaty of 1801 was held by the Governor General to be as equally binding upon the sons as it was on their late father Azeem ul Dowlah. In 1825 the second Nawab died, in the prime of life, leaving one child. Sir Thomas Monro, then Governor of Madras, at once acknowledged that child as the Nawab, but as he was an infant in arms, the next brother of the deceased Nawab was acknowledged by Sir Thomas Monro Regent and heir apparent, and as such he was received with regal honours at the Government House. The Regent addressed a letter to George IV., who responded, congratulating him on his elevation, and hoping "that the splendour and dignity, which are the inheritance of the illustrious house of the Carnatic, might long continue." The man thus congratulated was now a beggar. The Regent also wrote to the Court of Directors, and they too replied, expressing their gratification at the succession, and concluding with these words—

> "We pray God"—he never knew that they prayed, but it seemed they did in 1828—"we pray God that the young Nawab may long live to enjoy the honours and perpetuate the line of the ancient and illustrious family of which he is the heir."

That devout prayer was not fulfilled. Indeed they themselves prevented its fulfilment, for they suppressed his dignity. The child who was thus acknowledged in 1825, was permitted to grow up in perfect ignorance. Successive Governments took no care to see that he was educated; and he had a minute in his hand in which Lord Harris justified his being kept in ignorance on the ground that if he had been educated he would have been discontented. That was the opinion of a liberal lord. He was happy to say it was not his. The successive Governments of Madras did more than this—they permitted and connived at the plunder of this young Prince. They allowed his revenues to be made away with, although they had a resident at his court, which was not a quarter of a mile from the Government House. No pains were taken to see that his revenues were properly appropriated; the consequence was that the Nawab's property was, he believed, largely dissipated by the ladies of his family, and hon. Members knew what ladies would do in that way, if they were not placed under control. Many European gentlemen were also allowed to sell him property at three times its value, and that was allowed to go to wreck and ruin. Under these circumstances, when the young Nawab came of age, instead of being in the possession of a considerable fortune, he found himself overwhelmed with debt, and his impecuniosity embittered and shortened his existence. Yet the Government that had permitted this state of things charged the family with such improvidence as justified their suppression. The Nawab died at the end of 1855, and did not leave behind him the numerous progeny for which the Court of Directors had put up their prayers. His decease was reported by the Regent to the Government, and he requested to be acknowledged as the Nawab's successor, and to receive the sums that had been paid through the Treasury and were guaranteed by the treaty. To this application no answer had ever been returned. The Governor of Madras had received the Regent with regal honours, yet he now treated him as though he had been a base and impudent impostor. But although the authorities gave him no answer they were not idle. Within ten days of the death of the Nawab the Governor and his Council—Mr. W. Elliott and Sir H. Montgomery, now of the Indian Office—put on record a minute embodying every objection that ingenuity could suggest to the treaty. Now to this Minute he (Mr. Smollett) must advert at length for two reasons, first because the reasons contained in that minute were endorsed by Mr. Vernon Smith then the President of the Board of Control, now Lord Lyveden, and to him he attributed the greatest share of the blame in the matter. Others were responsible—the Court of Directors, for example, and Lord Dalhousie—but they were both defunct. Secondly, he must advert to this document because it was a minute which for hardihood and recklessness of official statement exceeded anything he had ever heard of. It began by admitting that the uncle was heir to the nephew just deceased, and that if the treaty were worth a rush, he must have obtained the same privileges and received the same income as his nephew. But the minute then proceeded to show how the whole engagements of the treaty might be safely if not honourably dispensed with. The Governor started with the astounding assertion that the treaty bore on its very face the character of being a personal treaty, made with the late Azeem ul Dowlah, for a temporary purpose. In the minute, the temporary purpose was not very clearly designated, but he assumed that what the Company wanted in framing this treaty was a title deed, by which at a future time they might cheat and swindle the family out of their inheritance. Lord Harris admitted that there was an obstacle in the way of construing this treaty as a personal engagement — namely, that in the preamble the terms "perpetual" and "permanent" were used; he also admitted that the treaty was described as one that was to "endure for all time to come" and "for evermore," the terms being more than once repeated. But the noble Lord was very adroit in his argument. He construed "perpetual" to mean "temporary," and contended that "for evermore" and "for all time" meant "during the life of the prince." In this way, and this construction of the word admitted, the argument of Lord Harris was quite serene. [*Laughter.*] Hon. Gentlemen might laugh; but the fact was so. Did any one ever hear such an argument? Did any one ever hear such an argument even from a lordling? even from a Lord Tomnoddy? He presumed that many hon. Members had seen that amusing piece at the Haymarket, *Our American Cousin*. The hero of the piece was a lord who was such an idiot that he could not count his fingers; but even Lord Dundreary, he believed, would be ashamed to contend that "perpetual" meant "temporary," and that the expression "for all time to come" meant "for the life of himself and his brother Sam." Lord Harris then went on to admit that one main object of the treaty was to settle the succession. But "settling a succession," in the Madras vocabulary, meant the suppression of a dynasty, and the noble Lord and his council "settled the succession" of the unfortunate Nawab with a vengeance. The noble Lord went on to speak of the "well-known sentiments of the Marquess of Wellesley;" and he quoted sundry small sentences from long despatches written by the Marquess of Wellesley to Mr. Dundas, afterwards first Viscount Melville. In those sentences the Marquess of Wellesley certainly said he thought that at the time—in 1800—he would have been justified in seizing and confiscating the Carnatic, on account of the traitorous correspondence, in which he seemed to put implicit credence, though no one else did. But what did this prove? Why, nothing at all; for Lord Harris forgot to add that although that was the Marquess of Wellesley's opinion he did not act upon it. But still further, if it were really desired to know what Lord Wellesley proposed to effect by this treaty, if his actual intentions were not apparent in the words of the document itself, he (Mr. Smollett) was fortunately enabled to prove them by the evidence of the greatest subject Her Majesty ever had, he meant by the late Duke of Wellington. In the earlier part of his career the Duke of Wellington, then Colonel Wellesley, was secretary to his brother, the Marquess of Wellesley, at Calcutta. In that capacity he had access to the cabinet of the Marquess, and was acquainted with the motives for all the great measures of his policy, and was also well aware of every fact connected with them. It chanced that the Duke of Wellington, having returned to this country in the earlier part of the century, was solicited by the Board of Control to write an official account of his brother's brilliant career, who had been impeached in the House of Commons by a Mr. Paul, a tailor of Calcutta, who afterwards aspired to be a metropolitan representative, and stood for the City of Westminster. Well, what did the Duke of Wellington write in that memorandum? It should be remembered that it was submitted to the Board of Control and the Court of Directors, that the blanks were filled up by those functionaries, and that it was now a State document in the office of the India Board. What said the Duke of Wellington in that memorandum? He told the story of his brother's great achievements in Madras; he adverted to the decease of Omdut ool Omrah; he referred to the supercession of the reputed son Hoossein Ali; he described the investiture of Azeem ul Dowlah; and then he concluded—

> "The Prince Azeem ul Dowlah having agreed to an arrangement with Lord Clive, a treaty was concluded by which the whole of the civil and military government of the Carnatic was transferred for ever to the East India Company, with a condition that Prince Azeem ul Dowlah and his heirs were to preserve their titles and dignities, and receive one-fifth part of the net revenues of the country."

The Duke of Wellington then asserted that his brother, Lord Wellesley, by this treaty, confirmed the right, title, and dignity, and one-fifth of the revenue, to Azeem ul Dowlah and his heirs. Now, who were his heirs? Two of his sons were still alive; the last Regent was his second son, and there were yet two sons who had not "shuffled off the mortal coil." Without waiting for that event, however, they had been basely and scandalously disinherited. One object which he (Mr. Smollett) had in view in quoting from that memorandum of the Duke of Wellington was to rescue the memory of the Marquess of Wellesley, who with all his failings was a great statesman, from the foul assertion that he purposely made the treaty of 1801 vague and ambiguous in order to aid in the plunder of the family at a future period. The Governor of Madras, Lord Harris, asserted that all this guarantee of succession was false, that the treaty was a personal treaty, that it was purposely ambiguous. But the Duke of Wellington wrote when the events were fresh in his mind; he had no ulterior object to serve; the narrative was acknowledged and sanctioned by the Board of Control and the Court of Directors. But, besides all this, the Duke of Wellington was incapable of falsehood; and that was more than could be asserted of some other men. He trusted, therefore, that the House would believe the statement of the Duke of Wellington, and treat with contempt the assertion of the Governor of Madras and his satellites, that the treaty was made to expire in 1819; that it had never been renewed; that it was mere waste paper. He repeated that these Madras assertions were untrue, they were concocted more than half a century after the events, and they were framed to carry out a foregone conclusion, and to bolster up a scheme of robbery and spoliation which was then rife in India. The Madras Minute went on to speak of the two successions in 1819 and 1825, and Lord Harris admitted that these were very stubborn facts; but he added that no argument as to the duration of the treaty could be drawn from those two successions, because on both occasions the authorities of Madras made use of language which showed that the treaty was conceived to be at an end, and was not worth a rush. That assertion was untrue. It was untrue that such opinions were ever given by the Governor of Madras, and certainly an idea of this sort was never expressed by Sir Thomas Monro. Unfortunately for the accuracy of the Madras narrative, Sir Thomas Monro wrote a minute about the treaty in 1822, three years after the death of Azeem ul Dowlah, and three years, therefore, after the treaty, according to the Governor of Madras, had expired. That minute was not on the question of succession, for no lapse in the succession had then been anticipated. It was written in the case of one of the first gentlemen of the Carnatic, by name Kullum Oollah Khan, who had become entangled in a lawsuit in the Supreme Court of Madras. It appeared to Sir Thomas Monro that the action of the Supreme Court of Madras in this nobleman's case, trenched on the prerogatives of the Nawab as a sovereign prince. He appealed to England, and the decision of the Supreme Court was reversed. On that occasion Sir Thomas Monro went into a complete inquiry, the time being three years after the period when, according to the Governor of Madras, the treaty had expired, and declared the treaty to be valid and in full force, the Nawab and his family to be sovereign princes, and he insisted that not one of the provisions of the treaty could be changed without the consent of the Nawab and his family. Yet, with this document before him, another Governor, twenty-five years afterwards, boldly declared that the treaty expired in 1819, and was never renewed, and was mere waste paper, insolently quoting Sir Thomas Monro's dictum in support of his declaration! The boldness, the audacity, and effrontery of such an assertion was really almost beyond belief. The Governor of Madras having then, to his own entire satisfaction, shown that the treaty was a personal one, that it had terminated in 1819, and was never renewed, proceeded to speak of the treaty as if it were a perpetual one; and he argued that, according to the authority of

Vattel and another great writer *Wheaton*, even if it had been intended to be perpetual it was void by reason of containing immoral conditions. These writers, the Governor urged, had held that treaties containing immoral conditions were voidable. The argument went over thirty paragraphs of the minute; but he would endeavour to condense it into a syllogism. Treaties containing immoral conditions were voidable; now, that Treaty of 1801 contained a provision that was immoral; therefore it was void. Voidable would be the logical conclusion; but logic was not much studied in Madras. The noble Lord got still wilder as he advanced. In paragraph 38 of Lord Harris's minute, his Lordship said, and the language was terse and epigrammatic, "I wonder that any one can think this is a treaty at all." That was a very insolent assertion even for a nobleman to make. It was very insolent to speak thus of a treaty framed by Lord Clive, and ratified by the Marquess of Wellesley, men both immeasurably his superiors, and acknowledged by the successive Governments of various monarchs of Great Britain. But how did the noble Lord make out that this treaty contained immoral provisions? In this way. He said, "If the treaty is permanent it contains a provision for a perpetual annuity. Now, a perpetual annuity is a nuisance." Well, so perhaps the Chancellor of the Exchequer might deem the payment of the National Debt. "But if the annuities were paid to a black prince it would be a dangerous nuisance." No danger, however, his Lordship admitted, had happened during the last sixty years. Nevertheless, a nuisance might arise from paying the annuity in future, and nuisances ought to be abated, therefore the treaty was void." That was the argument. It was upon that pretence, which was too pettifogging for even an Old Bailey lawyer to address to a Middlesex jury; it was on the pretence that it was inconvenient to pay just debts that the Government was asked to put an end to a treaty and declare it to be null and void. And what was the treaty they would declare to be null and void? Why, it was the single title deed by which the British Government held the Carnatic. The noble Lord seemed to have forgotten that that treaty was the single title deed of his Government for the possession of that country, and that title deed he declared void. And what was the Carnatic? A country worth £2,000,000 or £3,000,000 a year, the possession of which, that treaty being annulled, was nothing but a usurpation. The noble Viscount at the head of Her Majesty's Government often spoke of treaty rights, and their sacred nature. He said we had a treaty with China, and we must compel the barbarians to observe it; we had a treaty with the Japanese, and we must compel them to respect it. He wished the noble Viscount would compel his Colleagues to pay some respect to treaties with the Native Princes of India, which they had violated on the most false and frivolous pretexts. But towards the end of that precious minute the Governor and his Council argued as follows:—"After all, it would be a good thing to acknowledge this poor old fellow, for he is very old, and cannot long subsist on our bounty; and if the payment of this subsidy expired on his demise, I should have little hesitation in recommending this act of justice; but there is an obstacle in the way." And what did the House think the obstacle was? "He, the quondam Regent, has got brothers; his brothers are sons of Azeem ul Dowlah, with whom the treaty was made; they have equal rights with himself, and they have children. If, therefore, we recognize this man, there will be no end to the payments of this annuity, at least in our own time." It seemed, therefore, to the Governor that the best thing they could do was to put a bold face on the matter, and once for all declare the treaty at an end. Unfortunately the Government was nothing loth to act on that advice, and thus a family was allowed to be trampled upon, who, of all the Royal Princes in India, had manifested the greatest devotion to the East India Company, giving them various grants of land, and ceding a valuable kingdom without the shedding of a single drop of blood. He would not go farther into this miserable minute. From beginning to end it did not contain one word of truth or honest statement. It was not true that the treaty of 1801 came to an end in 1819, and was never renewed. The Governor who asserted that knew right well that it was not renewed, because the Marquess of Hastings declared it to be permanent and did not require renewal. It was not true to state that Sir Thomas Monro said it ended in 1819, for in 1822 he declared it to be still in full force. It was not true that the family had been regarded as pensioners since

1819. The very reverse was the fact, for they were ever treated as Royal Princes. An instance had come under his own cognizance. In the government of Sir H. Pottinger, a civil servant in high office was charged with having had pecuniary dealings with the Nawab, and was brought to trial for it, under the Act which declared any pecuniary transactions on the part of members of the service with Native sovereign Princes a misdemeanor. He put it to the House whether he had not fully justified his description of this minute as surpassing in hardihood of official assertion and recklessness of misstatement any state paper ever penned? One word with regard to the Motion with which he should conclude. The Motion was for a Committee to inquire, and he thought he had shown ample grounds for an inquiry. The Motion was so reasonable that he really could not see what answer could be made to it. He had often spoken of the Prince's treatment to gentlemen out of the House, and some had said he was a d——d nigger, and ought to be plundered. [*Laughter.*] That was no laughing matter in his opinion; he could mention the names of these gentlemen—gentlemen of high position. Others had said, "Oh, why should you fall foul of the authorities about these things? They did not benefit personally by the Act." He hoped that no such defence would be put forward in that House. The question was in a nutshell. He had heard people of honourable station say, "Well, there would be an *imperium in imperio* at Madras if the Nawab were restored. It was a bad thing for a man so circumstanced to be receiving £100,000 a year, and it was desirable that an end should be put to it." But the Prince did not receive £100,000 a year. He admitted that that would be a large sum for an individual to receive; but the £100,000 went to maintain ten or twelve families living apart. But was there no such *imperium in imperio* in England as a subject of Her Majesty with £100,000 a year? The question, as he had said, lay in a nutshell. It did not involve the transfer of a kingdom, nor the transfer of a single inch of soil from Her Majesty to any one else. The simple question was, should or should not a pecuniary engagement entered into in 1801, and observed for fifty-six years, be carried out? Should an engagement to which the faith and honour of England were pledged be persevered with? Or should the honour of England be trampled in the dirt? That was the question. He would assume that the men of whom he complained were honourable men in private life. He would admit that they were. Still, they were charged with a grave political misdemeanor by men whose honour was as unassailable as their own. They were charged with setting aside a treaty on the most frivolous pretence, calling for that purpose "permanent," "temporary," and "for ever and all time coming" the uncertain duration of one man's life—were it a day, or a year, or twenty years. How ought charges of that nature to be met? They ought to be met by inquiry. An honest man, conscious of his own integrity, would naturally say, "Sir, I deny the charge; I stand upon my honour, and claim inquiry; I assert that in the matters in question I was actuated by the best motives; if there has been mischief it has been done unwittingly, if errors or injustice have been committed let them now be rectified. I will not stand on the support of my superiors alone, for my employers benefited by the judgment in this case, and were therefore interested in the decision. I therefore demand a full and fair inquiry, and shall be satisfied with nothing less." That was the language which an honest man would use in such a position, unless there was something behind which would not bear investigation. That also, he hoped, would be the language which would that evening be held by the Secretary of State for India for his own sake, and for the sake of those other gentlemen who were connected with the transaction, and whom he should be glad to see purged from the accusations which he had brought against them, for he bore them no malice. But if the right hon. Baronet took a different line, if with that lofty eloquence for which he was renowned he endeavoured to throw dust in the eyes of the House, or if with that sophistry which Gentlemen on the Treasury Bench so aptly used he should endeavour to elude inquiry, then he hoped the independence of the House of Commons would come to his aid and compel the Government to institute an investigation into the dark and iniquitous transactions to which he had called attention—words which he would not use did he not believe them to be fully deserved.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the claims of his Highness Azeem Jah to the title and dignity of the Nawab of the Carnatic; and further to report upon the circumstances under which the Treaty entered into between his Highness's father, Azeem ul Dowlah and the East India Company, dated the 31st day of July, 1801, has been declared void,"—(*Mr. Smollett,*)

—instead thereof.

Motion made, and Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. H. R. GRENFELL said, that having examined the different Motions which had been submitted to the House on the subject, he found that the Motion of the hon. Gentleman opposite differed from that of the hon. and learned Member for Suffolk (Sir FitzRoy Kelly) which was discussed last year; and he thought the hon. Gentleman had acted wisely in taking that course. The Motion proposed last year prayed for an inquiry, not merely into the claims of Azeem Jah, but into the circumstances which led to the Treaty of 1801. But this year the Motion was for an inquiry into the circumstances which led to the breach of that treaty. The Motion this year was more prudent than the speech with which it was introduced, for he could not conceive any circumstances more telling against the claims of Azeem Jah than an investigation into the events which led to the treaty. It was clear to him that Azeem Jah had not suffered either in his position or from any wrongs inflicted by the Government. His father Azeem ul Dowlah was removed from that unfortunate position which the uncles and younger brothers of a Prince on the Musnud usually occupied in Mahomedan sovereignties, and was placed in the enjoyment of the throne of the Carnatic. He was placed on the mock throne of the Carnatic, and but for that he would probably have passed his life in prison, and if his son and grandson had succeeded him it was very probable Azeem Jah would have spent his life in prison. Therefore he maintained that so far from Azeem Jah having suffered wrong he had enjoyed the protection of the British Government, and had thus been enabled to use, or misuse, as might be, the privileges which accompanied his high rank and position. He would not, he might add, follow the hon. Gentleman into the observations which he had made with respect to the Minute of Lord Harris, to which he had called attention. It would be the duty of the right hon. Gentleman the Secretary for India to defend Lord Harris, but he might be permitted to say that it was the duty of Lord Harris to inquire into the details of the question in order that he might be able to lay before the Government at home all that was said on both sides. An examination of the minute would moreover, he thought, clearly show that the very existence of mock thrones, such as that of the Carnatic, was the infliction of a wrong on the public, while they were of very little advantage to those by whom they were occupied. He wished to submit to the House some considerations with respect to the Motion under their consideration, and the consequences which must follow its adoption. If it should be adopted it would be tantamount to an assertion on the part of the House, that Azeem Jah had suffered some wrong at the hands of the British Government, thus reversing the opinions of some of the greatest statesmen who had ever lived, and whose views had been formed under all the weight of the responsible positions which they held. If the House granted a Committee it would virtually give an instruction to the Committee to afford some remedy for the wrongs which it was supposed Azeem Jah had suffered. They must either recommend his restoration to the throne, or make him some larger pecuniary recompense than he now received. Now he thought the House would pause before taking any such step, for he maintained that to justify such a step it should be shown either that a private wrong had been sustained, or that the remedy would effect a public benefit, or that the letter of the treaty had been broken. He had already shown that Azeem Jah had suffered no wrong, and he believed that an examination into the matter would show that the existence of these mock thrones was against public policy and a wrong towards the people. Then, supposing the Committee should decline giving any recommendation with regard to the throne, the second alternative was the recommendation of a larger money grant. He did not see any ground for an additional money grant. It appeared that Azeem Jah had not accepted the terms of the Government. But although he had not done so, he actually drew the sum of money allowed him.

Mr. SMOLLETT: Certainly not.

Mr. H. R. GRENFELL: The greatest part of it.

Mr. SMOLLETT: Not a penny of it. He never accepted a part.

Mr. H. R. GRENFELL said, that he did not say that he accepted the grant, but that he had drawn the money. Now, with regard to the recommendation of a larger money grant from the Indian revenue, it was clear the House had a right to withdraw its confidence from any Government which did not do its utmost to procure such a grant from the Indian Council; but, for his own part, he thought it would be unfortunate that that House should be placed in opposition to the Indian Council as well as to other Indian authorities. [*Laughter.*] Hon. Members might laugh, but there might come a time when they would have to consider whether the Indian debt should be charged upon the Imperial Exchequer, and the making of grants out of the Indian revenue would deprive them of one of their best arguments for keeping the two Exchequers separate. There only remained the letter of the treaty. And what were the authorities quoted by the hon. Member against the formidable array of statesmen who agree in their opinions. A stray memorandum of the Duke of Wellington, who was not a party to these transactions. The correspondence of Lord Clive and Lord Wellesley, who were officially charged with these matters, showed that they did not consider the treaty permanent, or the mock throne hereditary.

Mr. SMOLLETT: The memorandum was acknowledged by the Board of Control and the Board of Directors.

Mr. H. R. GRENFELL: No doubt the memorandum existed; but it was not made official with the responsibility which would have attached if the Duke of Wellington had been a party to the transaction. For these reasons he opposed the Motion. The position which the present Government of India occupied towards that which had preceded it greatly resembled the position occupied by Lords Cornwallis and Canning towards the Marquess of Wellesley and Lord Dalhousie. Those noble Lords went out with the express intention of adopting a more conciliatory policy than had been pursued by their predecessors, but they did not give up the conquests which had been made, or the provinces which had been annexed by them. So ought the Crown to act now that it had assumed the government of India. It ought not to abandon any of the provinces which were subject to its sway, or shrink from the responsibilities incurred, but to do all that was possible to conciliate the Princes who remained, and the people who paid to it so vast a revenue.

Sir JAMES FERGUSSON said, that his hon. Friend near him (Mr. Smollett) had established some claim on the consideration of the House, which on a former occasion the subject had not deserved, because he had confined his remarks to the merits of the particular case, and had not launched out as had been done before into general invectives against the policy of the Indian administration; and although he had made use of some expressions of unusual force the House had a tangible case to deal with. As his hon. Friend had truly remarked, the gist of the case lay in a very small compass. It was well known that Lord Mornington on arriving in India found that among the other great questions that were awaiting his decision the condition of the Carnatic called for his early interference. The Mahomedan Government which had been established under the Emperor of Delhi had fallen into a state of the greatest anarchy, and that the greatest distress and misery was felt by the people. Of all the evil acts which existed none were more manifest than those which arose out of the ambiguous sovereignty exercised partly by the East India Company and partly by the Nawabs. The treaty then in force was the Treaty of 1792, which was an extension and emendation of the Treaty of 1787. By that treaty it was stipulated that in consideration of the enjoyment of four-fifths of the revenue of the Carnatic, the Company should guarantee the stability of the throne of the Nawab, and maintain peace in his province. In fact, it amounted to an offensive and defensive alliance between the Company and the Nawab. Lord Wellesley found that the payments of revenue to the Company were no less than sixty-six lacs in arrear; and that although the Government of India was combating an enormous Power both in India and in Europe, these Princes, instead of assisting them, as by treaty they were bound to do, were throwing every possible obstacle in their way. The real point upon which this question turned was the Treaty of 1801. [Mr. Smollett: Hear, hear!] He was glad that his hon. Friend admitted that. After Lord Wellesley had, by the valour of British troops and his own firmness, gained the victory of Seringapatam, he brought under the notice of the Government of Madras the conduct of the Nawab of the Carnatic to the British Government. He wrote to Lord Clive stating that the capture of Seringapatam had brought to light the existence of a secret correspondence of a most hostile nature to the British power, in which Tippoo Sahib was implicated, and that the late Nawab was guilty of a flagrant violation of the Treaty of 1792. His failure to furnish the British troops with the supplies which he had covenanted to do, together with other proofs of his treachery, were recapitulated. The papers upon which these charges were founded were examined by a Commission appointed by the Government of India, a principal member of which was the Secretary of the Government of Madras; and, after a most careful examination, proofs were afforded of the treachery of which the parties implicated had been guilty. It was proved that in defiance of the Treaty of 1792 the Nawab of the Carnatic had been in constant communication with Tippoo Sultan, giving him secret information with regard to the intentions of the British Government towards the French, and as to the best means of rendering nugatory those preparations which were being made in reference to the war, that very nearly proved fatal to our empire in India. Year by year, down to 1797, Tippoo Sultan received most useful information from the Nawabs of the Carnatic, who, when the war actually broke out, threw obstacles in the way of the British Government receiving the supplies so necessary to carry on the war successfully. [Mr. SMOLLETT: That has nothing to do with the treaty.] He begged his hon. Friend's pardon, it had a great deal to do with the treaty. He could quote page after page from the most competent authorities in India, from Sir J. Outram, Mr. Elphinstone, Lord Wellesley, and Lord Clive, all of whom pointed out that the Treaty of 1792 had been violated to the most flagrant degree by the Nawabs of the Carnatic. He now came to the Treaty of 1801, on which his hon. Friend had laid so much stress. What was the foundation of that treaty? His hon. Friend the Member for Dumbartonshire said its chief intention was to confirm the succession of the Nawabs. Now, its chief intention was to place the affairs of the Carnatic upon a more satisfactory footing; and the first most necessary measure to be carried into effect was, to place the whole of the civil and military force of the Carnatic in the hands of the East India Company. Lord Wellesley said he had to do with a *tabula rasa*, because the Government had a right to declare the establishment of the Nawab at an end. His hon. Friend talked of this as an ancient sovereignty of India being swept away by British power; but let him remind him that the very father of Mahomed Ali was established in the government of the Carnatic by the British Government ten years before he was recognized by the Emperor of Delhi. The Nawabs were, in the first place, the deputies of the Nizam, who was in turn the deputy of the Emperor of Delhi, and it was not until the British Government, with its growing power, established them in their rule that they were acknowledged as independent Princes. And that was the ancient sovereignty that his hon. Friend—[Mr. SMOLLETT: George IV. said so]—said had been swept away! Lord Wellesley pointed out that it was not desirable in the troubled state of affairs in India at the close of the great war with Tippoo, that a great Mahomedan family should be altogether extinguished, and that what should be done should be done in such a manner as to be honourable to the family and not dangerous to the empire. Well, the Treaty of 1801 was drawn by Lord Clive and forwarded by him to Lord Wellesley, at Calcutta, for approval. The treaty was approved of, but for fear that there should creep into it anything that the Government did not design to continue, he forwarded with it another treaty to be placed before the Nawab for his acceptance. The Nawab accepted them unreservedly. Now, by the Treaty of 1792, we recognized the Nawab and the right of his heirs and successors to the government of that country. But in the Treaty of 1801, on the contrary, there was no mention of heirs and successors; and whereas in the original draft there had been a reference to hereditary right, Lord Wellesley expressly substituted the term "by the grace and favour of the East India Company." If it was possible for a man to shut the door upon such a claim as this, it was done by Lord Wellesley, and done designedly, as might be seen by the correspondence between Lord Wellesley and Lord Clive. In 1819 and 1825 the successors of the deceased Nawabs had been appointed; but it was not true that they had succeeded upon any claim of hereditary right, because when it was proposed to the Central Government that such successor should be placed on the throne at the death of the Nawab, the succession was conferred as "an act of grace and favour." In 1855 the matter was considered and determined by one who, if living, would have been the last to disclaim any responsibility that he had incurred. Both Lord Wellesley and Lord Dalhousie were men who stood far too high to be affected by the abuse of his hon. Friend, or by any defence that he (Sir James Fergusson) could make for them. The grounds upon which they had proceeded were on the table of the House. Indeed there was no public question more completely ventilated, for the most important papers had been before the House for sixty years. A Committee, if it were appointed, could not elucidate any fresh evidence; but the House by assenting to the Motion might draw an indictment against public servants who had done their duty to their country, and who had gone to their graves. It might revive, too, claims from one end of India to the other which had long ago been settled. He trusted that the House would not act thus towards public servants of the Crown who had raised the reputation of this country higher than it had ever stood before, but would sustain them in their high and difficult position. He hoped that the House would determine that the question should not be re-opened by arguments contrary to reason and recorded facts; that it would not revive a question settled sixty years ago, and that it would not so administer as to unsettle the affairs of that distant country which Providence had committed to our care.

MR. H. BAILLIE said, that his hon. and gallant Friend who had just sat down had laboured to make unintelligible what, in fact, was a very simple question. His hon. Friend the Member for Dumbartonshire complained that a treaty made with a Native Prince had been violated. Her Majesty, on assuming the direct administration of the Government of India, issued a solemn proclamation stating that all the treaties made by the East India Company with Indian Princes should be faithfully and scrupulously maintained. The question, therefore, before the House involved the honour of the Crown, and was one in which the House was deeply interested. What was the view taken of the treaty by the East India Company when it was first signed? Immediately after the signature of the treaty the Government of India published a proclamation addressed to all the great Chiefs and high Officers of the Carnatic, warning them to pay due allegiance and obedience to the East India Company, which was about to assume the government of that country by virtue of a compact made with the lawful Sovereign of the Carnatic. There were, as the House would perceive, two important admissions in that proclamation—first, that the Nawab was the legitimate Sovereign of the Carnatic; and next, that the Company had acquired their rights to govern the Carnatic solely by virtue of the treaty referred to in the proclamation. What he wanted to know was—and he trusted the Law Officers of the Crown would answer the question—by what right or title we governed the Carnatic at the present time if that treaty had ceased to exist? We could not claim to govern the Carnatic by conquest, for it had never been conquered. We could not say that we governed the country by virtue of a treaty which had ceased to exist. We could not say that part of that treaty had ceased to exist, and a part remained in force, because that would be absurd. But what was it practically that the Government maintained? The Government maintained that that part of the treaty which gave us the right to govern the Carnatic remained in full force, while that portion of the treaty which assigned an income of £120,000 a year to the Nawab had ceased to exist. That was really the argument which might be suited to the old East India Company, but not to the British House of Commons. Under the treaty the Company stipulated to pay a sum equal to one-fifth of the revenues of the Carnatic, or £120,000 a year, to the Nawab for the maintenance of his dignity, and that sum was regularly, honourably, and honestly paid by the East India Company for a period of fifty-four years. In the year 1855 the Marquess of Dalhousie announced that the money should be no longer paid, on the ground that the guarantee, being a personal one, had ceased to exist in 1819, and that the payments made to the Nawab's descendants from that time until 1855 were made as matters of grace and favour by the East India Company. He knew something of that Company and their mode of conducting affairs, and he was persuaded that they never did pay and never would have paid £120,000 a year to any Nawab in India as a matter of grace and favour. The fact was that in 1819, as soon as the former Nawab died, the whole subject was taken into consideration, some fears being entertained that his successor might demand to assume the government of the country. The Madras Government suggested that a distinct treaty should be entered into with the new Prince, but the Supreme Government thought that a continuance to the Nawab of the benefits enjoyed by his deceased father, and an adhesion on his part to the existing treaty, would be preferable to new and precise stipulations. Accordingly, the Governor General was authorized by the Council at Calcutta to make a formal declaration to the Nawab, binding him to the treaty signed by his father, and such a declaration was made by Lord Hastings. It really required more than ordinary impudence to declare in 1855 that a treaty ceased to exist in 1819, when in that very year the Governor General bound the Nawab to the observance of that identical treaty. He knew that in the Madras Government, as in the Government of India, there was a party anxious to continue what was called the annexation policy, and strong enough to prevent the order sent out by his noble Friend when Secretary of State for India, to restore the Principality of Dhar, from being obeyed. That, however, was a direct disobedience of orders, which would have to come before the House. His right hon. Friend, now Secretary of State for India, asked, on the occasion when this subject was last before the House, why the Earl of Derby's Government had not taken up the question. The reason was obvious; the question never came before the Earl of Derby's Government. During the whole time the Earl of Derby's Government were in office the great rebellion was in progress, and when they had subdued the outbreak which former Governments by their misconduct had provoked, the Nawab naturally did not think the time a favourable one to bring forward his case. He waited till the proclamation was issued by Her Majesty's Government promising that all treaties made with Indian Princes should be maintained, and then he addressed his memorial to Government. When it arrived the right hon. Gentleman opposite was Secretary of State for India. [Sir CHARLES WOOD: It arrived in the year 1858.] The first that Parliament heard of the matter was when the hon. Gentleman now Under Secretary for Foreign Affairs, at that time an independent Member, asked the right hon. Gentleman the present Secretary of State for India, whether it was intended to revise the case of the Nawab of the Carnatic? The right hon. Gentleman might have answered that it was impossible for him to revise all the acts of the East India Company, and so have declined to enter into the question at all; but, on the contrary, he said that he was prepared to revise the case. He did revise the case, and re-decided it as it had already been decided by the Marquess of Dalhousie. It was the decision of the right hon. Gentleman and not that of the Marquess of Dalhousie, which was now complained of. Last year the right hon. Gentleman said that the Marquess of Dalhousie and Lord Harris both laid down that it would not be sound policy to pay down this large sum to a Native Indian Prince to enable him to maintain a rival court within a few miles of Madras, which, like that of Delhi, might become a focus of intrigue against the Government. If it were simply a question of policy he should be disposed to agree with that doctrine, but the question was one of justice and of the faithful observance of treaties; it was a question whether we were to stand before the people of India as the perfidious violators of our national engagements. We might look with great complacency at the perfect tranquillity at present prevailing in India, as the Marquess of Dalhousie did upon the state of that country when he left. A short time before quitting India the Marquess of Dalhousie, in the plenitude of his power, and with all the arrogance of office, told one of the Native Princes that he regarded him no more than the dust beneath his feet. That Native Prince was the Nizam, and but a very few months afterwards it was to the loyalty, good faith, and eminent services of that Native Prince that we owed the salvation of our Indian Empire. He should say no more. The House was asked for a Committee in order to enable those who brought forward the Motion to prove their case. That request was made in the name of justice, and they trusted their appeal would not be made in vain.

MR. VANSITTART said, he could not help rising to express his regret at the tone of that part of the speech of his hon. Friend the Member for Dumbartonshire in which he assailed so unfairly the administration of Lord Harris. It was quite unnecessary to say a word in vindication of Lord Harris's Government of Madras, which was admitted by all impartial and competent authorities to be such as to entitle him to be regarded as one of the most just and successful governors who had ever presided over that presidency. The Motion of his hon. Friend completely confirmed the predictions as to the result of transferring India from the late East India Company to the more immediate influence of the House of Commons—namely, that every conceivable grievance, with or without the slightest foundation, would be brought forward in the House, and, if possible, converted into a party question. The Carnatic, which formed the subject of his hon. Friend's Motion, became the theatre in which, during the last century, the English contested for the mastery in India against the combined forces of the Mahrattas and the French—now, happily, our truest and firmest allies. The House should distinctly bear in mind that even at that far distant period the title of Nawab of the Carnatic was merely nominal and titular, the British Government having assumed all actual power. These events, therefore, having occurred upwards of a century ago, and in 1855 it having been resolved, on the last Nawab dying without any lineal heirs, that this titular, empty, and useless dignity should expire, it would be quite loss of time to refer the claims of his hon. Friend's client to a Select Committee. By doing so they would establish a most dangerous precedent, for it could not fail to give encouragement to native pretenders to set up the most unfounded claims to provinces now in their possession, provided they possessed sufficient influence to secure the services of an hon. Member of that House to advocate them. It appeared to him that, should it be deemed expedient to interfere in such a case as that under consideration, the preferable course to pursue would be to refer it to the India House, to be investigated and reported upon by a Committee selected from the members of the Indian Council. [*A laugh.*] His hon. Friend might laugh, but the Members of that Council, from their ready access to papers and documents—and the claim had been frequently very closely inquired into—and from their superior Indian experience, would be more likely to draw up a satisfactory report than could be done by a Committee of that House. Besides which, he knew upon the most undoubted and reliable authority, that the Members of that Council were actually sighing and pining for the want of something to do beyond the arduous duty of drawing their salaries, and therefore it would be an act of charity to refer the inquiry to such a Committee.

COLONEL SYKES said, if the hon. Gentleman the Member for Ayrshire had read *Orme* and the Carnatic Treaties he would have been aware of the relations which had existed between the Nawabs of the Carnatic and ourselves, and the assistance which we had received from the family in our struggles with the French for the mastery in India, and might have been induced to look with more favour upon the Motion before the House. In 1787 there were two Nawabs at the same time, one of whom was Dupleix, the French Commander, who had assumed the dignity, and the other Mahomed Ali, who supported us. In 1787 we made a treaty offensive and defensive with Mahomed Ali, in conjunction with the Nizam, by which the Government of the Carnatic, as a free government, was made over to Mahomed Ali and his heirs for ever. In that treaty it was declared that Shah Aulum, the Emperor at Delhi, who was paramount Lord with the approval of the Soubahdar of the Deccan, released the Nawab from all dependence upon the Emperor and the Soubahdar of the Deccan, and that he and his heirs for all time should enjoy the free government of the Carnatic. The person who drew up the treaty said, "with the approval of the Soubah;" but that showed the ignorance which prevailed at that time among officials in India, because "soubah" meant a large territory or province, whereas "soubahdar" meant the person who governed it. The rights so given necessarily descended to the Nawab's children and successors, whoever they might be. Was there any treaty to the effect that they had given up their possessions? Not at all. But after we had fixed on the Nawab an enormous debt, ostensibly for maintaining him in the nawabship, but really to strengthen ourselves against the French, we forced a treaty upon him by which, in consideration of receiving one-fifth of the net revenue, or something about £130,000 a year, he would hand over the civil and military power, and the *dewanny*, or collection of the revenue of the Carnatic. But, though there was a second treaty guaranteeing the same conditions, the Nawab had doubts and suspicions, which remained upon his mind for several years.

There was a passage in the diary of the Marquess of Hastings, in 1813 — twelve years after the Treaty of 1801—in which he said that the Nawab had expressed his anxiety for an assurance that the Marquess should cause the provisions of the treaty to be observed. He had been told that the Nawab was in great alarm lest he should be still further degraded. The Marquess, in reply, said that

"The treaty plighted the public faith of the nation, and therefore it must be his duty to maintain its terms according to its true spirit. Treaties ought always to be construed most favourably for the party whose whole dependence was on the honour of the other."

But one of the terms of the treaty was the possession of the titular dignity by the Nawab, his heirs and successors. But if there was any doubt on the subject, what objection could there be to let it go before a Committee of that House—before a body of men who would judge impartially whether the construction put upon the treaty was justified or not? It would be some consolation to the party concerned even to have the case considered, whatever might be the result of the inquiry. He had been reminded that, as an East Indian Director, he had signed a despatch confirming the Government view of the case, and that he was now, therefore, arguing against former convictions. To that taunt he replied that despatches were signed ministerially by the directors, thirteen of whom had to sign, and that the opinions he entertained at the time he signed that despatch were the same as those he entertained now. He trusted, therefore, the House would send the matter to a Committee.

MR. LOWE said, the case was capable of being stated in a few words. The first Nawab of the Carnatic owed his elevation to the power of England, and as a reward for the assistance he had given her in the struggle between Lawrence and Dupleix. His son who succeeded him died in 1790, and the next in succession died in 1800. When we took Seringapatam we discovered that a correspondence of a highly treasonable nature had been carried on in cipher, which proved that the Nawab was one of the allies of Tippoo Sultan. Unfortunately for the Nawab, the key to the cipher was also found, so that the meaning of the correspondence became known. Upon finding that the Marquess of Wellesley declared at once in council that he considered the Nawabship of the Carnatic was forfeited by Omdut ool Omrah, and that it was his right, if he thought fit, to take possession of the country forthwith; but he considered it would be best, from motives of leniency and policy, to take away from the Nawab only the civil and military administration, and to make him a suitable allowance of about one-fifth of the revenue. The proposition was made to a person who appeared to represent the Nawab's family, but who declined to have anything to do with a treaty handing over the government of the Carnatic to the East India Company. Another person — Azeem ul Dowlah—was then sought out, and that was the person with whom the treaty was concluded. The territory became British property in consequence of seizure on account of treason; but the Indian authorities were content to surrender a certain amount on specified conditions, and not finding the elder branch willing to agree to those conditions, they fixed upon the younger branch. The treaty made on that occasion was quite different from that executed in 1792, for nothing was said in it about heirs or successors. There were some words in it about perpetual alliance and friendship, but these were words of course which appeared in every treaty, whatever might be its nature. There was no doubt as to the intention of the Marquess of Wellesley, for, according to the first draught of the treaty made by Lord Clive, the new Nawab was stated to succeed by inheritance from his ancestors, and Lord Wellesley wrote to Lord Clive that that should be cancelled, and that it should be made to appear that the Nawab held by the grace and favour of the Company. That was done, and the new Nawab assented in that manner to the treaty. In 1819 that Nawab died, and the case was referred to the Government, and they decided as a matter of policy that the son should succeed; and a new treaty was not deemed necessary, on the ground that the son succeeding was included *ipso facto* in the former treaty. The proper construction of those words was, that as soon as the English Government agreed that the son should succeed, he became entitled to all the stipulations of the treaty which existed for the benefit of the Nawab, his predecessor. The same thing was repeated in 1825; but at last the English Government, exercising the same control over the succession, decided that the time was come to put an end to the pageantry they had created. He did not say that such transactions as these were matters which any one could look at with great pleasure; but the treaty and the acts of the Government were all consistent. The treaty was meant to give no right of inheritance, and the Government by their acts exercised the right of deciding whether or not there should be a new Nawab. Therefore, it would answer no good purpose to have a Committee to inquire into these transactions. It appeared to him that no good purpose could be answered by appointing a Committee. There really seemed to be no end to these Indian questions. Such questions slumbered for years, and, long after they had been considered settled, hon. Gentlemen took them from the shelf, and again revived them. It certainly appeared to him that if these elements of uncertainty were allowed to be imported into the consideration of such questions, there was danger of our Indian empire being shaken to its foundation.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 62; Noes 45: Majority 17.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE COMMISSION.

Supply *considered* in Committee.

(In the Committee.)

The following Votes to complete were *agreed to*:—

(1.) £2,928, to complete the sum for the Office of the Comptroller General of the Exchequer.

(2.) £22,903, to complete the sum for the Office of Works and Public Buildings.

(3.) £20,225, to complete the sum for the Office of Woods, Forests, and Land Revenues.

(4.) £14,651, to complete the sum for the Office of Public Records, &c.

(5.) £213,810, to complete the sum for Poor Law Commissions.

(6.) £41,867, to complete the sum for the Establishment of the Mint.

(7.) £26,647, to complete the sum for the Inspectors of Factories, &c.

(8.) £4,235, to complete the sum for the Exchequer and other Offices in Scotland.

(9.) £4,434, to complete the sum for the Household of the Lord Lieutenant of Ireland.

(10.) £11,695, to complete the sum for the Offices of the Chief Secretary for Ireland.

(11.) £2,782, to complete the sum for the Office of Inspectors of Lunatic Asylums, Ireland.

(12.) Motion made, and Question proposed,

> "That a sum, not exceeding £17,431, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries and Expenses of the Office of Public Works in Ireland."

Sir COLMAN O'LOGHLEN said, he would take that occasion to ask, What the intentions of the Government were with respect to any change in the Office of Public Works in Ireland?

Mr. PEEL said, the Government did not propose to make any change in the Board of Public Works in Ireland at present. Sir R. Griffiths, who held the position of its chairman, and who had several other important public duties to perform, was desirous of resigning a portion of his offices, the labours of which at his advanced age he found to be somewhat too heavy, and a Bill had been introduced by the Government for the purpose of making it sufficient if the Commission of Public Works consisted of two persons only, instead of three, as required by law. That Bill had, however, been abandoned, it having been considered that a better course would be that Sir R. Griffiths should retire from the chairmanship; that one of the two remaining Commissioners should be appointed to that office, and that Sir R. Griffiths should act as an ordinary Commissioner. His colleagues would thus continue to have the benefit of his advice, and the arrangement would, he thought, be found to be generally satisfactory, besides rendering it unnecessary to make any change in the law.

Mr. BUTT remarked, that the Board of Works was one of the most unpopular institutions in Ireland, and the reason why it was so was, that there was no real responsibility. He thought the arrangement stated to be in contemplation amounted to an evasion of the Act of Parliament, which required that there should be three Commissioners, for it was evident that Sir R. Griffiths was to be merely a consulting member of the Board.

Mr. MONSELL said, he could not but express his regret that Sir R. Griffiths, who was so popular in Ireland, and who discharged his duties so satisfactorily, should be obliged to surrender any portion of them because of decaying vigour. The best course to pursue with regard to the Office of Works in Ireland would, he thought, be to place at its head an able man, to furnish him with an efficient staff, and to make him responsible for the manner in which the works were executed.

Mr. BLAKE said, he wished to have some information from the Government with respect to the office of Inspector of Fisheries in Ireland. He had himself been the victim of the ill temper of Mr. Barry, who was an old man of eighty, and seldom went out of doors, and was so irascible that if a person differed from him upon any point, he would not only not get his business done, but would be insulted, as he (Mr. Blake) had been. He had already had occasion to bring his conduct under the notice of the House, and he should be compelled to do so again unless he received a satisfactory answer from the Secretary of the Treasury that it was not intended to continue him in his office.

Mr. PEEL said, that a Commission was at present inquiring into the subject of the Deep Sea Fisheries, and there was no intention to change the existing arrangements before its report was received.

Mr. BUTT said, he wished to call attention to the fact that, whilst the Inspecting Commissioner of Fisheries received £600 per annum, the legal member of the Board, who had to discharge very important judicial functions with regard to the rights of property which yielded £200,000 a year, had only £350 a year salary. Questions of vast importance to the owners of property came before him for decision, and he knew of an instance where an eminent Irish barrister was taken before him to plead at a fee of 150 guineas, with appropriate refreshers. He thought the salary was ridiculously low for the discharge of such important duties. He should move the reduction of the Vote by £500, in order to bring the question before the Committee.

Whereupon Motion made, and Question proposed,

"That the Item of £500, for the Salary of the Inspecting Commissioners of Fisheries, be omitted from the proposed Vote."—(*Mr. Butt.*)

Mr. PEEL said, the principle upon which the legal Commissioner was paid only £350 per annum was this. In the case of the legal member of the Fisheries Commission for Scotland, his salary was limited by the Scotch Act to three guineas per day, and not more than £350 per annum, and the Home Office recommended to the Treasury that a similar limit should be applied in Ireland. When Mr. Morris was appointed, the Government did not know the full extent of the responsibility that was to devolve upon him. An application had been made to the Treasury for an increase of salary, but it was desirable not to revise it until they had had further opportunities of considering the importance of the duties to be performed.

Sir COLMAN O'LOGHLEN said, he trusted her Majesty's Government would re-consider the amount of salary with as little delay as possible. It was preposterous to suppose that £350 was an adequate salary when they paid the Secretary to the Commission £500 a year.

Mr. BLAKE said, he regretted to learn that Mr. Eden, one of the ablest members of the Commission, whose judgments were marked by signal ability, only received £100 for his labours in Ireland, over and above the salary of £500, which he received for the duties in England that he still continued to discharge.

Mr. HENNESSY said, he could not but complain that no Member of the Irish Government was present during the discussion of the Estimates relating to Ireland, especially as there was a Motion of the hon. Member for Limerick county on the books complaining of a failure of justice. It had been stated that the legal Commissioner only received £350, and there ought to be some explanation given in respect to this matter, for a very exceeding failure of justice was said to have taken place. Decisions had been given involving hundreds of thousands of pounds, and it now appeared that those decisions were illegal. In fact, the gentleman who had given them, and who had been appointed by the Government, had declared that his decisions were illegal and improper. That being the case, it was a very serious matter, and he thought the Attorney General for Ireland should have been present to give the necessary explanations. The Vote for the Irish Chief Secretary's office created discussion in former years, but they had taken a silent vote for it that night, and in the Chief Secretary's absence. To enable some Member of the Irish Government to be present to answer the necessary inquiries, he moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Hennessy.*)

Mr. W. WILLIAMS said, he hoped the hon. Gentleman would not press his Motion, and thus mar their chance of getting rid of Committee of Supply that night.

Mr. MONSELL said, he wished to point out that the Scotch Fishery Commissioners had no judicial functions to perform, so that the analogy sought to be established failed altogether. The Secretary to the Treasury overlooked the fact that persons whose property was at stake, and was ultimately forfeited, had a right to expect that their cases would be decided by a competent tribunal. It was understood that one of the Irish Commissioners should be a barrister of the highest eminence, and he put it to the right hon. Gentleman whether he thought the services of such a gentleman were to be had in Ireland at £350 a year. The Fisheries Bill had so far worked well. The receipts for fish in one district had increased from £105 last year to £710 this year, and the value of the nets from £49 and £98 to £128 and £180. The Government ought to pay an adequate sum for the services rendered.

Mr. LONGFIELD said, the salary required augmentation. He was sorry Mr. Morris had resigned, but he hoped the Government would give him something more than his salary for the services he had rendered, and that they would materially increase the pay of his successor.

The CHAIRMAN rose and said, that he must remind the Committee that the discussion was irregular, as it referred to an item in the Vote that had been passed.

Mr. BUTT said, that in that case he would withdraw his Amendment, and raise the discussion on the Report.

Motion, by leave, *withdrawn.*

Question again proposed,

"That the Item of £500, for the Salary of the Inspecting Commissioners of Fisheries, be omitted from the proposed Vote."—(*Mr. Butt.*)

Viscount PALMERSTON said, he would request the hon. Member for the King's County to follow the example. Any observations which he thought necessary might be made upon the Report.

Mr. HENNESSY said, he hoped that when the Report was brought up the Attorney General for Ireland would follow the example of the noble Viscount and be in his place.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(13.) £26,512, to complete the sum for the Commissioners of Audit.

(14.) £14,125, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

Mr. W. WILLIAMS suggested that the sum was large for the mere duties of a tithe commission, which must be small.

Mr. PEEL explained that the duties of the Commissioners were not only with regard to tithe, but to inclosures of land as well, and were very heavy.

Sir COLMAN O'LOGHLEN said, he wished to know what was the meaning of the items for newspapers and railway guides.

Mr. PEEL said, the Commission was required to advertise, and, therefore, the newspapers were necessary. It also sent agents over the country, and, therefore, needed railway guides.

Vote *agreed to.*

(15.) £9,290, to complete the sum for Imprest Expenses under the Inclosure and Drainage Acts.

(16.) £50,955, to complete the sum for the General Register Office.

(17.) £11,440, to complete the sum for the National Debt Office.

(18.) £2,795 to complete the sum for the Public Works Loan Commission, and West India Islands Relief Commission.

Mr. ARTHUR MILLS requested some explanation as to the purposes to which the money was devoted, and what the Commissioners did.

Mr. J. A. SMITH said, he wished to know if there was any prospect of the Commissions terminating.

Mr. PEEL said, the same persons filled both Commissions. The Public Works Loan Commission had a sum of £360,000 advanced annually out of the Consolidated Fund, of which £60,000 went for works in Ireland; latterly they had also the further annual sum of £250,000 to advance for improvements of harbours. All these advances were repaid by instalments. The West India Islands Relief Commission was appointed under an Act of *Will.* IV., for the purpose of administering funds amounting altogether to about a million, which was advanced for the relief of the planters of Jamaica after the emancipation of the negroes, and to the planters of Barbadoes, St. Vincent, and St. Lucia. The money was repayable by instalments, extending over thirty years, of which eighteen had expired, and the duties of the Commissioners were to take measures to obtain the payment of these instalments. The cost of the Commission was about £1,000 a year.

Vote *agreed to.*

(19.) £5,172, to complete the sum for the Lunacy Commission.

(20.) £1,223, General Superintendent of County Roads, South Wales.

MR. CAIRD said, the Vote bore a striking resemblance to the Vote rejected some years ago for Highland roads and bridges, and ought to share the same fate.

MR. AUGUSTUS SMITH said, he should oppose the Vote, as the people of South Wales ought to support their own roads, and pay for their superintendence.

MR. PEEL said, the Public Works Loan Commissioners some years ago advanced £250,000 to construct roads in South Wales, the repayment of which was spread over a period of years. These instalments had been regularly paid, and there were still twelve years over which the repayment would extend. The business of the superintendent was to superintend the financial operations of the county Boards, to make out the estimate for the repair of the roads, and to see that the sum required for the payment of the instalments was duly provided for. The office of superintendent would be abolished when the whole of the loan had been repaid.

MR. O'REILLY observed, that when similar loans were advanced in Ireland it was not found necessary to have a superintendent to recover the debts.

MR. DILLWYN said, he believed the office of superintendent was created in consequence of the exceptional legislation applied some years ago to South Wales.

MR. CAIRD remarked, that the annual instalments payable by the counties should include the cost of superintendence.

MR. DARBY GRIFFITH said, he would take upon himself the responsibility of moving the rejection of the Vote.

SIR WILLIAM MILES said, he should support the Vote, which he trusted the Committee would pass.

MR. H. A. BRUCE said, the money was borrowed some years ago; and it was the duty of the superintendent to see that the roads were not starved, and that the proper preparations were made, when necessary, for providing the money necessary to pay off the instalments of the borrowed principal.

Vote *agreed to.*

(21.) £1,453, to complete the sum for Registrars of Friendly Societies.

(22.) £14,823, to complete the sum for the Charity Commission.

MR. W. WILLIAMS said, he wished to know what were the duties of the Commissioners?

MR. H. A. BRUCE stated, that there were no less than 50,000 charities in Great Britain, with an income of nearly £3,000,000; and that no officers could perform their arduous duties with greater industry and zeal than those in whose favour the Vote was sought.

Vote *agreed to.*

(23.) £4,442, to complete the sum for the Local Government Act Office.

(24.) £1,244, to complete the sum for the Landed Estates Record Offices.

COLONEL DUNNE said, he rose to ask for an explanation of the Vote. The Keeper of the Records in Dublin received a salary of £400 a year. Who was he?

MR. PEEL said, there used to be an auditor of the Land Revenues who had charge of the records. The office was abolished, the accounts were transferred to the Board of Audit, and the office of Keeper of the Records was created. It was connected with the sale and purchase of the Crown lands.

COLONEL DUNNE said, he wished to know whether the Keeper of the Records was Mr. Harding?

MR. PEEL said, he did not know the name of the officer in question.

MR. AUGUSTUS SMITH said, that if the office was connected with the sale and purchase of the Crown lands exclusively, it ought to be a charge against the revenues of the Woods and Forests.

MR. HENNESSY said, that perhaps the Attorney General for Ireland could tell the Committee the name of the Keeper of the Records.

MR. O'HAGAN (THE ATTORNEY GENERAL FOR IRELAND) could only say that it was not a legal office, and that he had never heard of it before.

MR. ESMONDE: The answer is, *Non mi ricordo.*

MR. HENNESSY: Perhaps the right hon. Gentleman the Secretary for Ireland can tell us.

SIR ROBERT PEEL: It is Mr. W. Harding.

Colonel DUNNE: The Secretary to the Treasury just now told us it was not Mr. Harding.

Sir ROBERT PEEL: It is, though.

Mr. SCULLY: Yes, he kept a cellar in the Custom House at Dublin. He had known Mr. Harding for thirty years. It was singular that no Member of the Irish Government knew the name of the Keeper of the Records. That came of having no Irishman connected with the Government of Ireland. He saw the index finger of the right hon. Baronet the Secretary for Ireland pointed at the noble Lord at the head of the Government, but the noble Viscount knew perfectly well he was not born in Ireland. He was the *Civis Romanus* of England. The noble Lord was an English Gentleman, but he became an Irishman when it suited the purposes of those about him. The truth was that there was no Irishman in the Cabinet. The Lord Lieutenant who was sent over to Ireland in an ornamental character was an Englishman, and, as for the Chief Secretary, he was as much an Irishman as he (Mr. Scully) was an Englishman, because his mother was an Englishwoman.

Mr. MASSEY said, he hoped the hon. Gentleman would confine his remarks to the subject before the Committee.

Mr. BUTT said, to constitute a Keeper of Records there must be two things — records to be kept and a man to keep them. But the Attorney General for Ireland had never heard of those records, for the keeping of which the House was asked to vote £1,000 a year.

Sir COLMAN O'LOGHLEN said, the office had been formerly called the Quit Rent Office, but recently its name had been changed. The Landed Estates Office was, in fact, the old Quit Rent Office.

Mr. SCULLY said, he believed those offices were entirely different. He wanted to know whether there was really a Quit Rent Office.

Mr. PEEL said, the object of the office was to record the transactions connected with estates in which the Crown had an interest, and the Crown's landed interest in Ireland consisting chiefly of quit rents, the deeds to be recorded were very numerous.

Vote *agreed to.*

(25.) £446, to complete the sum for Quarantine Expenses, and

(26.) £24,000, to complete the sum for Secret Service.

(27.) £254,165, to complete the sum for Printing and Stationery.

Mr. AUGUSTUS SMITH said, that this Vote was constantly increasing. While the expense of the printing of papers ordered by Parliament amounted only to about £17,000, the cost of papers laid upon the table "by command," as it was called — that is, by the departments when they wish to conceal the printing done for themselves, was no less than £15,000. A paper moved for by the hon. Member for Edinburgh, and printed only last April, contained a Treasury Minute relative to the slovenly manner in which the departments sent their papers to the printer. It was a shame after all the competitive examinations which they had, that the departments could not be got to turn out their papers in a correct form, and that the public should be saddled on that account with an expense which on the computation of the Controller of the Stationery Department amounted to £15,000.

Mr. PEEL said, that the Vote was considerably less than last year, although the business which gave rise to the expenditure was constantly increasing. Although the nominal amount of the Vote was £344,165, yet in reality it should be reduced by £65,000, which came back into the Exchequer as the proceeds of sales, profits of the Gazettes, and other receipts. The Treasury Minute had been promulgated in consequence of the slovenly way in which the manuscripts had been prepared for printing.

Mr. HENNESSY said, that the careless way in which the papers were sent to the press was not the fault of the clerks, but of the heads of the departments, who, it was shown, sent in the first part of the composition of a blue-book before the second part was even thought of.

Sir COLMAN O'LOGHLEN said, the expenses of Parliamentary printing greatly depended on the number of Returns which were moved for by hon. Members. Only a day or two ago an immense blue-book had been printed concerning convictions for game offences, which he believed was a great waste of public money. The cost of stationery for the War Office and the Admiralty last year was £76,000, while in the two great departments of Customs and Inland Revenue the cost was only £57,000. He thought the former amount required some explanation.

Mr. SCULLY said, he thought that a vast saving might be effected, and benefit conferred on Members, if the latter could be provided with only just the blue-books they required. Every Session tons of papers were sent to Members' houses which they never read, and of which they were somewhat troubled to dispose. It would be much better to circulate lists of papers printed, and let Members have what they wanted. The expenses of printing for the different departments were prodigious, and might be considerably cut down, and he thought the printing for the different departments might be advantageously consolidated.

Sir HENRY WILLOUGHBY said, this item was an illustration of the fact, that when once an expenditure got to a high figure there was no bringing it down again. From the year 1835 to the time of the Crimean war the Vote under consideration never exceeded £260,000. In the following year it increased to £400,000, and had never been less since that time. The discussions which had taken place showed that the House was not so much to blame as was generally supposed, for the printing which took place under its direction was not liable to much complaint. He should like to know from the Chancellor of the Exchequer who was the party who exercised any control over the departmental expenditure. Of late years some of the departments had taken to printing neat essays at the public expense, which few persons ever read. In the old Tory days of Lord Liverpool a much stricter control was exercised over the departments in these matters than was exercised at the present time.

Mr. SCLATER-BOOTH said, he wished to know what saving had been effected in the Stationery Department in consequence of the reduction of the paper duty. It was stated by the controller, that the moderation of the present estimate was owing, in a great degree, to the reduction of that duty, but the amount was larger this year than in the preceding year.

The CHANCELLOR of the EXCHEQUER observed, that if the hon. Gentleman wished to ascertain the direct effect of the repeal of the paper duty on the estimate, it could no doubt be supplied by the Stationery Office. That effect, however, was not to be measured by the amount saved in duty, because it had effected a still more important result by extending the operations of trade. With respect to the question of the hon. Baronet (Sir Henry Willoughby), he had to state that the expense of printing ordered by the House was entirely within its own control. The only control exercised over the Government Departments was that of the Treasury, and that control was not less than it was forty or fifty years ago. In looking at the expense of printing regard should be had to the circumstance that the different establishments had been very much enlarged, and that their business had considerably increased. The enormous demand for information was quite new in our history, which although it led to increased expense could not be regarded with unmixed dissatisfaction. No doubt the dissemination of information had been the means of bringing up a feeling of affectionate loyalty amongst the people towards the system under which they lived. The practice now adopted was this. The controller exercised his best discretion with regard to printing, and discharged his duties with proper vigilance. Whenever he thought that the expenses incurred by one department were extraordinary in amount he called the attention of the Treasury to the fact; but with so much other business pressing upon them it was difficult for the Treasury to give the necessary attention to the matter. He was glad the attention of the House had been called to this expenditure, and thought that some time it might form a very proper subject of inquiry.

Mr. PEEL observed, that the whole expenses of printing and stationery were now in one Vote; but formerly the printing and stationery of a department were included in the estimate for that department. The change had the effect of increasing the item now under consideration; but, of course, the vote of each department was reduced at the same time.

Mr. HADFIELD said, he should be very sorry to see any curtailment of the information given to the House and to the public.

Colonel W. STUART said, he observed from a note in the estimate that there was some Return which had been in preparation for the last three years, and had been corrected twenty times. He should like to know what it was. Perhaps it was one of the missing despatches.

Mr. PEEL said, he was unable to inform the hon. and gallant Gentleman of the exact nature of the Return to which he had just referred.

Vote *agreed to.*

(28.) £101,300, to complete the sum for Postage of Public Departments.

SIR COLMAN O'LOGHLEN said, the Vote contained an item of £190, postage for the Lord Chancellor. The postage for the Lord Lieutenant of Ireland only amounted to £50, and none was charged for the Lord Chancellor of Ireland.

MR. HIBBERT observed, that the postage for the Poor Law Commissioners was increased from £4,305, its amount last year, to £5,280. The Commissioners interfered in so many small matters that they made themselves unbearable to Boards of Guardians, and thus it was that the expense for postage increased.

MR. SCLATER-BOOTH said, he wished to ask what was the reason the sum for the postage of the Admiralty had increased from £13,945 to £17,000?

LORD CLARENCE PAGET said, that the estimate was founded on the expenditure of the past year. The correspondence was increasing in every department, as greater information was required from public officers.

MR. DARBY GRIFFITH said, he wished to notice that in the postage for inland letters there was a jump from 2*d.* to 4*d.* if a letter exceeded the weight of an ounce in the slightest degree. He wished to ask the Chancellor of the Exchequer whether the 3*d.* adhesive stamp, which was already in use for colonial purposes, might not be allowed to be used for letters weighing more than one ounce, and not more than an ounce and a half?

THE CHANCELLOR OF THE EXCHEQUER said, that he had not had any communication with the officers of the Post Office on the proposal now made, but he would communicate with them in reference to it. He was, however, not certain that it was worth while to interfere with the existing system which, on the whole, worked very well.

MR. SCULLY hoped the right hon. Gentleman would inquire into the general question, so as to ascertain whether it would be desirable to adopt uniformly a rate per ounce or half-ounce. At present one could divide the contents of a letter and send the parts separately cheaper than he could send them together. He noticed that the sum paid for postage last year for the Lord Lieutenant of Ireland was £45, and that the sum of £50 was now asked for. The postage of the Irish Office was also increased from £220 to £275. The postage of the Chief Secretary for Ireland had nearly doubled, it having increased from £710 to £1,390.

SIR ROBERT PEEL said, that the correspondence of the department had enormously increased. Last year the active measures taken to ascertain the state of the country and every part of Ireland had, no doubt, nearly doubled the correspondence.

Vote *agreed to.*

(29.) £25,115, to complete the sum for Law Charges, England.

(30.) £144,923, to complete the sum for Prosecutions at Assizes and Quarter Sessions.

(31.) £184,050, to complete the sum for Police Counties and Boroughs, Great Britain.

SIR WILLIAM MILES said, he wished to call attention to the deductions which had been made by the Treasury in the one-fourth contributed by the Government to the pay and clothing of the county police. For five years after the Act of 1856, regulating the county police, came into force, the one-fourth allowed by Government had been given in the gross expenses of pay and clothing of the constabulary; but in 1862 a notice was issued by the Treasury which, much to the surprise of the counties, made certain deductions from the sum upon which that one-fourth had previously been paid. The deductions made were for the amounts paid by the counties for lodgings, medical attendance, superannuation allowances, and for fines. The result had been great dissatisfaction, and strong representations had been made to the Treasury on the subject; and eventually the two first items were struck off, deductions were confined to payments of the superannuation fund and to fines. That was literally a question of what was the legal construction of stoppages. There was great dissatisfaction, and small as the sum was the principle was great. He trusted that the Government would yield to a simple demand for justice. The hon. Baronet concluded by moving—

> "That the deductions now made were contrary to the provisions and intentions of the Act of Parliament, 19 & 20 *Vict.* c. 69, which never contemplated that payments made by the police to the Superannuation Fund and fines should be taken account of in calculating the amount to be paid by the Treasury."

LORD LOVAINE said, there could be no doubt that the original compact, when the counties were induced, or rather compelled to raise the police force, was that one-fourth of the amount of the cost of each force should be repaid by the Treasury.

Mr. PEEL said, he found it necessary to examine with great care the claims of local jurisdiction, and in repaying one-fourth of the county police he could not help thinking that they were justified in making the deductions in question. They found there was a tendency in making the claims to place new charges in the account, which had not formerly been included. The practice was growing up in many of the counties of increasing nominally the pay of the constables, either by converting the allowances to which the Government did not contribute into pay, or by granting an increase of pay, but stopping it to defray rents which had not previously been required to be paid; and thus, while no benefit was derived by the constables, an increased amount was obtained from the Government. Thus, in Hampshire, until September, 1862, the superintendents and superior officers had never been charged anything for the rent of their stations. Since that date their pay had been increased; but the increase was stopped from them under the plea of being a payment for rent of the stations. Thus the nominal pay was increased, and the portion to be paid by the Government was also increased, but the police had no corresponding benefit. Under these circumstances the Treasury thought it necessary to institute a strict examination, and to require the county officers to give in detailed returns for every item. His hon. Friend complained of the deduction on account of stoppages of fines; but if £10 was stopped out of a constable's pay in the year, why should not the Government have the benefit of one-fourth of that amount when it paid one-fourth of the pay from which that £10 was stopped? It might be that the county would raise the entire £10 for the pay of the constable; but it was not what the county raised, but what it paid that the Government were to keep in view. And with regard to the superannuation, if they contributed one-fourth, the Government would be paying what they were not authorized under the act to do. There was, moreover, a precedent in the case of the Civil Service. When deductions on account of the superannuation Fund were made in the Civil Service, the amount was not considered a portion of the pay, and no income tax was charged on the deductions. However, he was willing to refer the question to the Law Officers of the Crown, and if they were of opinion that the Government ought to pay one-fourth of the deduction for superannuation deductions, he would have no objection.

Sir WILLIAM HEATHCOTE said, he had no doubt that the proposal just made would prove satisfactory to his hon. Friend; but, at the same time, he wished to point out the fallacy into which the hon. Member the Secretary of the Treasury had fallen. He said the Act of Parliament threw upon the Government the payment to the counties of one-fourth of their expenses in certain matters, and introduced the instance of the income tax as an analogy to what the Government had to pay in this case. But the income tax was not a case in point; for when the income tax was to be levied, it was the duty of the officials to ascertain what the man received into his pocket. In this case, on the other hand, what was to be considered was the amount paid by the county. If the Government were advised that the allowances were equitable, and would act upon such advice, he was sure the result would prove satisfactory to his hon. Friend.

Mr. HENLEY said, the right hon. Gentleman opposite (Mr. Peel) had brought into the discussion matters which might be analogous, but which certainly were not relevant. The right hon. Gentleman claimed credit for the Government that they had saved £100,000 in the matter of prosecutions; but every one knew that that attempt at saving had been the cause of much greater mischief. Since the cutting down of the allowance to witnesses, it was almost impossible to get a second conviction. Constables, gaolers, and others who could prove former convictions against thieves were oftentimes troubled with very short memories, because they knew that in giving proof their expenses would not be adequately defrayed. That was the result of the economy—not economy, but parsimony—of the hon. Gentleman. It was a mean and nasty exercise of power not founded on right or reason, but on the principle of "We won't pay." Hence thieves got off, and there was more expense incurred in the end. Nothing could be more unfair than the conduct of the Treasury with regard to the immediate question under discussion, for what did the right hon. Gentleman say? His argument was that he had learned that certain counties had entered upon queer practices with regard to payments to their constables; but instead of trying to put a stop to these improper practices, the Government proposed to make an entire change in an unjust direction.

MR. HIBBERT said, he would bear testimony to the illiberal treatment of police officers who were witnesses upon prosecutions, and to the injurious consequences arising therefrom.

SIR WILLIAM MILES said, that having raised the question he would rather leave it to be dealt with fairly by the Treasury, and therefore would not press his Amendment.

Amendment *withdrawn.*

Vote *agreed to.*

(32.) £1,188, to complete the sum for the Crown Office, Queen's Bench.

(33.) £8,700, to complete the sum for the High Court of Admiralty and Admiralty Court, Dublin.

(34.) £2,358, to complete the sum for Expenses of late Insolvent Debtors' Court.

(35.) £62,580, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes.

(36.) £112,000, to complete the sum for the County Courts.

SIR COLMAN O'LOGHLEN drew attention to the circumstance that, while the costs of erecting and repairing court-houses in England and Scotland were placed upon the Estimates, in Ireland the charge was paid out of the county rates.

COLONEL DUNNE said, that there were other cases in which Ireland by local taxation paid for what in England was paid for out of the national purse.

MR. PEEL said, the Estimates set forth the authority or Acts of Parliament under which the provision for repairing and building county court-houses was made.

Vote *agreed to.*

(37.) £2,900, to complete the sum for the Office of Land Registry.

(38.) £14,633, to complete the sum for the Police Courts (Metropolis).

(39.) £106,894, to complete the sum for the Metropolitan Police.

(40.) £17,850, Revising Barristers, England and Wales.

(41.) £786, Compensations under Divorce and Matrimonial Causes Act.

(42.) £13,143, to complete the sum for Compensations under Bankruptcy Act, 1861.

(43.) £2,577, to complete the sum for the Salaries of the Lord Advocate and Solicitor General, Scotland.

(44.) £13,174, to complete the sum for the Court of Session, Scotland.

(45.) £7,811, to complete the sum for the Court of Justiciary, Scotland.

(46.) £2,800, to complete the sum for Criminal Prosecutions under authority of the Lord Advocate.

(47.) £680, to complete the sum for the Salaries, &c., Exchequer, Scotland, Legal Branch.

(48.) £26,231, to complete the sum for Expenses connected with the Sheriff Court, Scotland.

(49.) £14,105, to complete the sum for Salaries of the Procurators Fiscal, Scotland.

MR. WHITESIDE inquired what was the precise nature of the duties of a Procurator Fiscal? He wished to know whether they were analogous to the duties of a coroner in England?

THE LORD ADVOCATE said, the Procurator Fiscal in Scotland is the public prosecutor for the county. He acts directly under the instructions of the Sheriff; and his duty is, in case of death under suspicious circumstances being reported to him, to cause an inquiry to take place, and, if he sees fit, to apply to the Sheriff for a warrant of examination, or to apprehend in case of suspicion attaching to any one. If the matter be serious, and there seems to be sufficient ground for proceedings, he reports the examination to the Lord Advocate or his Deputies. It is under the Sheriff's warrant that all these proceedings take place. His duty is to take precognitions, which are not generally taken on oath, and the Advocate Depute either indicts or takes the advice of the Lord Advocate. The proceeding differs from that of a coroner's inquest. The investigation is not public in the first instance, but takes place under judicial responsibility, and ultimately under the responsibility of the Lord Advocate. I stated the other evening, and I expressed the view of those most competent to form a judgment on the subject, that although it is quite true that these investigations before trial are not public, they are in many instances a great advantage—indeed, they are a double benefit. In the first place, they secure, I think most efficiently, the conviction of the guilty, and conduce most effectually to the protection of the innocent; for there can be no doubt whatever that preliminary investigations before coroners and grand juries have sometimes resulted in the escape of the real criminals, and, in other cases, attached a stigma to the names of parties altogether blameless. Such is the nature of the functions of the Procurator Fiscal, and, in my opinion, the system works admirably.

Mr. WHITESIDE: Do the Procurators Fiscal act of their own motion, or are instructions issued to them?

The LORD ADVOCATE: In cases of sudden death, there are instructions from Crown Counsel or from the Lord Advocate to the Procurator Fiscal to make inquiry. In other cases, complaint is usually made to the Procurator Fiscal.

Mr. WHITESIDE: The inquiry before the Procurator is private?

The LORD ADVOCATE: The inquiry is not public until the whole investigation has taken place. It is confined to the department of the Public Prosecutor.

Vote *agreed to.*

(50.) £10,250, to complete the sum for Salaries of the Sheriff's Clerks, Scotland.

Mr. WHITESIDE asked whether it was intended to bring in a measure for the regulation of the duties of the Sheriffs Substitute and the Sheriffs Depute? He had received a very well written pamphlet on the subject.

The LORD ADVOCATE: I may remind the right hon. and learned Gentleman that in 1853 the whole of this subject received the most careful consideration before a Select Committee; and the Act of 1857, which now regulates the Sheriffs Courts, was based on the Report of that Committee. I believe the Act has given general satisfaction, and it is not my intention to propose any alteration in it.

Vote *agreed to.*

(51.) £3,000, Expenses in matters of Tithes, &c., Scotland.

(52.) £11,778, to complete the sum for the General Register House, Edinburgh.

(53.) £1,295, Commissary Clerk Office.

(54.) £1,472, Accountant in Bankruptcy.

(55.) £45,134, to complete the sum for Law Charges and Criminal Prosecutions, Ireland.

The Lord Advocate

(56.) £3,717, to complete the sum for the Court of Chancery, Ireland.

Mr. WHITESIDE said, that the appointment of examiner in chief was in the hands of the Master of the Rolls; and that Judge, believing that there could be no worse mode of taking evidence than by an examiner sitting in a back room, would not appoint anybody to that office, which was vacant. He (Mr. Whiteside) wished to know whether it was intended to persevere in this mode of taking evidence?

Mr. O'HAGAN said, he hoped that under the Bill for the reform of the Court of Chancery the duties of the examiner would in the main be transferred to another office. He hoped this explanation would satisfy the right hon. Gentleman.

Mr. WHITESIDE said, it by no means satisfied him. He wanted to know whether the practice of taking evidence in writing was to be continued?

Mr. O'HAGAN repeated that the Bill provided for the mode of taking evidence hereafter; but depositions in writing would be still necessary in some cases.

Vote *agreed to.*

(57.) £7,462, to complete the sum for the Courts of Queen's Bench, Common Pleas, and Exchequer, Ireland.

(58.) £6,000, to complete the sum for Process Servers, Ireland.

(59.) £3,932, to complete the sum for Registrars to the Judges, &c., Ireland.

(60.) £1,200, to complete the sum for Compensations to Seneschals, &c., of Manor Courts in Ireland.

(61.) £1,360, to complete the sum for the Office for Registration of Judgments, Ireland.

Mr. WHITESIDE said, that the law of judgments in Ireland was in a very confused and unsatisfactory state, and he hoped the system in Ireland would be assimilated to that of England after the Committee upstairs had reported.

Mr. O'HAGAN said, the law in Ireland was in a disgraceful position, and he would exert himself to improve it.

Mr. HADFIELD said, that no expenses ought to be incurred in reference to these offices than what would be absolutely necessary.

Mr. WHITESIDE said, he thought that some stop ought to be put to the publication of the "Black List," which inflicted a great deal of injustice upon some parties.

Mr. HADFIELD said, it was an inconvenience which landed proprietors had to submit to, but he trusted the nuisance would be removed.

Vote *agreed to.*

(62.) £100, Fees to Commissioners of High Court of Delegates, Ireland.

(63.) £4,403, to complete the sum for the Court of Bankruptcy and Insolvency, &c., Ireland.

(64.) £7,650, to complete the sum for the Court of Probate, Ireland.

(65.) £7,819, to complete the sum for the Landed Estates Court, Ireland.

Mr. WHITESIDE said, that some of the Judges of the Court were quite unnecessary, and that the first opportunity should be taken of reducing their number.

Vote *agreed to.*

(66.) £1,150, Consolidated Office of Writs, Dublin.

(67.) £420, Revising Barristers, Dublin.

(68.) £36,000, to complete the sum for Police Justices, &c., Dublin.

(69.) £536,535, to complete the sum for the Constabulary Force, Ireland.

(70.) £1,714, to complete the sum for the Four Courts, Marshalsea Prison, Dublin.

(71.) £13,980, to complete the sum for Inspection, &c., of Prisons, Reformatories, and Industrial Schools.

(72.) 300,627, to complete the sum for Government Prisons and Convict Establishments at Home.

Mr. KEKEWICH said, he wished to call attention to the outbreak which took place at the Dartmoor prison in November last, and to ask why the military had been withdrawn from the prison, and whether any means had been adopted to obtain the immediate assistance of the military in case it should be required.

Sir GEORGE GREY said, that in the outbreak to which the hon. Gentleman referred the convicts in general took no part. It arose from the attempt of thirteen convicts to make their escape, but they were all captured, and none of the other prisoners had given them any assistance. The number of convicts had since been reduced. With regard to the other question, during the Russian war the troops had been withdrawn from most of the prisons, and a civil guard substituted. Since the occurrence in question a telegraphic communication had been established between the prison at Dartmoor and the residence of the Commander-in-Chief at Plymouth, so that he might readily send troops to the aid of the prison authorities whenever it might be required.

Mr. KEKEWICH said, he thought it only fair to the officers of Dartmoor Prison to state, that on the occasion of the outbreak in November last they exhibited the greatest bravery and determination.

Vote *agreed to.*

(73.) £218,286, to complete the sum for Maintenance of Prisoners in County Gaols, &c.

(74.) £16,380, to complete the sum for Transportation of Convicts.

(75.) £101,783, to complete the sum for Convict Establishments, Colonies.

Mr. HENNESSY said, he wished to know whether information had been received at the Colonial Office to the effect, that one of the Australian colonies had resolved to send 600 convicts to England in retaliation for our sending convicts to Australia.

Mr. CARDWELL replied, that no such information had been received.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;*

Committee to sit again on *Wednesday.*

NEW ZEALAND (GUARANTEE OF LOAN).

COMMITTEE.

Order for Committee read.

Papers relative to New Zealand Loan [presented 9th June] *referred.*

Resolution *considered* in Committee.

(In the Committee.)

Mr. CARDWELL said, that documents upon the subject of the state of New Zealand and the progress of the war had recently been laid on the table, and that morning papers had been circulated containing a correspondence which showed at full length the reasons which had induced him to make the proposal he was about to submit to the House. Considering, therefore, the lateness of the hour, he would confine his remarks within the shortest limits. It would be remembered that last Session a Resolution like the one he was about to propose was brought forward by his right hon. Friend the Under Secretary of State for the Colonies, on which a Bill was to be founded for the purpose of guaranteeing a New Zealand loan. The circumstances which led to the withdrawal of that Bill were stated in the correspondence on the table, and that correspondence also contained the promise of his noble Friend the Duke of Newcastle to renew the proposal this Session. The other papers in the hands of hon. Members exhibited the progress which, by the skill of General Cameron and by the gallantry of our troops, had been made in the war down to the latest advices. He would, therefore, assume that hon. Members were already as well acquainted as he was with the history of events in New Zealand, the success of our arms in the various conflicts which had occurred, and the progress made in the final settlement and pacification of the Northern Island. At the same time, he might be permitted to communicate to the House the information which had reached him that morning. In the newspapers of that day he had seen accounts which he was happy to say did not correspond with those which had reached him officially. By the present mail, accounts had been received of two conflicts between our troops and the Maories. Of these conflicts, one took place in the immediate neighbourhood of New Plymouth, and the other and more important at the principal seat of war on the upper part of the River Waikato, in the presence of General Cameron himself. The first was admitted by all to be a success, and a success, too, achieved with the smallest possible loss, not one man having been killed, and only four wounded. General Cameron and the Governor spoke of the operation in the highest terms. With respect to the other action, he had seen it spoken of in newspapers as a disaster occasioned by the failure of a subordinate, and only retrieved by a vigorous effort on the part of General Cameron himself. Hon. Members would no doubt be glad to hear from him the accounts which the Governor of New Zealand and General Cameron gave of the conflict. He had received that morning a despatch from General Cameron, in which he said—

> "I received General Carey's despatch this morning. He states that 101 Maories have been killed, besides eighteen to twenty reported by Native prisoners to have been buried in the pah, thirty-three have been taken prisoners—twenty-six of them wounded. Rewi (the principal rebel) has not been found. This is the severest lesson the Maories have ever learnt, and will, I hope, have a good effect."

Then, speaking of his subordinate, Colonel Carey, he went on to say—

> "Colonel Carey deserves great credit for the clever manner in which he succeeded in surrounding them."

Though unwilling to occupy the time of the House, he had thought it right to read that statement after the statements which he had seen elsewhere. He was now speaking of that which had taken place on the Upper Waikato, with respect to which Sir George Grey said—

> "This action, so disastrous to the Natives, will, I sincerely trust, prove one great means of bringing this lamentable war to a conclusion. From the last telegram I have sent, you will find that one of its results has already been that the Natives have abandoned the position at Manugatautari, which the Lieutenant General was preparing to attack."

That fortress, which would probably have been taken only with great loss, was yielded up without a contest, and was in possession of our troops. The latest official information he had was couched in the satisfactory terms which he had just stated. With regard to the action spoken of in the Melbourne papers, respecting which the right hon. Gentleman had asked a question, all he could say was, that no intelligence of it had reached him, and he was not, therefore, prepared to say it was not true. After the mail left Auckland it touched at Nelson; and, therefore, if it had happened, it was probable it might have reached the newspapers that way, and could not have been forwarded with the Government despatches from Auckland. It did not, however, appear, from the list of killed and wounded, to have been of any considerable importance. But however that might be, there could be no doubt from the despatches he had received, that at the principal seat of war on the Upper Waikato, the arms of General Cameron had been successful, and that that district was in our possession, and its pacific administration, he hoped, in progress.

He came to the subject to which he had risen more immediately to address himself. The House was aware that after the close of the Taranaki war an engagement had been entered into by his noble Friend on behalf of the Government, to submit to the House a proposal to carry into effect a loan of half a million to the Government of New Zealand for the purpose of securing the repayment of a debt to the Treasury of £200,000, and of obtaining £300,000 for purposes connected with the war. A Resolution was last Session introduced to give effect to that proposal; but, for reasons stated in the correspondence, it was not carried out, and the fulfilment of the engagement had devolved upon him. Meantime, as might also be seen by the correspondence, the New Zealand Assembly determined to raise a loan amounting to £3,000,000, for which sum they requested—and the request was strongly enforced by the representations of the Governor—the guarantee of the British Government. The Finance Minister of the colony also came home with the view of pressing the point on the attention of the Government, and of giving the necessary explanations with respect to it, and he must in justice to that gentleman say, that he had displayed great ability and candour in the discharge of his mission. He himself, however, felt that, to guarantee an amount approaching £3,000,000, was an impossibility, and he knew that he could submit no such proposal to Parliament with any chance of its being accepted. He at once, therefore, set the proposal aside, and there remained the question whether, in fulfilment of the pledge previously given, we should limit the guarantee to half a million, or go beyond that amount. The House was well aware how great was the expense to which the Government of New Zealand had been put by the contest which he trusted was now drawing to a close. With that expense the guarantee for half a million had nothing to do. In the course of the war a sum closely approaching £300,000 had been advanced by the Imperial Government to the Government of the colony, and if therefore the guarantee had been confined to the sum of half a million, it was obvious that nearly the whole would have been absorbed by the debt to the Treasury, and that nothing would have remained applicable to the expenses of the New Zealand Government. He had, therefore, stated to the Colonial Treasurer that a fair question for consideration was whether the security at the disposal of the colony would cover, besides the original offer, a guarantee for the sum of £300,000 in addition, to be paid to the Imperial Treasury, and a further sum of £200,000, as portion of the expenses incurred by the Government of New Zealand, or, in other words, whether the security he could offer would cover the sum of £1,000,000. Now, the correspondence, he thought, showed that there was security sufficient to guarantee that amount with perfect safety. It appeared that for the financial year ending the 30th of June, 1863, there was a clear surplus of receipts over expenditure in New Zealand of nearly £260,000. For the present year there was an estimated surplus of more than £200,000, and it seemed that the revenue was coming in much more rapidly than the framers of that estimate contemplated. To cover the guarantee of £1,000,000 there was a clear surplus of £200,000, while the income of the colony was increasing year by year, and was independent of the land revenue, which amounted to a large sum of money, almost equal to the ordinary revenue of the colony. That being so, the Government had offered to redeem their pledge by proposing to give a guarantee for £1,000,000, to be raised at a rate not exceeding 4 per cent with a sinking fund of 2 per cent, which would involve an annual charge of £60,000. That proposal did not, he thought, extend to an unreasonable amount, or to one which was likely to cause any risk to this country. It remained for him to state the reasons which should induce this country to enter into a guarantee at all. They were based upon the fact that great expense had been entailed on the colony by the war, which had rendered it necessary that the whole male population of the province of Auckland, from the ages of sixteen to fifty-five, should be under arms at once, upon the prospect of an early pacification of the colony, and the consideration that when that pacification took place heavy expenses would have to be incurred, not only in winding up the outlay consequent upon the war, but in carrying out measures of improvement, such as the making of roads, the procuring a survey of the country, and other schemes which would afford the best security against the risks of war for the future. The correspondence, he might add, showed that it had been stated to the colonists, that if the Government consented to make to Parliament the proposal which he had mentioned, it would be on the conditions that out of the loan so raised the whole sum due to the Treasury, amounting as nearly as he could calculate to close on £500,000, should in the first instance be discharged, and that at the end of the present year the arrangement with regard to military expenditure should be terminated, and that the colony should, in future, substantially, and not merely nominally, contribute to the Imperial exchequer for any aid it might receive in a moment of emergency. The payment was to be the same as that from the Australian colonies, £40 for each man of the artillery and £55 for every artilleryman; but the distinction which arose from the presence of a Native population was to be recognized to the extent of one regiment, on condition that a sum of £50,000, heretofore paid as part of a complicated arrangement into which he need not enter, for Native purposes, should be appropriated to the benefit of the Natives. If the House ultimately sanctioned that arrangement, these advantages would be secured: the whole debt to the Imperial treasury would at once be discharged; an arrangement with regard to the troops furnished by the mother country to the colony fair and reasonable in itself would be substituted for that nominal and inequitable arrangement which had hitherto prevailed; and, lastly, the Colonial Minister engaged on the part of himself and his colleagues, that they would cordially co-operate with the Governor in that policy towards the Natives which had been prescribed to him by the Government at home, and which had met with the approval of that House. The measure, in short, was brought forward in fulfilment of a former pledge, and in the belief that it would contribute to the pacification and settlement of the Northern Island, that it would not entail any risk or expenditure upon the Imperial Treasury, and that it would be the foundation of a more equitable arrangement with regard to the future apportionment of charges between this country and New Zealand. He hoped, therefore, that there would be no opposition to the Resolution. The right hon. Gentleman concluded by moving the Resolution.

Mr. AYTOUN said, he hoped that the right hon. Gentleman would allow such a time to elapse before the second reading of the Bill as would give to hon. Members an opportunity of reading the correspondence upon this subject, and that the discussion on the next stage of the measure would be brought forward at an early hour.

Mr. CARDWELL said, that if the Resolution was agreed to that night and reported the following day, he would fix the second reading of the Bill for the following Monday, but he was not sure that he should be able to bring it on on that evening.

Sir HENRY WILLOUGHBY said, he thought the Government were about to undertake a great responsibility in proposing the loan, and the proper time for discussing the proposal was in Committee on the Resolution. He had not had time to read the papers through carefully, but from what he had seen he would warn the House to look carefully into the financial state of New Zealand. He believed that the liabilities of New Zealand were very great. Why should they want a loan of £3,000,000? He wished to know the amount of their outstanding liabilities, for he did not think the New Zealand system of finance was upon a sound basis. He should like to know how the old debts were to be discharged, for respecting some of them squabbles were going on between the Home and the Colonial Governments. He understood that the colony was to pay £44 for each infantry soldier, and £55 for each artilleryman, and he should have thought that the allowance for the infantry and artillery would have absorbed the whole of the surplus income of the colony, leaving no margin to justify a guarantee. The taxpayers of this country ought not to be burdened with these sops to New Zealand.

Mr. WHALLEY said, that he had seen in New Zealand newspapers a statement that Sir George Grey, the Governor of New Zealand, had said that the outbreak had originated and been sustained by the influence of the Roman Catholic priests. He mentioned that in order that the right hon. Gentleman might inform the House whether he had received from Sir George Grey any communication to that effect.

Mr. ADDERLEY said, he was not generally favourable to the guarantee of colonial loans by the Imperial Government, but he thought it must be confessed that the present case of New Zealand was exceptional, and that there were great objects at stake which might induce the House to enter into the proposed guarantee. He wished to know whether the Government were about to give a guarantee for a loan of £3,000,000, or for a loan of £1,000,000, and what the two sums were required for? He thought they should consider the great difficulties of the colony, and that the Government had been so far committed in the creation of them, as in the old vicious system of Downing Street government we initiated the policy which led to them; and also that the colony was entitled to great consideration for the manner in which they had met those difficulties, and the example they had set to the other colonies of a rising spirit of self-defence. But the strongest reason for considering the proposition was, that the right hon. Gentleman informed them that the condition attaching to this guarantee was that the colony would have to pay for all military sent out to them on future occasions, with the exception of a single regiment. It was impossible that this country could go on finding troops for colonies all over the world, and the sooner they found a precedent in the colonies for their paying for the use of English troops the better it would be for both them and for this country. Under these circumstances, without expressing any deliberate opinion on the whole scheme, he was willing to state his strong inclination to support the Government.

MR. HASSARD said, as it was a question entirely turning upon available surplus, it would be desirable, before the second reading, to have some detailed information as to the finances of New Zealand. If 4,000 men were to be paid for at the rate of £40 each, exclusive of artillery, the total of £160,000 thus made would be a sery serious item.

MR. CARDWELL said, the surplus in question was paid in after all general expenditure had been satisfied, and as the loan was to be a first charge on the revenues of New Zealand, the whole sum was available as security. It was not expected that it would be necessary to maintain anything like 4,000 troops in New Zealand.

MR. WHALLEY said, he must remind the right hon. Gentleman that he had not answered his question.

MR. CARDWELL said, he really did not think that at that time of night (twenty minutes to one o'clock) he ought to enter on that branch of the question.

Resolved,

That Her Majesty be authorized to guarantee the liquidation of a Loan, to an amount not exceeding One Million Pounds, for the service of the Colony of New Zealand, together with interest thereon not exceeding Four Pounds per Centum per annum; and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable by Her Majesty under such guarantee.

House *resumed.*

Resolution to be reported *this day.*

LUNACY (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to continue the Deputy Commissioners in Lunacy in Scotland, and to make further provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy, *ordered* to be brought in by The LORD ADVOCATE, Sir GEORGE GREY, and Sir WILLIAM DUNBAR.

Bill *presented,* and read 1°. [Bill 146.]

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. BARING, Bill to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Kingston-upon-Hull, Stockport, Penzance, Shanklin, Stroud, Portsmouth, Tunbridge Wells, Woolwich, and Tormoham, *ordered* to be brought in by Mr. BARING and Sir GEORGE GREY.

Bill *presented,* and read 1°. [Bill 147.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, June 14, 1864.

MINUTES.]—PUBLIC BILLS—*Select Committee*—On Improvement of Land Act, 1864* (No. 36) [H.L.]; Report (No. 130).
Committee—Union Assessment Committee Act Amendment* (No. 102); Ecclesiastical Courts and Registries (Ireland) (No. 96) [H.L.]
Report—Improvement of Land Act (1864)* (No. 36) [H.L.]; Mortgage Debentures (No. 107) [H.L.]; Public Schools* (No. 128) [H.L.]; Scottish Episcopal Clergy Disabilities Removal* (No. 123) [H.L.]
Third Reading—Court of Justiciary (Scotland)* (No. 82), and *passed.*

LORD ELGIN AND LORD CANNING.

EXPLANATION.

THE MARQUESS OF CLANRICARDE said, he wished to call the attention of his noble Friend the President of the Council to a statement made by him yesterday evening, which had been misunderstood or misreported not only by one, but by several, of the newspapers of that morning. It was on a point mainly personal, but not wholly devoid of historical importance, and perhaps not without some interest in an official point of view. When his noble Friend was speaking of Lord Elgin's career, and rendering no more than a just tribute to his merits, he referred to that part of his career in which, at Singapore, on his way to China, he agreed to divert and did divert the troops which were then on their way from England to China, in order that they might be sent to India to assist in suppressing the mutiny, and he understood his noble Friend to say that he did so at the urgent request of the Governor General of India, and on his responsibility. Reading the reports, however, he found that his noble Friend was represented to have said that Lord Elgin

> "Was fully rewarded by having an opportunity of showing his disinterestedness when on his way to China he was met by the news of the rebellion, and took upon himself the responsibility of diverting his troops to India."

Any one who read that report would naturally think that Lord Elgin in diverting the troops under his command to India had acted on an original notion which had occurred to him. Lord Canning had been charged by those who knew nothing of the circumstances of the case with having been the last man to acknowledge the gravity of the revolt; whereas the papers laid before their Lordships showed that Lord Elgin had acted upon a distinct and urgent demand made on him by the Governor General of India. Lord Canning, in fact, wrote to Lord Elgin, asking him to move to India as many regiments as possible at his disposal before sending them on to China, and he concluded thus—

> "I place the matter briefly before your Lordship, but I hope clearly enough to enable you to come to a ready decision. I will add that I am willing and anxious to bear the whole responsibility of all the consequences of turning aside the troops from China to India."

Lord Elgin, in cordially acceding to this request after consultation with General Ashburnham to divert the troops, said—

> "In diverting from their destination a portion of the troops under my command, both the General and myself feel that we are incurring a heavy responsibility and are making great sacrifices."

The merits of Lord Elgin were of so high a character that they did not need enhancement by detracting from the merits of anyone else; and he thought that his noble Friend the Lord President would not hesitate to state distinctly that while Lord Elgin had entered most cordially into the execution of the plan proposed by Lord Canning, the proposition emanated from Lord Canning, and that he emphatically stated that he was willing to take upon himself the whole of the responsibility.

EARL GRANVILLE: I should be one of the last to find fault with the accuracy with which the speeches made here are reported in the newspapers; but if we recollect how often we speak in a conversational kind of tone across this table, and what a noise there is often going on under the reporters' gallery, it is difficult to understand how even the substance of our observations is caught. My noble Friend is quite right in bringing the matter under the attention of your Lordships, because everything that happened at the time referred to is worthy of being correctly recorded. My noble Friend is perfectly correct as to the substance of what I intended to say; I will not answer for the words. What I meant to say was that Lord Elgin on his way out to China was met by the news of the Indian rebellion, and received an urgent appeal from Lord Canning to divert the troops under his command to India, and that Lord Canning took upon himself the entire responsibility of the act. It never occurred to me to detract from the merits of either of these two great and distinguished men — and, indeed, the fact always struck me as a singular instance of the presence of mind with which Lord Canning availed himself of every possible resource at his command in a great emergency. With regard to the responsibility, Lord Canning took upon himself the responsibility of making the request, and Lord Elgin the responsibility of granting it. I think my chief reason for alluding to the circumstance was to remark on the singular coincidence of two college friends, after a separation by political employment for many years, finding themselves meeting in a distant part of the world under such circumstances, and joining cordially in a measure which, if not the turning-point of the rebellion, was at least of the greatest importance in enabling the Governor General to suppress it.

LORD LYVEDEN said, that his noble Friend had certainly been misrepresented by the newspapers, for he had paid particular attention to his speech, having remarked that in the other House both Lord Palmerston and Sir Charles Wood had laid too much stress on Lord Elgin's conduct in this affair, and to a certain extent had detracted from the merit of Lord Canning—though that might be quite unintentional. The Secretary of State said that the reason why part of Lady Elgin's pension was charged on the Indian revenues was that at a critical moment Lord Elgin had diverted the troops from China to

India. The memory of Lord Canning did not need any vindication from any one; but when that statement had been made in the House of Commons, it was only right that his noble Friend the President of the Council should have given the explanation which their Lordships had just heard. Lord Canning sent a message to Lord Elgin and General Ashburnham, urging them in a way that did not admit of refusal for troops, and under these circumstances Lord Elgin was entitled to the credit of allowing the troops to be diverted; but the idea had originated entirely with Lord Canning. At the same time he sent to Sir Henry Ward at Ceylon, and a short time after he sent to Sir George Grey at the Cape for similar assistance. Having said so much on that point, while expressing his concurrence in what had been said as to the merits of Lord Elgin, he thought the Government ought to consider whether any portion of the pension to be given to Lady Elgin ought to be charged on the finances of India. No pension had been given to Lady Ward out of the Indian revenues, although Sir Henry Ward died at Madras immediately after his removal from the governorship of Ceylon, from the effects of the climate of India. He was glad to say that Sir George Grey was still performing excellent service for his country; but those two men had sent troops to India as well as Lord Elgin, and it could scarcely be said that the fact of his Lordship having been for a short time Governor General entitled his widow to a pension charged on the finances of India.

VISCOUNT STRATFORD DE REDCLIFFE, as a very near relation of one of the parties and as a friend of the other, wished to say that he understood the speech of the President of the Council last evening as one which did equal justice to Lord Canning and Lord Elgin. As he had not spoken on the previous occasion their Lordships would allow him to take the opportunity of expressing his satisfaction, and more than satisfaction, at the statement in which his noble Friend the President of the Council had done justice to Lord Elgin and his widow. He had listened with attention to every word which fell from his noble Friend, and he found that the speech of the noble Earl entirely expressed his own feelings on the subject. It was impossible to have heard the recital of the eminent services of Lord Elgin without a feeling of gratification; and it was equally impossible to contemplate the loss the country had sustained by his death without a feeling of the deepest sorrow. He was sure their Lordships all felt grateful to Her Majesty for having given so signal a mark of her appreciation of Lord Elgin's great merits, and for having done justice to an illustrious public servant. It was most satisfactory to find that in a monarchical country such sentiments of gratitude for public services should exist; that those feelings of jealousy which were so often found to prevail in democratic communities had no place here, and that the nation responded to the example given to it by the Crown, and was anxious to do justice to those who deserved well of their country.

SIR ROWLAND HILL, K.C.B.—ADDRESS ON THE QUEEN'S MESSAGE.

Order of the Day for the consideration of the QUEEN'S MESSAGE of the 6th instant read.

MESSAGE read.

EARL GRANVILLE: My Lords, last evening I asked your Lordships to concur in measures to secure a pension to the widow of a distinguished Member of your Lordships' House, who, having entered early into the service of the country, fell full of honours, if not of years, before the nation had reaped all the benefits which his great knowledge and experience would have conferred upon it had he been spared to a more advanced age. To-day I have to make a somewhat similar proposal in favour of one who, having entered comparatively late into the public service, and having served the public faithfully for a quarter of a century, now enjoys the satisfaction of seeing the great scheme of his life carried out with entire success, to the great advantage of this country, and, I may add, of the entire world. We can hardly conceive the progress that has been made in postal development without referring back to the postal history of that time. I cannot doubt that your Lordships will entirely concur with the Report of the Committee which sat twenty-five years ago, to inquire into the measure proposed by Mr. Rowland Hill's penny postal scheme. In that Report it is stated that—

> "On the management of the Post Office, and the regulation of the postage rates, depends in a great measure the entire correspondence of the country, and in that correspondence is involved whatever affects, interests, or agitates mankind—private interests, public interests, family, kindred, friends, commercial interests, professional business, literature, science, art, law, politics, education, morals, religion."

They reported on the almost universal evasion of the postage. It was shown that in some of our commercial districts five-sixths and four-fifths of the letters were sent in violation of the law. In some towns only one letter in fifty went through the post office. All over the country the law was systematically violated in the transmission of letters. They found that the system which then existed pressed with peculiar hardship upon the poorer classes in this country. Sir Rowland Hill then brought forward his scheme. I am aware that there is some dispute as to who was the first person to propose the scheme of a penny postage; but every one must acknowledge that, if not quite the foremost, Sir Rowland Hill was one of the foremost in advocating that plan. He was certainly assisted in it by various persons and bodies. Mr. Wallace took an active share in forwarding it. The Chambers of Commerce took an active share, and especially the London Mercantile Committee, of which Lord Overstone was a distinguished member, and which issued papers on the subject marked by great activity and ability. But, whatever were the merits of this advocacy, we are accustomed in this country to ascribe the real credit of any reform to the energy, and industry, and determination of the men who practically carry it out. Great credit is due to the noble Marquess behind me (the Marquess of Clanricarde) for the appointment of Sir Rowland Hill to a position in the Post Office which enabled him to carry out his scheme—for your Lordships must not forget that, however successful the penny postal system may now be, it was much opposed at that time, and Sir Rowland Hill was looked upon as a rash schemer and innovator. But the result of his innovation has been entirely satisfactory, and the number of letters which pass through the post is now nine times what it was twenty-five years ago. It is not only in England, too, that communication by letter has vastly increased. In the colonies there has also been a great increase; and the example set in this country has been followed to a certain extent by every civilized nation. But the scheme for the penny postage does not embrace the whole of the postal reforms introduced by Sir Rowland Hill. By developing the book post he has conferred a great boon on literature, and has given a great impetus to education, while the money order system has given immense facilities for the transmission of money from one part of the kingdom to the other, and has assumed extraordinary proportions. Here are some statistics which will show your Lordships what has been the development of the postal system. In 1838, before the penny postal system, the total number of letters which passed through the Post Office was 76,000,000; in 1863 the number was 642,000,000. In 1838 the amount of money orders was £313,000; in 1863 it amounted to £16,494,000. My Lords, I think I have stated enough to show that one who has accomplished so much for the people of this country, and for mankind at large, is entitled to some national reward; and I am sure your Lordships will pass this Vote with the same cordiality with which you yesterday evinced your sense of the merits of another public servant. The noble Earl concluded with his Motion.

Moved,

"That an humble Address be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Majesty's most gracious Message informing this House 'That Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important improvements in Postal Administration, is desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon him;' and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for the Accomplishment of this Purpose."—(*The Lord President.*)

Lord BROUGHAM said, he desired to express his entire approval of the Motion. There was this peculiarity in Sir Rowland Hill—that whereas inventors in general were the most sanguine of men who saw no difficulties in the way, and who exaggerated the probable results of their invention, he under-stated the value of his invention and over-estimated the difficulties and the expense of adopting it. He calculated that from the adoption of his scheme there would be a loss of £300,000, instead of which the gross increase of revenue had been £1,700,000; and after deducting £500,000 for the packet service and all other expenses, there was a clear net increase of £1,000,000. He agreed with his valued friend the late Lord Ashburton, that the carriage of letters was not a proper subject of revenue at all. With regard to the proposal now before the House, he could not doubt that their Lordships would be of opinion that Sir Rowland Hill well deserved the reward which was to be bestowed on him.

The Marquess of CLANRICARDE had the satisfaction of remembering that being then Postmaster General it was under him and through him in some degree that Sir Rowland Hill had entered the Post Office, and he felt bound to bear testimony to the extraordinary zeal for the public service, the judgment, the discretion, the temper, and unvarying urbanity with which he met all the difficulties that he had to encounter. Of course those who had been accustomed to the old system viewed the innovation proposed with great alarm and suspicion. He attributed no blame to these officers, believing that the opinions given by them against the new system were founded upon very natural fears and bias. As their Lordships were aware, the plan, on the contrary, proved eminently successful, and that success was owing in a great degree to the energetic perseverance of Sir Rowland Hill. But penny postage, as his noble Friend had said, was not the only improvement for which the nation had to thank Sir Rowland Hill. His belief was, that if it had not been for Sir Rowland Hill the business in the Money Order Office would not have reached to one-sixteenth of its present proportions—he doubted, indeed, whether that business would have been carried on any longer. No balance had been struck, and no one could tell what assets were in hand. He then asked Mr. Hill, who at that time had introduced some important improvements in the circulation of letters, to take this subject in hand. The result of that gentleman's efforts was to establish, if not an exact balance, at least what practically amounted to it; the system was materially altered, and instead of eleven entries for every money order the number was reduced to four or five, and since that time he had heard of no defalcation or fraud on the part of postmasters, such as had frequently occurred before that time. There could be no question whatever that the system had been productive of immense benefit to the lower and the humbler portions of the middle classes. During the time that he had the honour to be connected with the Post Office he always found that Sir Rowland Hill laboured zealously and efficiently, and always to his satisfaction. When objections to his plans were raised, Sir Rowland Hill always received them in a fair and temperate manner, and never complained of being overruled when fair grounds for so doing had been shown. Upon the whole, this country had never rewarded by a grant of money any public servant who more richly deserved it. Sir Rowland Hill's name would live in every country, for every country had derived benefit from his labours.

Motion *agreed to.*

Address Ordered, *Nemine Dissentiente,* to be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Majesty's most gracious Message informing this House,

> "That Her Majesty, taking into consideration the eminent Services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important Improvements in Postal Administration, is desirous, in recognition of such Services, to confer some signal Mark of Her Favour upon him;" and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary for the Accomplishment of this Purpose."

And the said Address was Ordered to be presented to Her Majesty by the Lords with White Staves.

MORTGAGE DEBENTURES BILL.

(NO. 107.) REPORT.

Amendments *reported* (according to Order).

THE EARL OF MALMESBURY, on behalf of the Duke of Marlborough, moved the insertion of a new clause, providing that in cases where, by the instrument creating the trust, trustees are expressly authorized to invest the trust money upon the security of land or real property, they or the major part of them may apply to the Court of Chancery in England or Ireland, or to the Court of Session in Scotland, for an order or declaration of the Court empowering the trustees to invest any monies subject to the trust upon the security of mortgage debentures issued under this Act.

After a short discussion, Amendment *negatived.*

Bill to be read 3^a on *Thursday* next.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL—(No. 96.)

COMMITTEE.

Order of the Day for the House to be put into a Committee on this Bill read.

THE BISHOP OF OXFORD said, that his right rev. Brother the Bishop of Exeter, who had given notice of a Motion, on going into Committee on this Bill, to move that a Select Committee be appointed to consider and report on the Modes of Appeal proposed in the 83rd, 84th, and 85th sections of the Bill, had requested him to state to their Lordships that he had become so exhausted in his efforts to come to and remain in the House, that he could not stay until this Bill was brought on. But as the most rev. Primate of Ireland had intimated his intention not to proceed with the clauses which were objected to that night, he (the Bishop of Oxford) would not move the Amendment of his right rev. Brother; and he would take that opportunity of stating that he would withdraw the Amendment of which he had himself given notice, and leave the matter in the hands of the most rev. Prelate.

House in Committee.

Clauses 1 to 82 *agreed to.*

THE ARCHBISHOP OF ARMAGH moved to omit Clauses 83, 84, and 85.

THE EARL OF BELMORE said, that although he thought that the most rev. Prelate had taken a prudent course in consenting to the rejection of these clauses, which related to the question of the final appeal in matters of doctrine, when he found that, from the state of feeling in the House with regard to them, to press them would endanger the safety of the Bill, it was a matter very much to be regretted that it was rendered necessary to give them up. The Court of Final Appeal in Ireland at present was the Court of Delegates, which he was informed consisted of three Puisne Judges and a certain number of civilians. Now, in Ireland, there were nine Puisne Judges, six of whom were now Roman Catholics, so that practically there were only three Judges who could be members of this court. Of the remaining persons, namely, the civilians, he doubted if there were any who were well qualified to undertake this sort of duty. With regard to the alternative, namely, the Judicial Committee (of the English Privy Council) he would not undertake to say whether it was a satisfactory tribunal or not, but what he wished to insist upon was, that he considered that under the 5th Article of the Act of Union, the Church of Ireland had an absolute right to have in matters of doctrine the same Court of Final Appeal as the Church of England. The terms of that Article were, that "the doctrine, worship, discipline, and government of the said Church (meaning the Church of Ireland) shall be and shall remain in full force for ever, as the same are by law established for the Church of England." And he (Lord Belmore) could not see now, as long as there were two separate Courts of Final Appeal, this uniformity could be made certain. At the same time, as he said before, he thought that the most rev. Prelate had exercised a wise discretion in now yielding this point, which might be more successfully brought forward another day, rather than risk the safety of this very important measure.

Clauses *struck out.*

Remaining clauses *agreed to.*

Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 132.)

House adjourned at half past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 14, 1864.

MINUTES.]—SUPPLY — *Resolutions* [June 13] *reported.*

PUBLIC BILLS—*Resolution reported*— New Zealand (Guarantee of Loan)*.

Ordered—Portsmouth Dockyard (Acquisition of Lands)*; Registration of Deeds (Ireland)*; New Zealand (Guarantee of Loan)*.

First Reading — New Zealand (Guarantee of Loan)* [Bill 150].

Second Reading — Factory Acts Extension [Bill 55].

Committee—Valuation of Rateable Property (Ireland)* [Bill 102].

Report— Valuation of Rateable Property (Ireland) (*re-committed*)* [Bill 102].

Third Reading—Beer Houses (Ireland)* [Bill 109], and *passed.*

Withdrawn—Valuation of Lands and Heritages (Scotland) Act Amendment * [Bill 81].

FACTORY ACTS EXTENSION BILL.

[BILL 55.] SECOND READING.

Order for Second Reading read.

MR. H. A. BRUCE said, he rose to move the second reading of this Bill. It had been introduced in consequence of a Report which had been presented by a Commission appointed by the late Sir George Lewis, to make inquiries into the employment of children and young persons in trades and manufactures not regulated by law. A similar Commission was appointed twenty years ago, whose Report coincided very much in its general results with the Report which was presented last year. The Commissioners had inquired into and had reported on the state of the children and young persons employed in the manufacture of pottery, lucifer matches, and percussion caps, paper-staining, finishing and hooking, and fustian cutting. The recommendations of the Commissioners resolved themselves into three heads — that the places in which those manufactures were carried on should be properly cleansed and effectually ventilated; that special means should be provided for alleviating the peculiar dangers arising from such of the processes employed as were unusually noxious and dangerous; and that the provisions of the Factory Acts should be enforced with reference to those manufactures and employments. The number of children employed in those trades was between 17,000 and 18,000, and he was the more desirous of stating that fact as the hon. Member for Devonport (Mr. Ferrand) had computed them at 100,000. Although it was possible, in case the House should assent to the principle of the Bill, that ultimately a much larger number of children than he had mentioned would be affected by similar legislation, yet, as a matter of fact, the number of children and young persons who would be immediately affected by the Bill was between 17,000 and 18,000. That number might be divided as follows:—11,000 were employed in the potteries, 1,613 in the lucifer-match manufactories, 150 in the manufacture of percussion caps, 1,150 in paper-staining, 2,300 in finishing and hooking, and 1,563 in fustian cutting. The Bill before the House embodied all the recommendations of the Commissioners in its clauses. It first of all provided that the places in which those trades were carried on should be painted in oil once in seven years, and lime-washed once in fourteen months. The only deviations from the recommendations of the Commissioners were to be found in the following provisions:—

> "(1.) During the first six months after the passing of the Act children not under eleven to be employed as young persons. (2.) During the first thirty months children not under twelve may be employed as young persons. (3.) No child, young person, or woman employed in lucifer-match manufactory to take meals in any part of the factory where the manufacturing process is carried on. (4.) No child to be employed in fustian cutting before eleven years of age. (5.) During the first eighteen months after the passing of the Act, so much of the Factory Acts as provide that no child, young person, or woman shall take meals in any part of the factory where the manufacturing process is carried on shall not apply to the employment of paper-staining or the manufacture of earthenware."

In addition to the provisions contained in the Bill with regard to ventilation and cleanliness, the master was empowered to make special rules in order to secure those desirable objects, and summarily to punish any workmen who should set them at defiance. This provision would remove the only objection he had heard made to this clause, which was one that the masters regarded as essential to their security. The Factory Acts had been incorporated in the present measure with a few exceptions, and those exceptions had been made with the object of rendering the transition from the present state of things easier and more convenient than it otherwise would have been. He would not enter upon the general question of the propriety of legislative interference for the protection of women and children against excessive or unhealthy labour, because that question had been fully discussed on the first introduction of the Factory Acts, and those who were most opposed to those measures at the time of their introduction — and among the number were not only employers of labour, but many statesmen — distinguished as much for philanthropy as for their political ability—had now been forced to admit the wisdom of those Acts of the Legislature. There was not one hon. Member who took part in those debates, he believed, and who opposed the introduction of the Factory Acts, who did not now admit that he was wrong—and the Factory Acts so far from having proved an evil had been a great blessing. He, nevertheless, confessed that, in spite of the success which had attended the introduction of those Acts, the Government was bound in all cases to assign sufficient reason to warrant its interference, and in doing so he was fortunately spared the necessity of using much argument. In a memorial which had been presented to the Government from the employers in the Potteries the memorialists, after stating various facts with reference to the health and education of children in the Potteries, said that their employment was the cause of various moral and physical evils; that it was the origin of a vast amount of ignorance; that the employment of children at so tender an age stunted their growth, and caused in many cases a tendency to consumption, distortion of the spine, and other complaints; and that, much as they deplored these evils, it would not be possible to prevent them by any scheme of agreement between the manufacturers, as a portion only of the employers could be brought to consent to such an agreement. The memorialists also urged the desirableness of appointing a Commission to inquire into the subject, and to consult as to the best means of remedying the evils complained of. The memorial was most creditable to those who had signed it, and it was perhaps the first instance in which an agitation for the security and advantage of the working people against excessive hours and labour had been initiated by the masters themselves. He should have been quite contented to allow his case to rest upon the evidence of the memorialists, had not the correctness of their statements been lately called into question. He therefore felt it his duty to lay before the House reasons for believing that the memorialists were fully justified in what they said, and that there was every cause why Government should interfere. In the Potteries the number of young persons employed between the ages of thirteen and eighteen was 6,500, and the number of children between eight and twelve was 4,500 A great many children commenced work when they were eight years of age, and they were at once put to labour which, under the best masters, generally lasted for eleven or twelve hours, and under the worst was sometimes extended to thirteen or fourteen. A large number of the children were employed in turning the "jigger"—an operation not requiring much strength, but which overtasked the strength of children when continued throughout the day—and in "mould-running." Children were rarely employed at the first only. They varied their work of jigger-turning by carrying the clay which had been moulded into a hot stove, where the temperature was often between 120 and 130 degrees. He did not regard that portion of the work as severe, even if the child were so young as eight, provided that the hours of labour were limited, but he was aware that difference of opinion existed upon the point. The process termed "wedging clay" was chiefly performed by boys, and involved an amount of continuous exertion much beyond their strength. In reference to the processes of "dipping" and "scouring" the Government Inspector said—

> "The operation of dipping the ware is a specially injurious employment, owing to the poisonous nature of the lead which generally forms a large ingredient in the glaze. Boys of a very young age are employed in carrying the ware to the dipper, and are thus compelled to spend much of their time in the poisoned atmosphere of the dipping house. The injurious effects of the dipping tub are well known. Few dippers continue many years at their work without suffering from painter's colic or paralysis; many become crippled at an early age. Boys of about fourteen or fifteen years of age are employed to 'gather' the ware from the dipper; they are brought more in contact with the glaze than the other boys. Women are also employed in the dipping house to brush the ware. Nearly all the boys whom I found engaged in this work had felt its effects more or less; some had suffered very seriously. There seems to be ground for supposing that some constitutions are more affected by the lead poison than others. The boys employed in the dipping house are generally a better class than the flatpressers' assistants. Their wages are much higher and the work is less laborious. . . . . The operation of scouring china—*i. e.* dusting and cleaning the ware from the fine flint powder in which it has been fired, is a very injurious employment. The persons engaged in this work are women. No children are ever employed in it, but many young women are tempted to sacrifice their health for the high wages which this employment affords."

The paper cutters were mostly children. In the operation itself there was little that was injurious, but the health of the children suffered in consequence of over work, the great heat of the room in which the labour was carried on, and from deficient ventilation. With respect to the health of the potters, Dr. Greenhow said, in 1861, in his Report on Public Health—

> "The potters of Stoke and Wolstanton are of short stature and sickly appearance. . . Boys are put to work at a very early age. Boys were observed carrying recently made ware into the stoves at the age of seven, and at all intermediate ages between seven and fourteen years. . . . Young females were seen turning the jigger at the ages of twelve and thirteen years, and sometimes, but rarely, at an earlier age. . . . It was stated by Mr. Boothroyd, a medical practitioner of Hanley, that each successive generation of potters became more dwarfed and less robust than the preceding one, and that, in his opinion, but for their occasional intermarriage with strangers, the deterioration would follow much more rapidly. This statement was confirmed by Mr. M'Bean, another medical man, who said that he had observed a marked degeneration in the potters, especially shown in a diminution of stature and breadth, since he commenced practice among them twenty-five years ago. This falling off he attributed greatly to the neglect of children by their mothers, but more especially to the early age at which they are put to labour, and to the unhealthiness of their parents."

Dr. J. T. Arlidge, senior physician to the North Staffordshire Infirmary, expressed himself in even stronger terms—

> "The potters, as a class, both men and women, but more especially the former, represent a degenerated population, both physically and morally. They are, as a rule, stunted in growth, ill-shaped, and frequently ill-formed in the chest; they become prematurely old, and are certainly short-lived; they are phlegmatic and bloodless, and exhibit their debility of constitution by obstinate attacks of dyspepsia and disorders of the liver

> and kidneys, and by rheumatism. But of all diseases they are especially prone to chest disease, to pneumonia, phthisis, bronchitis, and asthma. One form would appear peculiar to them, and is known as 'potter's asthma' or 'potter's consumption.' Scrofula, attacking the glands or bones or other parts of the body, is a disease of two-thirds or more of the potters. The men are more subject to chest disease than the women; the latter employed in 'dipping' and in 'printing' suffer most. Those engaged in painting, burnishing, and in the ware-rooms least. The most sickly men are the hollow-ware pressers, firemen, and dippers. That the 'degenerescence' of the population of this district is not even greater than it is, is due to the constant recruiting from the adjacent country and to inter-marriages with more healthy races."

Those statements, however, having been the subject of much discussion, he would fortify them by independent evidence which fully sustained their general accuracy. From a Return which had been made to Parliament it appeared that certain districts of Northumberland were the most healthy in England. A comparison between the deaths from phthisis and other diseases of the chest between the ages of twenty-five and forty-five showed that at Stoke-upon-Trent there died from those diseases 584 men and 542 women per 100,000 living; in Northumberland, 335 men and 406 women; and in England and Wales, 512 men and 518 women. Between the ages of forty-five and fifty-five the deaths among the male population at Stoke-upon-Trent had increased to 1,309; and among the female population it remained stationary. In Northumberland there were 322 deaths among the men, and 361 among the women; while in England and Wales the numbers were 692 and 518 respectively. Between the ages of fifty-five and sixty-five the number of men who died from diseases of the lungs had increased at Stoke-upon-Trent to 1,787, and of women, to 882; while the numbers in Northumberland were 477 and 407, and in England and Wales 995 and 741. The result of the Commissioners' Report showed that employment in the Pottery manufactures undermined the constitution and encouraged and propagated forms of disease most productive of human suffering, and ultimately of decay. So much for the health. Now, with respect to education. The inquiry of the Commission showed that education was very backward. In 1841 the population of the whole of the Pottery district was 70,000, and out of that number there were only 1,712 day scholars, or a proportion of 2·4 per cent. In 1862 the state of things was considerably improved, because while the population had increased to 80,237, the day scholars had also increased to 5,450, or about 6·7 per cent. Mr. Longe gave as the results of his personal examination of the children among the flat-pressers and lower classes of workmen:—

	No. of Children Examined.	Could read.	Could not read.
Stoke-on-Trent ...	43	27, or 62·7 p.ct.	16, or 37·2 p.ct.
Hanley, Shelton, Etruria.	131	74, or 56·4 „	57, or 43·5 „
Fenton and Longton.	69	25, or 36·2 „	44, or 63·7 „

Statistics on the subject had been prepared in the Education Department, which would enable the House to judge of the difference between the state of education in the district to which he referred, and in districts in which the Factory Acts were in operation. In making a comparison between three districts where there was no compulsory legislation with three factory towns, he found that in Newcastle, Stoke-on-Trent, and Wolstanton, the percentage of children at schools receiving the grant amounted to 7·89 above ten years, and 5·12 above twelve. In Halifax, Bradford, and Rochdale, the numbers were 17 per cent above ten, and 12 per cent above twelve. So that in spite of the desire of the parents to have their children educated, and of the masters to provide schools, the state of education in the Pottery districts was very unsatisfactory. It was urged by some that the educational clauses of the Mines Regulation Act would have the desired effect; but the success of that experiment in legislation had not hitherto been encouraging. It had certainly discouraged the employment of children underground between the ages of ten and twelve, but it seemed to have failed almost wholly in one of its chief objects, namely, in securing for them a certain amount of education. The recent Report of the Committee of Council on Education contained several notices of its operation in the principal Mining districts. Of their effect in Lancashire, Mr. Kennedy said —

> "I have reason to fear that, as a rule, this law is of little practical effect in Lancashire, from three causes:—1st, because the expression 'competent schoolmaster' admits of a wide application; 2nd, because the expression 'able to read and write' is also susceptible of loose interpretation; and 3rd, because the supervision of the working of the clause is not, and probably cannot,

be rigidly carried out. The result is that the educational provisions have not had much effect in Lancashire."

Mr. Moncrieff thus spoke of the results in Northumberland—

> "Wherever I have had the opportunity in colliery schools I have inquired whether the Mines Regulation Act of 1860 has had any perceptible influence in raising the age of scholars' attendance, *i.e.* in promoting the attendance of boys between ten and twelve. The answer, both from schoolmasters and from owners or viewers, has, I believe, invariably been in the negative. I believe the provisions of the Act are fairly carried out, but I am not aware of any instances of boys attending school and receiving the certificate required. Viewers would rather dispense with them altogether than have the trouble of looking after the certificates. It does not, however, I am sorry to say, follow, that because they do not go down the pit they are therefore at school. Other employment, not within the scope of the Act, is found for them, so that nothing is commoner than to be assured that there are no boys of that age in the pit, and to see, on the other hand, that there are hardly any of them in school."

Mr. Norris said, that in Staffordshire—

> "The Mines Act of 1860, so far as its educational provisions are concerned, has been a complete failure in the mining districts of Staffordshire and Shropshire."

Of their working in the West Riding of Yorkshire, Mr. Watkins said—

> "Judging by the schools which I have inspected in the mining districts, and by information obtained from their teachers and managers, there seems to be no doubt that the Act has produced some, but hitherto only a slight, effect. I proceed to state the reasons which, in the opinion of many persons well qualified to judge, have hindered and defeated the object of the Act. With regard to the education of children working in mines, the Act provides that a boy above the age of ten years and under the age of twelve years may be employed in a mine or colliery, if he obtains a certificate, under the hand of a competent schoolmaster, that he is able to read and write. These expressions open a wide door for abuse. The term "competent schoolmaster" is very vague. Under this nomenclature, any schoolmaster teaching any kind of school may give the certificate required. Possibly there is no schoolmaster who is actually unable to tell whether a boy can read or write. But there is no doubt of the fact that boys obtain their certificates whose reading and writing, if they can be so called, are of the most wretched character, and perfectly useless for the purpose of education. Without some arrangements for a really 'competent master' and some settled test of ability to read and write, the object of the Act will be defeated, not only by dishonest persons, but by those who believe that they are carrying out the point when they keep within the letter of the law."

Against the half-time system proposed by the Bill, it had been urged by the masters, and even by the men themselves, that it would be impossible to obtain the necessary supply of children to carry on the work of factories. Undoubtedly a great number of workmen had petitioned against the application of the Factory Act to the district, but those workmen were themselves the employers of the boys, and generally less inclined to employ the boys moderately and humanely than the masters. A complete answer to the objection was the fact that, in Glasgow and Newcastle, machinery had been employed to supersede the labour of children in some portions of the work. Much of the overwork of the children arose from the practice of many of the potters in working irregularly, or not at all, at the beginning of the week, and making up the time by extra exertion—longer days, towards the end of the week—a practice which created a greater demand for the labour of children than would have existed had they worked regularly. On that point the Commissioners said—

> "If the master's propensities prompt him to loiter away the earlier days of the week, he works the extra hours on middle days to make up his losses. Thus the child—the almost infant child—is taxed with three or four hours' increased exertion, to the sacrifice of his health, his morals, and every domestic comfort that he would otherwise enjoy, and this without the least remuneration, as in every case his wages are the same, whether he makes the twelve hours or the sixteen. The evil is lamented by the honest workman, by the children, by the parents, and universally by the manufacturers, who acknowledge their inability to correct it themselves without incurring the risk of exciting tumult, and thereby occasioning some delay in the execution of their orders, as the processes are so linked in with each other that by losing one set of men the others are rendered useless."

At present a large number of the more respectable persons engaged in the Potteries declined to allow their children to be exposed to the danger and fatigue which they knew to be inseparable from some portions of the business, and consequently a large proportion of the children who worked in the Potteries were drawn from the neighbourhood of collieries, and from amongst the children of the poorer classes. They had the strongest evidence that if the work was made more healthy, a larger number of the children of the potters themselves would be employed, and by that means an ample supply of children would in a short time be obtained. An argument that had been used was, that the works in which the children were employed were so numerous and detached that it might be difficult to enforce the law. That matter had been considered. The same state of things existed in the cotton and woollen manufacturing districts, but no difficulty whatever in practice had resulted from the application of the Acts in those districts. Another argument used was one which was stale in the ears of the House, and it was that the unexpected receipt of orders made it necessary at times to work for a greater number of hours than the Factory Acts permitted. That argument had been too often refuted by experience to have much weight with hon. Members. It was also said that the competition of the iron works and collieries drew off a great number of boys who would otherwise be employed in the Potteries. But in the cotton, linen, and woollen manufacturing districts, which were surrounded by iron works and collieries, no difficulty was experienced in obtaining labour, and the House might rest assured that wherever the children were employed under healthy conditions, the supply would be sufficient.

The strongest objection to the application of the half-time system, and one which would probably receive more sympathy on the part of that House, was, that the age of eight was too early an age at which to employ children even under the restrictions imposed by the Factory Acts. He was bound to say that there was a strong feeling throughout the district against employing children at so early an age; but the experience of Inspectors was that, with very rare exceptions, the employment of children of that age, under the restrictions of the Factory Acts, was not followed by any evil effects upon their health. If the permission to employ children at the age of eight might be to a certain extent an evil, it was also an advantage, because it was a security for the education of the child. The parents were apt to postpone sending the child to school until he began work, and there was no doubt that was an evil which would be augmented if the age of commencing work was altered from eight to nine years. That was a matter, however, which could be more conveniently dealt with in Committee.

He would next state a few facts with respect to another manufacture which would be included in the measure—the manufacture of lucifer matches. It was of recent growth, having only been commenced in the year 1833. The total number of young persons engaged in it was 1,800 and of adults 850; in other words, about two-thirds of the persons employed in the trade were children or young persons. The evidence taken before the Commission showed that these children were frequently employed from six in the morning till nine or ten o'clock at night, that they were the most neglected and worst educated of any class, and that they were the poorest of the poor and the lowest of the low. Their employment was exceedingly prejudicial to health, and induced a most distressing and painful disease of the jaw. They often lost portions of the jaw, and in some cases the lower jaw was entirely destroyed. The effect of attention having been directed to the matter had been to diminish the evil, but still the application of the Bill would be of the greatest use not only in limiting the number of hours during which the child was exposed to the fumes of phosphorus, but in securing ventilation, and preventing the children having their meals where they would still inhale the fumes of the phosphorus. The next trade—that of percussion caps and cartridges—did not employ many children, but it varied from time to time, and the Commissioners saw no reason why the children should not be included in the Act, their circumstances being generally the same. The next trade was that of paper-staining, the principal seat of which was in London, but it was also carried on in Manchester and other large towns. The number of children employed was 1,100, of which 643 were children under thirteen, and 82 were under ten years of age, and 507 were young persons. The trade was not necessarily injurious in itself, but the hours of labour were excessive. There were a certain number of busy months in the year in the trade, and in four of the busiest of these months the work went on from six in the morning till nine or ten at night, and even later, with little intermission. The effect of these long hours of work had been described by various witnesses. One witness stated that last winter six out of nineteen were away from ill-health from overwork. Mr. Duffy, a workman, stated that he had seen the children when none of them could keep their eyes open to do the work, and a boy thirteen years of age stated that he was kept so long on his feet working that they became sore. The workpeople also suffered from the heat and the fine dust which was suspended in the air during the progress of the work. With respect to the next trade, that of finishing, hooking, and lapping, the House had had the subject frequently before them in connection with the Bleaching and Dyeing Works' Act. It was believed, both by the Inspectors and the majority of manufacturers, that the finishers had been included in the Act. A case, however, having been brought before the Court of Common Pleas, it was decided that where finishing was carried on as a separate process it did not come under the Act. An Act passed in last Session partially removed that evil. Upon the statement of facts furnished by the Commissioners the Government had no difficulty in including the finishers and hookers in the Bill. Numerous objections were, however, made from various towns First, from Bradford, where about 1,500 persons were employed. A petition signed by 1,108 was presented, stating that there were no children employed in the trade, only young persons; and that the trade so far from being unhealthy, was very healthy; they, therefore, objected very strongly to being placed under the Act. Similar statements came from Belfast, Dundee, and Leeds. It therefore appeared to the Government, that as only inquiry had been made at Manchester, and that as children were not employed in other towns, it would not be expedient to include them within the Act until further inquiry had been made. The Commissioners were about to report upon other trades, and the Government might probably have to introduce another Bill similar to that they were considering. In the meantime inquiry could be made into the condition of hookers, finishers, &c., in other districts; and if the statement with respect to Manchester should be supported as regarded other places, it would then be the duty of Government to insert in another Bill the clause which had been introduced into the Bill before the House, and which he now proposed to omit. And now he came to the last part of his statement, the fustian cutters. In that trade there were altogether about 4,000 persons employed, 1,560 of whom were children, and out of this number about 600 carried on their employment in private dwellings. The tendency was to increase the number of children employed. In some cases they began as early as seven and eight years of age, and the average hours were fourteen per day, with one and a half hour for meals. Some employers, however, towards the end of the week kept them at work for eighteen or twenty hours a day. The nature of the trade, it appeared, necessitated a peculiar action of the body, which threw its weight in one continuous direction, producing in many cases distortion of the knee and spine. There was a general desire on the part of both employers and employed that the Act should be applied to that industry. The difficulty lay in extending it to the private dwellings of the workmen, but that difficulty was not insuperable. Having now concluded his review of the trades affected by the Bill, he felt it his duty to direct the attention of the House to the great importance of the new principles involved in it. Not only was this the first time that the Factory Acts had been applied to trades in which the motive power was not steam, water, or machinery, but the Bill, if passed into a law, would regulate one trade at least which was carried on in private houses. It was the duty of the House carefully to consider the measure, and to determine whether they would be justified in applying the principle of the Factory Acts to the trades he had named. For his own part, he believed that no other species of legislation which human wit had recommended would be so effectual in attaining the end they had in view as those Acts of which they had had so beneficial an experience during the last twenty years.

Mr. CRUM-EWING said, that knowing the beneficial effect the Factory Act had had, he hailed with satisfaction the introduction of the Bill, and it was with considerable regret that he heard a few days back, that the right hon. Gentleman had determined to exclude from its operation the hookers, lappers, and finishers. The whole of the evidence taken by the Commissioners was in favour of including those classes within the operation of the Act, and he trusted the Government would not exclude them, and that they would not flinch from pressing the Bill forward.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. H. A. Bruce.*)

Viscount INGESTRE said, he should not oppose the second reading, but he should at the proper time move that it be referred to a Select Committee, with power to send for persons, papers, and records. He wished to put his opposition—if he might use the term — in the mildest form, for he was convinced that in the Potteries something must be done, but the question in his mind was how it should be done. He could not agree to the half-time system, believing that children should not be employed in the Potteries at all under the age of ten years, and that was the prayer of the memorial, already referred to, of the masters in the Potteries. He held in his hand several letters from influential persons favouring the view that children should not be employed under the age of ten years. The feeling was that there should be even very strong restrictions, but the manufacturers asked that the Factory Acts should not be forced upon them, inasmuch as they were inapplicable to the Staffordshire Potteries. He believed that the right hon. Gentleman hardly gave the inhabitants of the Pottery districts sufficient credit for the state of education. The information upon the subject was gathered in a hasty manner, and Mr. Sandford, the Assistant Inspector of Schools, had since acknowledged that he was mistaken in the opinion which he had given upon the subject. In that statement he was supported by the opinion of several schoolmasters in the district, who were all opposed to the half-time system.

MR. H. R. GRENFELL said, that he would very briefly express the reasons which induced him to vote for the Motion of the noble Lord the Member for North Staffordshire. He could assure his right hon. Friend the Vice President of the Committee of Council that he was not going to oppose his measure from any reasons of abstract political economy, but solely from a belief that no arguments had yet been adduced to show that the Mines and Collieries Regulation Act might not be applied to the Pottery district. His right hon. Friend said in his speech that various petitions had reached him since the publication of the blue-book at variance with the original memorial of the manufacturers. He (Mr. Greenfell) could assure the House that such was not the case. The petitions were exactly in accordance with the original memorial, and disputed none of its facts. But they disputed many of the facts contained in the blue-book both as to the health of the district and as to the education. The noble Lord having already shown that the educational statistics in the blue-book were not to be relied on, it was unnecessary for him (Mr. Grenfell) to speak further on that point. But he might say that these errors had caused great uneasiness in the district from the fact that they proceeded from Government agents. The Rev. Mr. Sandford was a Government Inspector of schools, and with regard to the statement of Dr. Arlidge on the health of the district, he had among his papers a pamphlet, published by a sub-Inspector of factories, Mr. Measor, who took for granted that Dr. Arlidge's statement was true. His right hon. Friend had himself quoted it, and it appeared as a test for almost every paper and pamphlet that had appeared since the publication of the blue-book. Now what were the facts of the case? Dr. Arlidge's statement was so astounding that almost every one connected with the district took notice of it, and having himself been present at several meetings in the district, called for the purpose of discussing the Government measure, and hearing so much of Dr. Arlidge's statement, he thought there must be some mistake in it. Through the kindness of a friend he was put in communication with Dr. Arlidge, who very politely sent him a letter of explanation, which, with the permission of the House, he would read—

"Newcastle-under-Lyme,
February 17th, 1864.

"Dear Sir,—My friend Mr. Blakiston, of Shelton, has kindly suggested that it would be well for me to write you in reply to a question put to him in a recent letter of yours, respecting the scope of my letter published in the report of the Children's Employment Commission, p. 24. I gladly avail myself of the suggestion, as my remarks have been much misinterpreted and severely censured.

"Paragraph 2 has been set forward by itself, and discussed without reference to the explanations contained in paragraph 1, and I have been made to say that the defects noted in paragraph 2 apply to the whole population of the Potteries. This interpretation is unfair. My assertions, as intimated in the first section, rest upon observations made among sick people almost entirely, and carried on principally at the Infirmary. At the same time this institution offers the best possible field for noting the prevalent disorders of the artisans of the district, and were I again asked my opinion of the physical condition of the working potters, I should reiterate the statements in my published letter, with very slight modifications. The word "mentally" crept into my letter without reflection, and I would not repeat it unless convinced by special research of the truth of deterioration of mental condition, over and above that amount inevitably concomitant with physical deterioration.

"Then, again, I would not assert that two-thirds of the potters are scrofulous, though probably one-third are. In so saying I was influenced by the vast number of strumous patients which fell under my observation at the date I wrote, at the Infirmary, and from what I then knew I was justified in making the assertion. That so many scrofulous cases fell to my lot at that time was the result of the usage prevailing, to send such cases to the physicians. It would lead me beyond the limits of a letter to enter into further explanations of similar accidental modifying circumstances to be allowed for in a fair estimate of my letter. Saving, however, the two points mentioned, I repeat, my letter conveys the positive results of observation carried on among the potters applying at the Infirmary, and as far as practicable, among those coming within the range of private practice. It should be remembered that by the plan of 'establishment subscriptions,' levied as a tax among the work-people, the Infirmary represents a gigantic sick club, and therefore the results arrived at respecting the physical condition of the artisans of the district, are of wider application than they would be in an Infirmary supported wholly by voluntary contributions, and therefore resorted to by the very poor only. Forgive this long epistle.—I remain, yours truly,

"J. T. Arlidge.

"H. R. Grenfell, Esq."

P.S.—I have a multitude of statistics which I hope shortly to publish.—J. T. A.

What, then, was the upshot of this piece of evidence as to two-thirds of the potters being scrofulous? Why that two-thirds of those who went to Dr. Arlidge were so. And this, because those afflicted with this disorder were sent to the physician, and he was a physician. After such a piece of evidence as that, no wonder doubt was thrown upon the accuracy of these statements. Passing from the evidence to the measure before the House, he confessed he had heard no reason as yet why the three first clauses of the Mines Regulation Act should not be applied instead of the half-time clauses of the Factory Act. It was the unanimous feeling of the manufacturers and workmen that such should be attempted. The whole of the clergy were in favour of it, and, indeed, he might say that the Rector of Stoke only a few days ago assured him (Mr. Grenfell) that he considered it better for the health and more conducive to the education of the district. For these reasons he should support the Motion of the noble Lord for a Committee, which, he was informed, need only last a few days, as the object was clearly defined and the evidence could be easily sifted. At the same time, whether this were granted or not, he felt convinced that the manufacturers of the Pottery district were desirous of obtaining the best measure for the workmen, and that whichever measure of these two was selected by Parliament, in the wisdom of which they had the fullest confidence—whether it were the half-time system or the Mines Act—they would receive it with the full intention to do their utmost to make it conducive to the health, morals, and education of this important district.

Mr. Alderman COPELAND said, he should like to see the Bill so modified that it could be advantageously applied. He desired, and his brother manufacturers concurred in that desire, to see an enactment passed prohibiting the employment of any child before the age of ten years, and then for not more than seven and a half hours a day. He maintained that the blue-book had cast a stigma upon the Staffordshire manufacturers which they could ill bear. He believed that it would be very advisable if the provisions of the Mines Regulations Act could be applied to the Pottery districts. He must also take the opportunity of congratulating the right hon. Gentleman upon the selection he had made in the appointment of mining Inspectors.

Mr. ADDERLEY said, he rose to express his gratitude to the right hon. Gentleman for the care and trouble which he had bestowed upon the Bill. The pottery manufacturers of Staffordshire were constituents of whom he might justly be proud. So anxious were they that their trade should not be carried on to the moral or physical injury of those they employed, that they were the first body of manufacturers who had themselves sought to inflict this restrictive legislation on their trade. He (Mr. Adderley) hoped the second reading of the Bill would be passed without discussion, and the sense of the House taken on the proposition of his noble Friend for referring the Bill to a Select Committee. He thought it was due to the manufacturers, who had initiated the legislation, that such a Bill should be investigated by a Select Committee as they requested, and he believed that the short delay that would thereby be caused would in no way endanger its passing. The system of inspection which had of late so much spread in this country was not only very costly but was also distasteful to our habits and customs, and could be only regarded as a violent remedy. The necessity of some such infraction of private rights could not, however, be denied, because, but for it, there would have been no Factory Act legislation. Those who at first were the strongest opponents of that system now admitted the beneficial effects of it. They had, indeed, entirely recanted the opinions which they entertained some years ago. He thought the principle of the Factory Act so successful when applied should be further applied to all trades and employments in the country, if it could be done, and as much as possible by a system of penalties on detection of offences, with as little espionage as possible. The Factory Act was, in reality, a protection of the good manufacturer against the bad, and it ought to be spread equally and impartially over every kind of employment. The difficulty, however, was, that there were some employments—chiefly agricultural—which it would be extremely difficult to place under such restrictions. The present measure extended the Factory Acts to five or six additional trades. The Bill had been drawn up in a most slovenly and objectionable manner, because it did not specifically state its provisions. It simply declared that certain six trades should be subjected to the Factory Acts, of which there were already thirteen in number. Probably no two lawyers would give the same opinion as to what those six trades would be thus subjected to. This was a slovenly and dangerous mode of framing legislation, and he therefore hoped that an early opportunity would be taken of consolidating the several acts. He gave his adherence to the principle adopted by the Bill, yielding only so far to the noble Lord that he would consent to its being referred to a Select Committee. The sole ground of opposition raised to the half-time system proposed by the Bill was a preference for the Mines Regulation Act, which permits children's full work from the age of ten. He must say, however, that he adhered to the half-time system. He did not believe that a boy could begin to work too early as long as the work given to him was suitable to his age. He could not commence too early to learn the trade by which he was to get his living in after years, as long as the boy was not subjected to too hard labour. But he did not think children were capable of full work at ten. As to the system of employing children full time and afterwards sending them to school it was a perfect farce. Mr. Bagnall, near Birmingham, a most intelligent and one of the best masters in the iron districts, had tried it, and notwithstanding that he had built schools, furnished them, and found masters, the only result was that instead of the children going home after work to bed, they were placed on benches, where they slept uncomfortably, instead of sleeping at home comfortably. It was said that the half-time system would increase the demand for children, and that the demand would thus get in excess of the supply. The same argument had been urged against the introduction of every Factory Act, and had turned out to be without the shadow of foundation. Even if it were found difficult to supply the double requisition of children, their work was of so easy and simple a character that it would not be difficult to find a machine which would act as a substitute. Their work was in a great many cases confined to turning a wheel. If machinery for this is adopted, will parents grudge a slight loss of children's wages to economize their children's lives? It was better during the whole period of childhood to mix a child's proper work with education, than to devote him to education without work till ten, and impose full work on him after.

SIR GEORGE GREY said, he wished to state his entire concurrence in the expression of gratification at the way in which the Bill had been received. The hon. Gentleman the Member for Stoke-upon-Trent had complained of the manner in which the manufacturers had been treated by the Commissioners in their Report, but it should be remembered that the Commissioners had given the manufacturers credit for a desire fully to concur in the objects which the Commission itself sought to promote. The Factory Acts referred to by the Bill were not thirteen, as stated by the right hon. Gentleman (Mr. Adderley), but only five, and those five comprised the whole code of legislation in that direction. He would suggest that the Bill should be read a second time without opposition, and that the only point in dispute, the question as regarded the half-time, should be settled in Committee. He doubted, however, if the question would be so satisfactorily settled by a Committee upstairs as by a Committee of the whole House, while the probable effect of referring the Bill to a Special Committee would be to postpone legislation upon the subject for another year.

COLONEL EDWARDS congratulated the Vice President of the Council of Education on the production of the Bill, which would be hailed with delight by the whole manufacturing population, and at the same time he thanked his noble Friend (Lord Ingestre) for his very eloquent and able speech. Living as he did in the heart of a manufacturing district, he could bear testimony to the blessings conferred by factory legislation. He trusted he would be excused by the House in not giving a silent vote in support of the extension of the Factory Act as proposed by the Government. It might be in the recollection of the House, that sixteen years ago he had the honour of supporting the views of that true patriot and benefactor of the working classes, John Fielden, in his advocacy, when he achieved the great victory of the Ten Hours Factory Bill. At that period it met with the most determined opposition from the great body of the Liberal party, but he was now happy to find that the majority of its most strenuous opponents to their honour confessed that their views were altogether changed with regard to the measure which had proved by its working to be a complete success. Were that excellent man still living, how gratified would he be to see the introduction of this Bill for the extension of the great enactment, to which he directed his life, to all other manufactures and trades in which females and boys required protection from over-long hours of labour. He would comply with the request of the Secretary of State, and add no more to his remarks at this stage of the Bill, in order that the House might not delay its progress. He would only add that the Chambers of Commerce at Halifax and Huddersfield had petitioned in favour of this Bill; Leeds and Bradford also; and, at the latter place, at an immense public meeting this feeling was unanimous in its favour, with certain modifications in Committee.

Mr. FERRAND said, he believed that the majority of the gentlemen engaged in the shipping trade of the country were in favour of the Bill, and he was therefore sorry to see the clause including shipping warehousemen in the provisions of the Bill struck out. He maintained that that course had been adopted by the Government in consequence of the pressure put upon the right hon. Baronet the Secretary of State for the Home Department by certain Germans, inhabitants of Bradford. Might he ask the right hon. Baronet, if some pressure of a political nature had been brought to bear upon him?

Sir GEORGE GREY: I have not had any communication with a single person upon the subject.

Sir FRANCIS CROSSLEY said, he had looked upon the first Factory Act with great fear, because he had believed that it would not answer, but he could now bear testimony to its good effects in every direction. He quite agreed in the opinion that the children worked better and learnt more under the half-time system than if all their time were devoted either to school or to labour. He thought that if they found further legislation for the protection of children successful, they might come to the House and ask them to extend the same class of legislation to agricultural labourers.

Lord JOHN MANNERS said, he rose to express his regret at having heard from the right hon. Gentleman that he intended to expunge from the Bill the clause relating to the hooking and lapping process, but he trusted an effort would be made in Committee to retain the clause. If the Bill should pass with that clause in it, it would entitle the right hon. Gentleman to great credit as having introduced a Reform Bill infinitely more valuable than many of those Reform Bills which had come from the Ministerial side of the House. He might add that he was quite sure that if such a measure as that which had been alluded to by the hon. Baronet the Member for Halifax were introduced, it would receive every favourable consideration from agricultural Members.

Motion *agreed to:* Bill read 2°, and committed for *Thursday.*

CAPE COAST—THE ASHANTEE WAR.

QUESTION.

Sir JOHN HAY said, he rose to ask the Under Secretary of State for War to lay upon the table of the House—

> "Statements of the number of Officers and Men in the Cape Coast command on the 1st day of July, 1863:
>
> Of the number of Officers and Men landed from the *Megæra*, at Cape Coast, in August 1863:
>
> Return of the number of Officers and Men landed from the *Tamar*, at Cape Coast, on the 9th day of April, 1864:
>
> Nominal List of the thirteen Officers who have died up to last Returns:
>
> Nominal List of the fifteen Officers invalided up to last Returns:
>
> Nominal List of the nine Officers remaining sick at Cape Coast:
>
> List of the number of Men dead since the 1st day of July last:
>
> List of the number of Men invalided since the 1st day of July last:
>
> List of the number of Men in Hospital at last Return:
>
> And, Statement of the remaining Effective Force at Cape Coast Castle on the 14th day of May."

He was able to prove that these men had died from the criminal incapacity of Her Majesty's Government.

The Marquess of HARTINGTON, in reply, said, he hoped that all the information that was in the possession of the Adjutant General on the points mentioned by the hon. and gallant Member would be laid on the table to-morrow or next day, with other papers relating to the Ashantee war. The Returns received up to the present time by the Adjutant General only reached up to the end of last April, and did not contain the names of all the Officers who were stated by the hon. and gallant Member to have died subsequently to that date. All the information that was in the possession of the Horse Guards would be laid upon the table of the House.

NATIONAL EDUCATION (IRELAND). QUESTION.

SIR **EDWARD GROGAN** said, he wished to ask the Chief Secretary for Ireland, When the Return relating to National Education (Ireland), which was ordered on the 19th day of February last, will be laid upon the table of the House?

SIR **ROBERT PEEL** said, he had to express his regret at the delay which had taken place in presenting the Return which was ordered in February. He understood, however, that it would be ready in two or three days, and he trusted he should be able to lay it on the table of the House in the course of the week. The delay had arisen from the pressure on the office in preparing the numerous Returns that had been ordered.

INDIA—THE INDIAN ARMY. QUESTION.

SIR **MINTO FARQUHAR** said, he would beg to ask the Secretary of State for India, Whether he can name a day on which he will place upon the table of the House the Warrant for the re-organization of the Indian Army in accordance with the Report of the Commission on Memorials of Indian Officers?

SIR **CHARLES WOOD** said, in reply, that at last he was happy to be able to give a positive answer to the hon. Baronet's Question. The Warrant had been sent by the Secretary of State for War, in whose hands it was, to the Queen, yesterday or this morning. It would be transmitted to the Council on Thursday, and he hoped it would be presented by Monday at the latest.

VICTORIA—EXPULSION OF TICKET-OF-LEAVE MEN.—QUESTION.

MR. **BLAKE** said, he would beg to ask the Secretary of State for the Colonies, Whether his attention had been drawn to the Notice given by Mr. Kyte, M.P. for East Melbourne, of his intention to move the following Resolution in the Legislature of Victoria:—

> "To move that the House will resolve itself into a Committee of the whole, to consider the propriety of presenting an Address to His Excellency the Governor, requesting that the sum of £5,000 might be placed on an additional Estimate for the purpose of defraying the expenses of exporting to Great Britain ticket-of-leave men during 1864, not exceeding 300 in number,"

and, in the event (as appears to be generally anticipated in the Colony) that the Resolution should pass before the despatch of the next Mail, what course the Home Government are prepared to adopt?

MR. **CARDWELL** replied, that he had not received any official communication from Victoria even, that the Notice of the Motion to which the hon. Gentleman referred had been given. He was sure the hon. Gentleman would not expect him to anticipate the adoption of such a Resolution by the Legislature of Victoria, and still less to state what course it might be necessary for Her Majesty's Government to take in the event of that Resolution being adopted.

DENMARK AND GERMANY—THE CONFERENCE.—QUESTION.

MR. **BERNAL OSBORNE**: Sir, as the House is not likely to receive any satisfactory answer, I give notice that I will draw the attention of the House, on the first occasion of our going into Supply, relative to the publication of the secret diplomacy in the public newspapers.

MR. **DARBY GRIFFITH** said, that being of a more sanguine character than the hon. Member for Liskeard, he should put the Question of which he had given notice. He wished to ask the First Lord of the Treasury, Whether, since secresy is not observed by the other parties to the Conference, it would not be a mere empty form to maintain it towards the House of Commons; and whether, when the extension of the Armistice was consented to, it was understood and agreed that that extension should be final?

VISCOUNT **PALMERSTON**: Sir, I will not enter into the first part of the hon. Gentleman's Question, which is only argumentative, and, I think, is hardly Parliamentary. With regard to the latter part, I have no reason—but rather the contrary—to believe that when the Armistice was prolonged there was any decision in the Conference that that prolongation should be a final one. The Question is open to the Conference, which may prolong the Armistice or not at the expiration of the present term, according to the then existing circumstances.

BRITISH TROOPS IN CANADA.

QUESTION.

Mr. ADDERLEY said, he would beg to ask the Secretary of State for the Colonies, If the Government will fix a day for going into Committee of Supply on Colonial Estimates, on which he may bring forward that Motion of which he has given notice, on the present disposal of the British Troops in Canada?

Mr. CARDWELL said, he proposed to take the Colonial Estimates on Thursday next.

INCOME TAX—RESOLUTION.

Mr. HUBBARD, in rising to call attention to the operation and extent of the direct and indirect taxation as now levied, with especial reference to the Income Tax, said: Sir, What is the reason that taxes are disbursed more grudgingly than expenditure in any other form—that the tax-gatherer is universally execrated — and that taxation is a subject at once irksome and irritating? There ought, Sir, to be no ground for such a question. Taxes ought to be regarded as offerings cheerfully conceded by the various members of the community—by each according to his means—for objects essential to his welfare, and which singly he either cannot accomplish—or can accomplish only at a much greater sacrifice. In the payment of his taxes every one ought to be able to rejoice as the means by which he is best able to secure his personal safety from external foes or domestic dangers, and protection for his property and for his industry — by which, in short, he obtains the immense benefits which result from the good government, which is a main feature of advanced civilization.

But, Sir, the prevalent notion of taxation has been derived from very different considerations. With too much reason has it been complained that taxes have been levied for the gratification of the ambition and the luxury of the Sovereign; that their administration has been abused to the aggrandisement of state functionaries and their officials; and lastly, that they have been selected without wisdom and exacted without justice. In this country, Sir, whatever may have been its former condition, the two first of these complaints can be advanced no longer. We have the happiness to live under the rule of a Sovereign who, scrupulous in the exercise of her prerogative, never raises the dread banner of war, except with the concurrence of her constitutional advisers—and who, so far from exacting from the people the cost of personal indulgence, is ever ready liberally to relieve the suffering out of the fund provided for the Royal maintenance; a fund, I must remark, which, measured by the wealth of this great country, and contrasted with the expenditure of other Sovereigns, is not excessive. And again, Sir, whatever may have been the state of previous generations, we may boast, and it is a boast to which of all countries we are the best entitled, that we have a public service distinguished by the integrity of its officials. Whatever be their other faults, no man can impute in our days anything like venality or corruption to our public men. No one can impute to them malversation of the national funds, and we may safely affirm that no portion of the taxes levied upon the people is diverted from the Exchequer by official peculation. But, Sir, as to the last of these complaints, we cannot honestly deny that it applies to our fiscal system, or pretend that the odium connected with taxation in this country is a mere prejudice and not the result of a want of wisdom in the selection of taxes, and in the manner in which these taxes are levied. Our taxation, as it stands, is the result of no recognized principle—it is the growth of no settled system—it is the residuum left by separate and inharmonious acts which imposed taxes when money was wanted, and removed taxes when money could be spared, with slender regard to their bearing on the national interests or to the equity of their incidence. But, Sir, my present object is the consideration, rather of the present than the past; and we may conveniently, for our purpose, divide our taxes into direct and indirect taxes; not indeed that such a division exists in the present classification, but it may with sufficient accuracy be obtained by a careful scrutiny of the Revenue returns. Customs are of course indirect taxes; Excise are chiefly indirect; but Stamps do not of themselves indicate either direct or indirect taxation, and some of the items involve both kinds of taxation. The notice of this fact we owe to the Chancellor of the Exchequer, who, in the course of the present Session, pointed it out to the House. It is true, as he stated, that the tax upon Fire Insurance presses partly upon stock in trade and partly upon property. That which is levied on stock in trade is an indirect tax in so far as it operates upon the price of commodities, and is ultimately paid by the consumer; while, on the other hand, that portion which presses upon property is a direct tax, although one most unequally levied. I have ventured to classify and estimate the Revenue for 1865–6 as follows:—

INDIRECT.

Customs and Excise.		
Spirits	£12,000,000	
Tobacco	5,800,000	
Wine	1,200,000	£19,000,000
Malt	5,800,000	
Tea	4,600,000	
Coffee	460,000	
Sugar	5,640,000	
Currants and Raisins ...	344,000	
Pepper	106,000	
Corn	750,000	17,400,000
Wood	250,000	
Sundries	250,000	500,000
		£36,900,000
Stamps.		
Licenses and Certificates ...	£2,000,000	
Bill Stamps and Receipts ...	1,200,000	
Railways and Carriages Hired	600,000	
Patents and Miscellaneous ...	240,000	
Marine Insurances	360,000	
Fire Insurance on Stock in Trade	300,000	4,700,000
		£41,600,000

DIRECT.

Stamps.		
Probates & Letters of Administration	£1,500,000	
Legacy and Succession Duties	2,500,000	
Fire Insurance on Property ...	1,050,000	
Deeds, Stamps, &c.	1,450,000	
Land Tax	1,100,000	
House Tax	860,000	
Assessed Taxes	1,210,000	
Newspapers and Sundries ...	200,000	
Excise—Game Certificates, &c. ...	130,000	£10,000,000
Income Tax, 6d. in the Pound		7,400,000
		£59,000,000
Post Office, profit	£1,600,000	
Crown Lands, net revenue	300,000	
Bank of England, for circulation ...	130,000	
Fees	170,000	2,200,000
Total		£61,200,000

I wish to say a few words in passing upon the last four items in this list, for they are neither direct nor indirect taxes. The Post Office profits are the gains upon an industrial occupation, properly undertaken by the State; but which, so far from being a tax on the community, bestows on them for each contribution that they make, a benefit far exceeding it in value. The £130,000 received from the Bank of England is a part of the larger revenue which the Crown might derive from its prerogative of coining paper into money. Fees and Crown lands require no explanation. Deducting these items we have £59,000,000, as the direct and indirect taxation of 1865-6, supposing the Income Tax of 6*d.* in the pound to be then still in force. But, Sir, the Income Tax expires again in April next. Can we do without it?

The list of items which I have read exhibit a total of £41,600,000 of indirect, against £10,000,000 of direct taxes, excluding the Income Tax. But what do we mean by direct and indirect taxes? I am not aware of any great authority to whom I can refer upon this subject; but I venture to suggest the definitions which these lists bring before my mind. I would say then, that indirect taxes are such as are levied upon commodities either at their importation or production, or upon their transfer, and which being so levied merge into the constituents of price, and are ultimately paid by the consumer; and that direct taxes are, as such, levied either upon property in its *corpus*, or on the products of property and industry as they accrue or are created. If we come to examine still further what are the peculiar advantages of each, we must necessarily take a retrospective view. The House is of course aware that, up to 1842, indirect taxation was the means of raising by far the largest portion of our revenue. Indirect taxation has considerable advantages. Indirect taxation being comprised in the price of commodities, is paid almost unconsciously, and therefore paid not unwillingly. It falls in a great measure upon luxuries, and is levied upon people according to their income, as expressed in their expenditure. It raises no difficulty as between the State and the tax-payer, and it creates no jealousies between different classes of the community. There are, therefore, many very evident advantages connected with indirect taxation. But, on the other hand, we cannot refrain from seeing that there are some imperfections in indirect taxation standing by itself. Through indirect taxation you can tax people according to their means as exhibited in their expenditure. But we know that expenditure is not always an exact test of means. It is so if you take the whole community at large; but it is not so with regard to individuals. Persons who are in a position that obliges them to press closely upon their income are, by indirect taxation, exposed to an aggravation of that pressure; while those who may be called economical, and who lay up a very large portion of their income, escape with a comparatively small pressure upon their means. But there is another and wider disadvantage in indirect taxation. Indirect taxation, as it presses upon the price of articles of general consumption, has the effect of elevating the prices of labour by elevating the cost of sustaining labour. And when we consider the immense foreign commerce of this country, when we consider how dependent this country is upon foreign trade, upon the export of its manufactures, for the maintenance of its commercial supremacy, we must also see that nothing could be more opposed to the progress of its commercial prosperity than the exclusive adoption of indirect taxation. It is, no doubt, true that the great measure of Sir Robert Peel for the removal of the tax upon corn and other articles of food was a first and most important step towards the liberation of our foreign trade from the prejudicial effects of indirect taxation. His eminent successor, the present Chancellor of the Exchequer, has gone a great length in the path of commercial reform upon which Sir Robert Peel entered. But there are still unrepealed a large number of indirect taxes which might be advantageously removed. Let us pass in review our present indirect taxes. With regard to the taxes on spirits, tobacco, and wine, which will produce £19,000,000, I believe the Chancellor of the Exchequer is quite satisfied to leave their efficiency unimpaired. But next we have the Malt duty. Malt is an article which is highly interesting to Gentlemen on both sides of the House, and only recently we have had a discussion upon the propriety of reducing or abolishing the duty upon malt. Amongst the agricultural classes also, from one end of the country to the other, a most active agitation has been initiated for the abolition of the malt duty. I now come to the duty on Tea. I cannot think that a duty of 100 per cent is a satisfactory duty upon an article which enters so largely into the comforts, not only of men, but of all the women and children throughout the country. Again, the duty of 40 per cent on Coffee considerably restricts the consumption of that wholesome beverage. Sugar, also, is an article which, although it is now subject to a duty of only 33 per cent, is more heavily taxed than any article should be which constitutes so important a feature in the sustenance of the people. Then, coming to Currants and Raisins, we all know that English plum pudding is a standing dish for many families on Sunday, and for every family on Christmas day, and that our plum pudding is made of currants and raisins [*a laugh*], and they pay a 30 per cent duty. I now come to an article which I am quite sure nobody is so anxious to liberate from taxation as my right hon. Friend. In the course of one of those eloquent and jubilant orations in which the Chancellor of the Exchequer imparted to the discussion of a financial measure the interest of a romance, he took occasion to refer to the state of taxation some forty years ago, and quoted expressions of Sidney Smith, the witty canon of St. Paul's, who, in his peculiar style, described everything in the earth and under the earth as taxed in this country; and amongst the things he mentioned Spices. My right hon. Friend said, "the poor man's salt had been taxed, that salt was now free; the rich man's spice had been taxed, the rich man's spice was free." Well, but did my right hon. Friend forget that pepper is the poor man's spice, and that pepper pays a duty of 133 per cent? Then we come to Corn. Corn is now taxed at an amount which some persons may regard as a mere registration tax. Very rigid votaries of free trade look upon it as a tax equal to 2½ per cent, and therefore as one which is not compatible with the carrying out to their full extent the principles of free trade and the abolition of protection. ["Hear!"] I will not go so far as that, but I must say that I should gladly concur in the reduction to 1*d.* per cwt. of the present duty of 3*d.* a cwt. on corn. I now turn to the questionable items of direct taxation; and there I find the duty upon Fire Insurance on property. The ingenuity of my right hon. Friend was never exercised so perversely as when he diminished the duty paid upon the insurance of stock-in-trade, and left undiminished the duty upon the insurance of house property: that very property which is insured when it belongs not to the rich but to the poor, and is therefore peculiarly ill-suited to bear the burden of this arbitrary impost. The utter failure of the professional advocate enlisted by the Government to justify this tax and the unequivocal decision of the House will, I cannot doubt, ensure its diminution in future Budgets.

We have now before us a direct tax of £1,050,000, and indirect taxes amounting to £17,400,000, of which the abolition or mitigation is urgently demanded by sound policy, or advocated by important sections of the community ably represented in this House. And it is obvious that if any of those permanent taxes are to be abolished or sensibly diminished, while the public expenditure remains unchanged, you must provide a permanent substitute. You cannot increase the taxation of luxuries. Spirits and tobacco are taxed as highly as they can be without provoking smuggling and illicit distillation, and wine we could not charge with heavier duties consistently with our engagements by treaty. Can we increase direct taxation through any of the existing channels? Probates and letters of administration, legacy and succession duties are very proper methods of taxation, but it is perfectly obvious that you cannot carry either of those taxes to a much greater length without danger of evasion. I heard of a gentleman the other day who distributed half a million sterling before his death among his children, and by doing so he saved £5,000. If you were to increase this tax largely, a much greater tendency to personal disposition would be provoked, and you would take from the tax a portion of its productiveness. Deeds, stamps, and other charges of that kind, are already high enough; they press very sensibly upon the transfer and leasing of real property. The land tax you cannot touch, for from the peculiar position in which it stands, having been partially redeemed, you can neither add to it nor diminish it; all that can be done is, at a favourable moment, to give an opportunity for its entire redemption. The house tax is, I think, one of the least objectionable in principle, because the expenditure in house rent, taking the community from end to end, represents the same proportion of every man's means. Whether we look to the labourer with 15*s.* a week, or to the man of £15,000 a year, we may roughly estimate at one-tenth of his expenditure the sum spent in rent. Houses then are a very fair test of means, and therefore a fair medium of taxation, but even with houses you soon reach the ultimate point. The tax is now 9*d.* in the pound; but if you exceed 2*s.* or 10 per cent, the tax becomes oppressive, and men will try to escape its pressure. To my view, therefore, we are in this position, we have a number of taxes which more or less demand remission, but we have no taxes either direct or indirect which we can venture sensibly to increase. How then are we to dispense with the tax which last year produced £10,000,000 sterling, and which at 6*d.* in the pound is calculated in 1865 to produce £7,400,000. It appears to me that the Income Tax stands in a position from which you are utterly unable to dislodge it. You cannot do without it, because no one will sacrifice in that tax his hope of the possible remission of other taxes to which he is personally opposed. In taking into view the pressure of direct and indirect taxation we must recollect that there are some persons who can be reached only by direct taxation. There are many persons who from their penurious habits, or the magnitude of their wealth, go on accumulating, but pay comparatively little to the State. I believe a miser to be a more useful citizen than a spendthrift, but the miser ought not to escape his fair share of the national burdens. There are, however, others who also escape. There are a large number of our fellow countrymen who live beyond these shores who possess incomes to the amount of £5,000, £10,000 and £15,000 a year, and who spend them in foreign parts. In the absence of direct taxation these persons escape altogether, and the only way you can reach them is by taking a portion of their revenue in the country in which it has accrued. The conclusion, therefore, to which I come is, that it is our duty to maintain in due proportions both direct and indirect taxation. It appears to me that our direct taxation cannot be diminished if you intend to maintain a proper equilibrium, or if you desire to introduce those reductions in our fiscal tariff which so many hon. Members are anxious to effect. For those reductions would leave a vacuum. By what tax are we to fill it? The tax which now supplies all deficiencies is the Property and Income Tax; and in some shape or other an Income Tax you must pay. Upon what principles must it be levied? I believe that no serious difficulty would arise if you only deal with the subject truthfully. What you want is to provide for the annual expenditure of the country, and that expenditure can only be defrayed from subsidies raised from the community at large. If you take it from annual income you take it at once from the appropriate source; and, if you act upon the principle of levying the tax on the net products of property, you leave, so far as they are concerned, no room whatever for dissatisfaction. We have to look, however, not only to realized property, but to the earnings of industry and skill, and here we arrive at another and more complicated portion of the subject. It is a theory of many who have studied the science of taxation closely, that taxation ought never to infringe on the earnings of skill and industry, but should await the result of those earnings in their future investment. But that is a theory which can hardly be maintained. Take the case of a person engaged in law or medicne, who, by his great skill, makes his £15,000 or £20,000 a year, but being of rather Epicurean habits saves nothing. Supposing you were to rely upon the direct taxation of the products of property, the earnings of his skill and industry would escape altogether. And yet that man is protected by the State in his person, and in the enjoyment of everything that constitutes his happiness. I do maintain that he is bound to make some contribution towards the general fund out of his industrial gains. Critically speaking, industrial incomes of the higher classes are not derived from labour alone The learning of the barrister and the science of the physician are acquirements resulting from a large previous expenditure, and constitute their capital; and the more we press this subject to a precise conclusion, the more, as it appears to me, we shall be brought to confess, that there is required in the production of industrial incomes a concurrence of capital with industry. The question then arises, in what proportion is capital combined with industry to be taxed? We cannot here, as in the United States, call for a return of the capital invested; but we can take the combined results and tax them in an estimated average proportion. It has been suggested that a tax of two-thirds upon those combined earnings of industry and capital would meet the requirements of the case, and I will show how closely the present law has sanctioned that proportion. In dealing with this question I am most reluctant to introduce any reference to what may concern me personally. I say this with perfect frankness, because in this matter I have no vanity to gratify and no ambition to promote. I shall probably be told that my plan has been tried and condemned, but I venture to say that any condemnation which has been passed upon it has been pronounced by those who have not made themselves thoroughly masters of the subject, and now I will prove it. I am sure my right hon. Friend the Chancellor of the Exchequer must be considered not inferior in ability or power to any of my opponents. In what light does my right hon. Friend look upon that plan? Really if I did not feel that it was necessary for the elucidation of the question, I would not care to reproduce a series of unfounded censures; but I think it essential to investigate the principles which underlie the taxation of this country. The Chancellor of the Exchequer designated my plan as

"One which would favour those who were wealthiest, and whose wealth increased most rapidly, and which would lay heavier burdens upon property;" as a plan "which would introduce principles arbitrary and capricious, and which, so far from diminishing existing evils, would only increase them; which would introduce discord between class and class; a plan more dangerous and less plausible than the principle of graduated taxation."—[See 3 *Hansard*, clxix. p. 1845-46.] And the Chancellor of the Exchequer has himself introduced the principle of graduated taxation, because he thinks that with all its vices it is better than the plan which I placed before him. But what I have to observe is this, that not one of those allegations has been brought to a definite trial. There was strong language and strong condemnation, but there was no evidence. In one instance only has the right hon. Gentleman given me the opportunity of testing the force of his objections, and in that instance he signally failed to prove his charge. The substance of it was this, that by the process which I proposed the assessment upon real property would be raised to 1*s.* 1½*d.*, while the payment of the great merchants would be reduced to 8*d.*—a difference of something like 70 per cent in favour of the latter. It is only by means of a Parliamentary paper (No. 248), which came out last summer, that I have had an opportunity of bringing to a definite conclusion the substance of that charge; and the result is this, that if you take the sums which were levied on lands and houses, fines, and farms—the four items which constitute real property—in 1862 at 9*d.* in the pound, and compare them with the sums which those items would have contributed under my plan, the result would be, that whereas in the first instance they were taxed to the amount of £4,830,000, in the second they would appear to be taxed at £5,023,000, a difference of £193,000, resolving in a rate of 9*d.* 36-100 per cent. The percentage of difference between the merchant and the landed proprietor is something under 32 per cent instead of 70, and the rate which lands and houses would be subject to, according to my right hon. Friend's own calculation of 11½*d.* in the pound, would be brought down to 10*d.* I am sure my right hon. Friend would never have made a charge without supposing it to be accurate; but if in the only instance in which he has given a definite expression to his charge he is not justified, I ask the House to suspend its judgment as to my right hon. Friend's remarks upon other more important matters which I have submitted for consideration. There is only one other instance upon which I shall comment, and that is a very important one, because it raises the question of graduated taxation. My right hon. Friend said in March, 1863,

> "In my opinion more is to be said in favour of graduated taxation than for his (Mr. Hubbard's) plan. A graduated taxation recognizes poverty in one class and overgrown wealth in another, and justice demands that one should pay less and the other more. There is something rather plausible in that principle, more so than in my hon. Friend's plan. . . . . . He takes a widow, with £200 a year from the Funds, with six children to educate, to train, and to start in the world, and he takes the case of a great merchant—I will not say brewer or banker, as there seems to be some objection to specifying those flourishing classes—but to a great merchant, with £20,000 a year, he grants a relief to the extent of one-third, and in order to do that he adds 25 per cent to the burden of the poor widow."—[3 *Hansard*, clxix. 1846.]

If I were disposed to create a momentary impression in my favour, and to gain a vote, I could cite extreme cases and deceptive illustrations which would tend the other way. I could have said the subject at issue is this—"Will you tax an industrious hard-working clerk who has his 200 guineas a year, a wife and six children to maintain, who is obliged to lay by one-third of his income (which will procure a certainty of only £100 a year for his surviving family instead of the 200 guineas which he gets now), will you tax him at the rate of 9*d.* in the pound, while you put the same tax upon the capitalist whose money brings him in an income of £20,000 per annum?" The Chancellor of the Exchequer put extreme cases, but I did not. I thought it better to rest the discussion upon principles which would bear examination, and not to appeal to a morbid and spurious sympathy. But as for "the poor widow" with her £200 a year, is she the widow of a Cabinet Minister, or of a poor clerk? If the former, she is poor indeed; if the latter she is passing rich; and I must say that this illustration of my right hon. Friend brought vividly to my mind an exhibition which I saw some years ago in the suburbs of London. A parochial election was going on. A great parish office was vacant, that of sexton, and there were two candidates, the one the assistant of the late sexton, and the other the late sexton's widow. The assistant was satisfied to base his claim upon his reputation in the parish, and his placard bore simply

"Dunkley for Sexton." But the widow, more wise, had a placard which ran thus—"Vote for the widow Scroggins, and the five fatherless children," and, no doubt, that appeal found an echo in the breasts of many. And so it is that my right hon. Friend brings forward illustrations which have no proper bearing on the argument, but serve the purpose of raising a prejudice. If you do make comparisons, compare poverty with poverty, and riches with riches, but not poverty with riches, and then how does it turn out? I will take the widow Scroggins with her five fatherless children, and if she has 200 guineas a year in the funds, I say she is much better off than the poor clerk with his salary of 200 guineas, his wife and six children.

But let us pass from the poor widow, the one extreme selected by the Chancellor of the Exchequer to his other extreme, the rich merchant who makes his £20,000 a year. The present law says to him, "You shall never pay in any one year on more than you make in that year. You make a return upon an average of three years, but you need never pay on more than you make in any particular year." And what is the consequence of that 133rd clause? Why, we had Mr. Pressly before us in the inquiry of 1861, and he gave us a probable scale under which a trader making fluctuating profits would pay three-eighths less than the sum in which he would be otherwise charged. In the ordinary course of trade, a merchant, brewer, or manufacturer might, upon the principle of the fluctuating scale of profits, easily escape by paying half the tax which other persons making equal profits pay into the Exchequer. Therefore, when my right hon. Friend attacks me for taking the part of the rich merchant, I, on the contrary, say, that it is the privilege of the rich merchant which I am anxious to relinquish. And now, Sir, let us consider what is the principle upon which an equitable Income Tax must be constructed. Beginning with the products of real property, are we to tax alike the rack rent of £1,200 a year from lands and of £1,200 from houses. If we are, we are adopting a principle wholly contradictory to the principle laid down by this House, acted upon in several instances, and now being carried out throughout the country in the parochial assessment. The principle of the parochial assessment is to tax the net produce of real property, and you are doing a grievous injustice to real property if you attempt to proceed upon any other principle than that which the parochial assessment system involves. But the measure of injustice with regard both to houses and lands is not limited by the mere taxation upon the outgoings. We are indebted to the Chancellor of the Exchequer for having brought clearly into view the injustice done to the owners of encumbered property, for they have alone to pay the tax upon the outgoings of the property. I mentioned last year the case of a man with an estate of £2,000 a year, but burdened to the extent of £1,600, who had to pay the tax upon £400, although the outgoings of £200 left him a net residue of only £200. The Chancellor of the Exchequer thought that case impossible, but so far was it from being impossible that I myself am trustee to a property in a position precisely similar, and the unhappy landowner does pay 18*d.* in the pound when the capitalist mortgagee pays but 9*d.* on his interest. Can that be satisfactory in a tax which is, perhaps, to take a permanent place in our fiscal system? Now, with regard to the other question, namely, the allowance upon the taxation of industrial earnings. In the year 1853 the Chancellor of the Exchequer frankly admitted the grievance imposed upon industrial earnings, he repeated it in his Budget speech of that year several times, and everybody expected that he was prepared, not only to acknowledge the grievance, but also to apply a remedy. But the Chancellor of the Exchequer said that the land was already overcharged to the extent of 16 per cent, or one-sixth, which so far balanced the overcharge on trade; but he would give a still further remission. Savings are generally considered a fair subject for remission, and accordingly the Chancellor of the Exchequer said, "We will give a further remission of taxation upon all savings to the extent of one-sixth, provided that those savings be invested in a life policy." There was a boon, but it was destroyed by the condition attached to it. But the one-sixth overcharged on land and the one-sixth upon savings make exactly the one-third which I have asked as an abatement upon industrial incomes, concurrently with an allowance for out-goings on land and houses. And now a word as to the way in which the tax acts upon the morals, not only of those who have to pay it, but of those who have to administer it. We have had over and over again instances of the most grievous fraud; instances in which the fraud was so gross that the authorities did not dare to expose or punish it. The fact is, the law is so unjust that you dare not enforce it and punish those who are guilty of its violation. It is a law which demoralizes not only its victims but its administrators. I will communicate to the House a most remarkable paper which lately came into my possession. In the year 1846 the Government made a loan to the landed gentry of the country, and it was principally taken up by the Scotch proprietors. It was made repayable in the shape of a twenty-two years' annuity; and the document which I hold in my hand is a circular issued by the Stamps and Taxes Office in Edinburgh to the assessors and collectors throughout the country. It is as follows:

> "DRAINAGE ACT—CIRCULAR TO COLLECTORS.
>
> "Stamps and Taxes, Edinburgh,
> 1st March, 1849.
>
> "SIR,—It is proper that I apprize you, for your information and guidance, that the Board are of opinion that parties to whom advances have been made under the Drainage Act, 9 and 10 *Vict.* cap. 101, are entitled to claim deduction of the property tax on the rent charges payable by them. The Board, however, do not consider it necessary to offer such deduction to parties paying those rent charges, but that it will be sufficient to allow it when claimed. I have also to inform you that such parties as claim the deduction due at 10th of October last, but which they omitted to do at that time, may be allowed to claim it at the 5th April next, along with the deduction due at the latter date, but always in the event only of the parties making the claim.
>
> "When you transmit to me the half-yearly return of the drainage rent charges, you will accompany it with a list of the names of the parties who claimed and received deduction of the property tax, stating the amount of deduction claimed and allowed to each for said half-year, and you will be allowed credit for the amount at this office.
>
> I am, Sir, your obedient servant,
> (Signed) "ANGUS FLETCHER."

Well, Sir, this circular may have been issued by the Edinburgh Comptroller only in obedience to instructions from his superiors in office; but I must say that it is a document which I blush to read, because it is nothing more nor less than an instruction to collectors that, whereas certain persons indebted to the State have a right to deduct from their payments the amount of their Income Tax, yet if these persons, in their unsuspecting ignorance, failed to demand that concession, it was not to be offered or to be hinted at. The money is to be taken and no questions asked, unless a specific demand is made for a deduction. This is equivalent to what other Governments have done when they have received their dues in sterling coin and have paid their debts in a base currency. They have received on the one hand that which was their due, and have given on the other something of less value. The transactions to which this document referred were the occasion of a special enactment in 1853, under circumstances to which I must also allude. In the Income Tax Act of 1853, the Government introduced a clause providing with especial reference to the Drainage Annuities of 1846, that those who paid them should be allowed Income Tax only on the interest and not on the principal repaid. This clause was in the words of the enactment a "just provision," and yet at the same time the Government refused the same justice to their own creditors, under precisely analogous circumstances. Before I leave the question of trade incomes, I wish to direct the attention of the House to the 133rd clause of the Act of 5 & 6 *Vict.* I do not believe that the House is aware of the extent to which the existing law favours those who make large but fluctuating profits. We have heard that in the course of the great speculation in cotton, which has taken place of late years, enormous sums—such as £200,000 and £300,000 — have been made by individuals in the course of a year. Would the House imagine that it is perfectly possible for persons making £300,000 in one year as traders, to escape the taxation of that sum altogether under the operation of the 133rd section. The process is this: A man making £3,000 a year in ordinary trade, returns £3,000 as the average of 1861, 1862, and 1863, for assessment in 1864; but in 1864 he realizes £300,000 by his speculations. What happens then? Although he realizes that sum of £300,000, making altogether £303,000, he only pays on the previous returns of £3,000. The next year that large sum comes into his average, and he returns for assessment £103,000, but if in 1865 he makes only £3,000 he only pays on £3,000. In 1866, he would also return £103,000 as the average, but if again he made only £3,000 in that year he would pay upon that amount only. Again, in 1867, he would return £103,000 for assessment, but would pay on £3,000. The next year the £300,000 will pass altogether out of his calculations, and upon that enormous sum he will not have paid one farthing. That is a remarkable but true illustration of the way in which this 133rd section operates in favouring persons making large profits by speculation. Then again if a man takes stock every year, and values his profits every year, he would pay on all he makes, but if he takes stock every other year he would only pay half the tax. If he took stock every third year then he would only pay one-third of the tax. If he only took stock every fourth year, by this clause he would escape the tax altogether. I think my right hon. Friend could not have been aware of the way in which this clause operates when he ventured to stand up for the integrity of the present Income Tax. I should have felt that it was somewhat presumptuous to bring the question of taxation again before the House this year, had it not been for what has happened in the course of the present Session. In his Budget speech, the right hon. Gentleman said

> "There is another question that it is my duty to bring under the view of the House; it is the question of the Income Tax." —[3 *Hansard*, clxxiv. 583.]

MR. SPEAKER: The hon. Gentleman is out of order in making any reference to a speech delivered in this House in the course of the present Session.

MR. HUBBARD: All I will say is that the House has gathered from what has fallen from the right hon. Gentleman on other occasions that the Income Tax was a subject upon the future of which the Parliament had yet to decide, and I therefore imagined that I was really assisting the object which the right hon. Gentleman has in view in bringing before the House some of the features connected with the tax as it now stands. It is quite true that in previous Sessions the right hon. Gentleman has remarked that with the peculiar views which I entertain with regard to the oppressive and unjust character of the tax he does not agree. I am sorry for that, because, if he himself were sensible of these defects and inequalities, he would not only acknowledge them, but would probably attempt to apply a remedy. And now, Sir, I would notice one further argument which may be urged to arrest the disposition of the House to reform this tax. The Chancellor of the Exchequer has brought this question before the House: Is public economy compatible with the maintenance of the Income Tax? He has stated that his great experience in the office he holds has raised in himself serious doubts whether it is possible to retain the Income Tax as an habitual means of raising our national revenue compatibly with the exercise—he does not say of a rigid economy—but of reasonable thrift. Well, Sir, I think that not only is an Income Tax compatible with due economy, but that it is highly eligible upon the very premises suggested by the argument of my right hon. Friend; for let me observe this, that to arrive at any other conclusion would be to admit that a tax may be devised, the most just and the most equable, and one to which the whole country will cheerfully contribute; but if the tax is supposed to provide the Government of the country with a revenue more easily than would a less popular tax, it should be rejected. That appears to me to be an extraordinary doctrine, for it rests upon the assumption that the Finance Minister himself is either weak or incapable, or that he has to deal with a profligate House of Commons, ready to back him in any unwarrantable expenditure of the public funds. Now, I cannot admit that the right hon. Gentleman is weak or incapable; nor can I venture to believe that any of his successors, whoever they may be, are likely to be either weak or incapable. Neither can I apprehend that the present, or any succeeding, House of Commons will be so profligate as to connive with the Government of the day in wasting the public resources. The House, I feel sure, will join me in altogether disregarding that argument. I have little more to say upon the subject. I conceive that as taxation in itself is a proof of civilization, so I am satisfied that an Income Tax equitably devised, and, therefore, readily accepted by the country, would be a mark not only of high civilization but of high morality; and I do believe that this country does possess that amount of high morality which can enable it more than any country to support an Income Tax. I will here advert to one incident which falls under the eye of every Gentleman in this House—I mean the constant recurrence in the public prints of notices from the Chancellor of the Exchequer in acknowledgment of the receipt of such and such sums from A., B., C., or D., as Income Tax due to the State. These remittances vary from large sums to very small ones, and they amount to as much as from £5,000 to £10,000 a year. I was touched by observing a notice not long since of the receipt of 20*s.* from a curate. Incidents such as these prove how scrupulous many of our countrymen are to give to the State everything which they believe to be its due; and I say that while that high tone of feeling does survive, we ought to be aware of discouraging it by either careless or wilful disregard of justice in our legislation. But I do believe that so long as the present tax lasts you will diverge further and further from that state of public mind and feeling which alone can make an Income Tax tolerable. My right hon. Friend in some of his speeches illustrated the difficulty of fiscal legislation as a "dealing with flesh and blood." No doubt there is a natural aversion on the part of any man to pay that which is extracted from him at the cost of personal sacrifices. But, in looking at this question, I think there is more than flesh and blood concerned in our legislation—these taxpayers have souls and intellects, and they ought to have consciences; but their souls have been degraded and their consciences dulled, while their intellects have been striving to baffle injustice and oppression by fraud and evasion.

An hon. MEMBER moved that the House be counted, but the Speaker having counted and found that a House was present—

MR. HUBBARD resumed: The Chancellor of the Exchequer has spoken of this tax as one of which the defects were known, so that the back had adapted itself to the burden; but I believe that his proverb should be read the other way, and that the back on which the burden rested becoming impatient had thrown off just as much of it as seemed convenient. The evil is, that in that process there is an essential and inevitable degradation of the whole man, and that is a far more important consideration ["Hear, hear!"] than the mere money grievance. I make this Motion at a period when the Budget has been disposed of, and in such a way that its affirmation can cause no inconvenience to the Government. I have stated that the change I desire is one to be adopted not now but hereafter. I therefore do appeal to the House and to those who are connected with the Government, to put away from them the idea that in voting for my Motion they will cause any embarrassment to the Government. And I venture to entreat the House, with all the earnestness I possess, to join me in deprecating the re-imposition in its present form of a tax inevitable, but which as now administered is rife with pecuniary wrong and moral deterioration to our fellow countrymen. The hon. Member concluded by moving his Resolution:—

SIR JOHN HAY seconded the Motion.

Motion made, and Question proposed,

"That the inequalities and injustice attending the operation of the existing Property and Income Tax, disqualify it for being continuously re-imposed in its present form, as one of the means of levying the National Revenue."

MR. WHALLEY said, it was unnecessary to follow the subject further than the hon. Gentleman had done in order to show the inequality and injustice of the tax, and he hoped the enlightened pertinacity of the hon. Member would induce the Chancellor of the Exchequer to consider the effect of the tax on those who had to pay it. He would, however, venture to remind the Chancellor of the Exchequer that when some years ago he (Mr. Whalley) ventured to call attention to the injustice and immorality of the tax, the answer of the right hon. Gentleman was, not to deny the statements put forward, but to ask how they were to find a substitute. The Income Tax was, to all intents and purposes, not a direct tax, but an indirect tax, the most injurious and oppressive that could possibly be devised, so far as it was levied upon persons in respect of trade or occupation. A grocer or a draper regarded it as a necessary outgoing, and one which he must recompense himself by charging more for his goods. It was against the science of political economy to tax trade in that manner. Under the statute of Elizabeth for raising rates for the relief of the poor, vestries might levy the rate not on lands and houses merely, but on stock in trade and other personal property, but they knew that to do so would be unwise, as the result would be that the tradesman would have to charge more for his goods, and in that way the public would suffer. And he did not know what distinction there was between the imperial tax and the local tax. But the great question was, did the income tax tend to demoralize the traders of this country—and in his opinion it did. He did not agree with the hon. Gentleman the Member for Buckingham that the tax should be continued, and be modified. He thought the Property Tax should be separated entirely from the Income Tax, that the Income Tax should be done away with and the Property Tax maintained.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I freely admit that it would be most unfair to charge my hon. Friend who brought forward this Motion either with seeking to embarrass the Government, or with a desire to place the prosecution of his own purposes in the way of the necessary financial legislation which devolves upon this House from year to year. On the contrary, I thank my hon. Friend for having upon all occasions been ready and desirous to distinguish between this annual Motion, as I think I may call it—for, though the form has changed, the substance remains the same—and the prosecution of these financial measures. But I still think that my hon. Friend, having watched the course of affairs in this House during the last two hours, must be of opinion with me that it is not the desire or the sentiment of the House that this Motion should be adopted, or even that it should be discussed in that infinite variety of detail which is necessary for its adequate discussion. My hon. Friend, having explained his views with his usual ability, has been supported by my hon. Friend the Member for Peterborough, and by no one else, although the last moment was given for any one else to interpose, and I only rose to speak as the question was about to be put from the Chair. But the champions of the Motion, who are only two, are themselves wide as the poles asunder. My hon. Friend opposite recommends a modification of the schedules, adhering to the principle of the taxation of income, but giving, as he thinks, to that principle a more just and accurate application. But his only supporter in this House entirely repudiates the taxation of income—proposes to abolish and erase it altogether from the statute-book, and to substitute simply the taxation of property. The hon. Member for Peterborough has stated the principle of his proposal, but he has refrained from drawing aside the veil of general declaration, so as to enable the House to comprehend what was really meant. Let me attempt to fill the void which he has left, and state what I understand to be the practical effect of his proposal. The Income Tax is at present levied upon an annual income which may be stated roughly at £300,000,000. It is something more than that amount, but that sum will do for the purposes of argument. Of that amount £100,000,000 consists of income derived from visible property, or that which is popularly known by the name of "Schedule A." This may be taken as about one-third of the income which bears the tax, and the proposal of my hon. Friend (Mr. Whalley) is to abolish the tax upon income so far as regards Schedules B, C, D and E, leaving Schedule A the undivided honour and responsibility of furnishing whatever proceeds we may require from the tax. In other words, at the comparatively moderate figure at which the tax now stands he would propose to relieve all other classes of income except those in Schedule A, to reduce the tax from 6*d.* to zero upon these classes of income, and in order to fill up the gap he would raise the tax in Schedule A from 6*d.* to 1*s.* 6*d.* in the pound; or if we are to suppose the return of periods of crisis and of exigency, such as the nation has seen—the occurrence of a great war threatening our national existence—the farmers in Schedule B, the fundholders in Schedule C, the traders in Schedule D, and the salaried officials in Schedule E—who, under the old method of imposing the tax, might pay 2*s.* in the pound—would pay nothing, while those assessed in Schedule A would pay at the moderate rate of only 6*s.* in the pound. That is the proposal of the only supporter of my hon. Friend, and, considering that the supporters of the Motion are but two, and that their views are so widely apart, I recommend a serious and prolonged conference between them respecting the principles upon which they are to prosecute this great cause in the House of Commons, so that when next it is brought forward we may somewhat narrow the field of discussion. My hon. Friend opposite has replied to speeches made by me on former occasions in this House; but, considering what has since taken place in respect to this tax, I am sure he will not require from me that I should follow him through these details. If it were the will of the House that we should seriously address ourselves to this question with a view to a present and a regular issue, I should be at once prepared to obey and take point by point the topics urged by my hon. Friend. But, reading the intentions of the House in a different sense from my hon. Friend, I mean to deal very briefly with the subject. I shall, therefore, only refer to one or two points casually mentioned by my hon. Friend, and then state what I propose with regard to his Motion. He complains that I have illustrated his scheme unfairly by selecting extreme cases, and he says it would be easy to take extreme cases in illustrating the working of the present law. But I do not think my hon. Friend gives due weight to the enormous difference in our respective positions as regards the argument upon this subject. My hon. Friend proposes a plan which he has matured in his ingenious mind, but which has never yet obtained the acceptance either of Parliament or even of a Minister responsible for the conduct of the finances of the country. For more than forty years an Income Tax has been in operation in this country, but the plan of my hon. Friend has never been in operation, and consequently remains a matter of rhetoric or of speculation. The anomalies and inequalities, the existence of which in the Income Tax I do not deny, do not stand upon the same footing with the anomalies and the inequalities which he would seek to introduce. My hon. Friend does not propose to get rid of anomalies; he merely proposes to displace a system to which the nation is habituated in order to substitute a scheme full of anomalies not less gross than those of the present tax, with the additional disadvantage that they are perfectly novel. Why are we to undertake the labour and undergo the risks and the responsibilities attending the replacing of a scheme that is imperfect and full of solecisms by another scheme which is also imperfect and also full of solecisms? Passing from this point, let me say that I only heard with regret one portion of my hon. Friend's speech — in which he impeached the morality of the officers of the revenue department, and, quoting a circular issued in 1849 from this department in Scotland, said that the consciences of the officers there, if not of the officers in the three kingdoms, were tainted and rendered impure, and their integrity deteriorated by being called upon to administer the Income Tax. If my hon. Friend takes so extreme a view of the operation of the tax I think he ought to have given us the opportunity of consulting some of those gentlemen, and of knowing what was to be said in their defence against so grievous and, as I think, so needless and gratuitous an imputation. My hon. Friend says I have dealt in general imputations against his scheme and have produced no evidence. In answer to this I request the House to reflect what has taken place in regard to the Income Tax since my hon. Friend took the championship of this particular view of the subject into his hands. When my hon. Friend began in 1860 the crusade, he did not find the House at all indisposed to go with him. My hon. Friend invited inquiry by a Committee. The Government, disbelieving in any useful result in the sense described by the hon. Gentleman, did their best to oppose it, but they were overruled by a majority of the House. I mention that to show that my hon. Friend addressed an audience favourably predisposed to his view. The Committee sat, and if it took no evidence, I know that some of the ablest men acquainted with this subject were examined, and if their testimony is not to be called evidence, I do not know what deserves that name. Those gentlemen, the ablest that could be found to support my hon. Friend's views, were examined and cross-examined by a Committee composed of some of the best men in this House, and so most competent to deal with this subject. [Mr. HUBBARD: That evidence was all in favour of the plan.] Was it? I do not think my hon. Friend gained much advantage by it. What was the effect of all the evidence which we are told was entirely in favour of his plan? It was this — that not only those who had been previously opposed to his plan remained unconverted, but that divers gentlemen, who when they entered that Committee had been more or less favourably disposed towards the views of my hon. Friend, ultimately concurred in a Report which repudiated and rejected his proposal. My hon. Friend made his own Motion, found the House willing to adopt it against the view of the Government, obtained his own tribunal, produced the best witnesses he could find, before the best men the House could select, and the result was a decision adverse to his views. What degree of respect has he shown for the conclusion of his own Committee? Did he allow even a decent interval to elapse? Did he allow this question to lie fallow for even one year? Having failed in that Committee, he came down to the House with unbated breath and with unalterable resolution to protest against the decision of his own Committee, and with determined purpose, and what my hon. Friend behind me calls "enlightened pertinacity," he has made up his mind that the House shall accede to his plan, whether it will or not. He has, indeed, this year varied the terms of his Motion. He has not called upon the House directly to adopt his plan, although a great portion of his argument was addressed in support of that plan. He has now called upon the House to adopt a Resolution which recites "that the inequalities and injustice attending the operation of the existing Property and Income Tax disqualify it for being continuously reimposed in its present form as one of the means of levying the national revenue." I do not think the House of Commons will be disposed to adopt a Resolution of an abstract nature, especially upon such a subject. The experience we have had of abstract Resolutions upon questions of revenue has not been so inviting as to induce us to repeat the experiment now. Unsound in principle, they have been found inconvenient in practice. They are objectionable, because they involve the proceedings of this House in ambiguity, because they raise expectations which are afterwards disappointed, because they multiply and even embitter the causes of divided opinion and party conflict, always of necessity sufficiently numerous in a popular assembly. In my opinion, the arguments against these Resolutions were quite strong enough before the Resolution upon the Paper Duty, and the experiences which followed the adoption of that Resolution has afforded an additional lesson of warning against the repetition of the practice. Let the House deal as it can with taxes which affect the country, but let it promise nothing with respect to a tax except that which it is able and willing to perform. But my hon. Friend in proposing this abstract Resolution at the same time condemned it. The first half hour of his speech my hon. Friend employed in analyzing the present state of our taxation, and in showing that at least twenty millions in value of our indirect taxation ought to be greatly reduced or entirely abolished; that the tea duty should be largely reduced; that the sugar duties should be considerably reduced; that the coffee duty should be got rid of; that the pepper duty should be got rid of; and that the malt duty should be altogether abolished. Having had a ground for sweeping away a great portion of twenty millions of taxation we had a right to expect that the man who wrought such a work of ruin and desolation among the resources of the Exchequer would have devoted the rest of his speech to an endeavour to rebuild the edifice which he had cast down. It was with astonishment that I heard my hon. Friend not recommending any reduction of expenditure—and I never see my hon. Friend taking any part in a vote for reducing expenditure—but, not recommending any reduction of expenditure, he devoted the last moiety of his speech to urging upon the House to adopt a Resolution that eight millions more should be cut off from the Exchequer. I do not think that is a proper way of dealing with a matter of taxation. No doubt there are inequalities and evils attaching to the existing system of Income Tax, but let us not part with that tax until we know how to supply its place. Do not let us adopt a Resolution which holds out an expectation of parting with that tax until we have something in the nature of a practical scheme laid down and matured, by which we may be able to attain that much-desired consummation. I promised the House not to enter into the question at length, but I trust that although I have been brief in my observations I have said enough to induce the House not to assent to the Resolution preferred by the hon. Gentleman.

Mr. BOVILL said, he thought the House must be surprised at the charge made by the right hon. Gentleman against his hon. Friend, of raising expectations that could not be fulfilled, for if ever anyone had raised expectations upon the subject it was the right hon. Gentleman, when he declared that the Income Tax should not be permanent. Neither was it fair to say that, because the tax had been borne for twenty-two years, therefore the public had become habituated to it. The public had always deeply felt the inequalities and the injustice of the system; but they had tolerated them because they believed that the tax was not to be permanent. With respect to the Committee which had been appointed upon the Motion of his hon. Friend, he thought that there never was a Report which presented such unsatisfactory results. It admitted the inequalities, referred to evidence of which it gave no abstract, drew no conclusions, but printed the evidence at length. There was not a single gentleman of eminence examined who did not find fault with the mode in which the Income Tax was levied. The Report of the Committee was simply against the proposal of his hon. Friend, but the proposal now made by him was not of any particular plan, but was one which merely expressed the results of experience, and the opinions of most eminent statesmen. The tax had been tolerated in its present shape, because it was looked upon as a temporary tax, and therefore his hon. Friend was justified in proposing a Resolution — not an abstract Resolution, but one which would have practical operation—in order that if it should be intended to reimpose the tax and to make it permanent, some attempt should be made to remedy its admitted inequalities and injustice. He contended that it was not impossible to rectify the present unfair treatment of different classes of property. No one could justify the taxing of flesh and blood, brains and intellect, on the same principle as realized property. Every one must admit the injustice of taxing income dependent on age, health, mental and bodily infirmity, and all those circumstances which rendered income precarious, on the same principle as what was called spontaneous income. The Chancellor of the Exchequer admitted the inequalities of the tax, but would make no attempt whatever to remedy its injustice and unfairness. The proposal of his hon. Friend was this—if they allowed these inequalities to continue, then the tax was not fit in its present state to be imposed as a permanent source of revenue. Did the Chancellor of the Exchequer say that no means could be adopted to remedy the inequalities of the tax as regarded income? Thousands of professional men felt the injustice of taxing their incomes, not only as compared with incomes derived from property alone, but also as compared with incomes from capital and trade. He knew by painful experience in the course of his profession, that the returns by traders of their income were not accurate. He had seen it particularly in cases in which they came forward to claim compensation for the loss of trade. A person by the present system might realize £100,000 in one year, and escape payment of the tax on that amount. What was the true principle on which taxation should proceed? The advocates of the Income Tax said that it taxed men according to their means; and, if that were so, they would have a principle of equality. But the tax sinned against the first principle of equality. It taxed not only the professional man's income, but his savings. The Committee reported not that there were no inequalities, injustice, and unfairness in the tax, but, all these being admitted, that the former plan of his hon. Friend was insufficient to remedy them. The Chancellor of the Exchequer was good enough to tell them that if this plan were adopted there would still be anomalies; but did he mean to say that the grievances which existed could not be remedied? The right hon. Gentleman the Member for Stroud a few years ago, with considerable approval, drew a distinction between spontaneous income and that arising from the exercise of genius and intellect. He divided income into three classes—income derived from the possession of property, income derived from the possession of intellect, and income derived from combined property and intelligence—of which the merchant was an instance. Was there no practicability in that plan? Some scheme of that kind might easily be adopted. Suppose a tax of 6*d.* in the pound on income derived from realized property, there might be a scale of 2*d.* in the pound on income derived from professions, and an intermediate rate of 4*d.* on that derived from intellect and capital combined. But the Chancellor of the Exchequer, admitting all the inequalities of the tax, did not propose to adopt any remedy for them, and contented himself by rejecting as insufficient the present proposition, which, he said, was the same as that negatived by the Committee, but which only declared that with such recognized defects the tax was not fit to be imposed, contrary to the right hon. Gentleman's own promise, as a permanent source of revenue. He should support the Motion.

SIR STAFFORD NORTHCOTE said, he had not intended to take any part in the discussion, but he could not allow the remarks of the hon. and learned Gentleman to pass without some notice. The hon. and learned Gentleman found fault with the Chancellor of the Exchequer because, on the strength of the evidence before him, that the plan formerly proposed by the hon. Member for Buckingham to his Select Committee would not answer, he proposed now to reject this new Resolution, which did not bind the House to that particular plan, but only to something which was perfectly vague and indefinite. The hon. and learned Gentleman said the Chancellor of the Exchequer was quite in the wrong if he called on the House to make the Income Tax a permanent part of our taxation without rectifying its inequalities. Now, in the first place, the Chancellor of the Exchequer was not at present asking the House to make the Income Tax permanent. If the right hon. Gentleman were proposing a Bill for that purpose, or if they were discussing the details of an Income Tax measure, it would have been open to the hon. Member for Buckingham, and to the hon. and learned Member for Guildford, to have proposed Amendments in order to have a discussion of a practical plan; and this would have brought the question to something like an issue. But how stood the case now? The Income Tax had existed some twenty-two or twenty-three years, and had been renewed sixteen or eighteen times. On the occasion of each of those renewals there had been an opportunity for revising the details of the tax. Nor were these the only opportunities which had offered. Various discussions had been raised at different times. On one occasion the right hon. Member for Stroud (Mr. Horsman)—on another the hon. Member for Sheffield (Mr. Roebuck) had brought forward plans for its amendment. The late Mr. Hume had done so too. So had his hon. Friend the Member for Buckingham himself. But none of the proposals which had been made had found acceptance in the House. The House had always found it impossible to make such alterations in the structure of the tax as would get rid of the present inequalities without introducing considerably greater evils. No one could deny that the Committee which was moved for by his hon. Friend the Member for Buckingham (Mr. Hubbard) had taken evidence which hit some of the blots of the present system, but the plan proposed by the hon. Gentleman was rejected by the Committee as unsuitable. The Committee did rather more than merely reject; for if his recollection served him right, they reported that the inequalities complained of were of the essence of the tax, and that it was hopeless to expect to be able to put the tax on a footing which would altogether get rid of inequalities. His hon. and learned Friend now proposed a scheme of his own —6*d.* per pound on realized property, 2*d.* per pound on professional incomes, and 4*d.* per pound on mixed incomes; but where was the line to be drawn? The whole question turned on the possibility of drawing a line between the higher rate and the lower rate, which should not occasion manifest injustice. Were all mixed incomes to be taxed alike? What was to be done if the income was derived chiefly from realized property, and but slightly from labour? What if from both in equal proportions? Who was to decide on the proportion? How were you to deal with sleeping partners? Those were some of the practical difficulties with which it was necessary to deal, and his hon. Friend the Member for Buckingham had grappled with them with great skill; but when his witnesses before the Committee had been pressed in the matter, and asked how they would deal with this case and that case, they escaped the difficulty, and his hon. Friend escaped the difficulty by saying, "Oh, those are border cases. I want you to admit my general principle." He recollected a somewhat startling case which would serve as an illustration of the difficulties which had to be met. His hon. Friend laid down a principle to the following effect, that annuities were to be taxed on a different principle from interests arising out of land, and the case was put of a gentleman who in making provision for his two daughters, settled upon each of them an income of £1,000 a year for life at his death, the income of the one being by way of annuity purchased at an Insurance Office, and that of the other being derived from landed estate. That being so, the conclusion at which his hon. Friend had arrived in the maintenance of his theory was that of those two sisters possessing exactly the same income, the one was to be taxed at the rate of £37 a year, while the other would have to pay only £19. They were obliged, therefore, to say that the scheme proposed would bring about as many difficulties as existed under that sought to be got rid of. Joint stock companies were also to be treated on a different footing from private traders; and it came to this, that if two or three persons were carrying on a brewery, they were to be taxed according to one rate, and if they sold the concern to a joint stock company, the tax was to be different, and higher by one-third than the tax on the private firm. How could such distinctions between persons or firms engaged in active competition fail to operate unjustly and to cause heartburnings? He did not say that it was not a question into which the House might not be persuaded to look; but there were points in reference to it which ought to be fairly brought before them. If the hon. Member thought he had a better settlement of the Income Tax to propose, let him take a proper opportunity of doing so, but do not let the House condemn a tax which furnished a very important amount of revenue by passing a general Resolution, the effect of which would be simply to throw a vagueness and uncertainty over our financial system, without doing any good whatever. He thought that if the House looked at the matter upon the ground upon which the Chancellor of the Exchequer placed it, when he appealed to them not to pass an abstract Resolution upon a question of this importance, they would see that nothing could be more inconvenient than to adopt a Resolution of this kind.

MR. HUBBARD: I have very few words to add to the discussion. The deserted condition of the House is less to be ascribed to a want of interest in the subject of taxation, as supposed by my right hon. Friend, than to the fact that dinner is a subject of still higher interest. I have no other point to notice in the speech of the Chancellor of the Exchequer. In answer to the hon. Member for Stamford, I must remind him that the apparent anomaly to which he refers as an objection to my plan has been thoroughly explained, and the principle of the supposed case affirmed in the memoranda appended to the Report of 1861. That principle has been approved, and the provisions necessary to give it effect have been framed by one of the most acute and logical lawyers of our day; and it will remain superior to all impeachment, until the impeachment is supported by argument and demonstration. I entertain unfailing confidence in the ultimate triumph of right principles of taxation, although I may have to regret that the Vote of the House to-night will postpone the result which I desire.

Question put,

"That the inequalities and injustice attending the operation of the existing Property and Income Tax disqualify it for being continuously reimposed in its present form as one of the means of levying the National Revenue."

The House *divided*:—Ayes 28; Noes 67: Majority 39.

NATIONAL EDUCATION (IRELAND).

RESOLUTION.

SIR HUGH CAIRNS: Sir, I rise to move—

"That in the opinion of this House the Rules sanctioned by the Commissioners of National Education in Ireland on the 21st day of November, 1863, are, so far as regards their operation on the aid afforded to Convent and Monastic Schools, at variance with the principles of the system of National Education."

It is some years since there has been in this House any discussion upon the subject of the National System of Education in Ireland; and the question is one the importance of which it is hardly possible to overrate; for an establishment that receives from the Imperial revenue an annual grant of £316,000 deserves the careful consideration of this House as guardians of the public purse, and a system which educates, or undertakes to educate, something like 600,000 children, requires the superintendence and care of the Legislature of the country. In former discussions in this House attacks have been made upon the National system of Education, but the subject which I am anxious to bring under the attention of the House to-night is one in which the complainers are not the foes of the National System, but its warmest and most consistent friends; and the importance of the matters which have originated this complaint may be judged of by the House when I tell them, that the complaint has been made by the most prominent of those who have asserted that the Commissioners of National Education in Ireland have departed from its fundamental principles. The oldest, I think, or almost the oldest member of the Board of Commissioners is the Rev. Dr. Henry, the Principal of one of the Queen's Colleges, and this gentleman, after administering the system for twenty-five years, and speaking of the changes in the rules, the particulars of which I am going to state to the House, protested against them and said, "They amount to a departure from the fundamental rules of the system." I take the next one of the most consistent and oldest friends of the system, the Bishop of Derry, and he also protests against these rules as the introduction of a new principle, and he cannot, he says, "avoid expressing his dissatisfaction and alarm." I pass on to two of the Commissioners—Mr. Gibson and Mr. Hall—who are peculiarly the representatives of the Presbyterian body on the Board, and they likewise enter a protest against the changes in the rules; and then I find a deputation waiting on the Lord Lieutenant, headed by another earnest and consistent friend of the system, the Bishop of Down, and accompanied by a gentleman, whom we all remember as having been for many years a Member of this House, and who always took a part as a defender of the National System, Mr. Kirk, and that deputation states that "these rules as altered subvert the principle upon which the National System is based." But it does not stop there. I have yet to mention the right hon. Baronet, the Chief Secretary for

Ireland (Sir Robert Peel). The right hon. Baronet has always been in favour of, and has lent his aid to, this system, and I find him writing on behalf of the Government to the Board of Commissioners, and pointing out what he regards as a change in the fundamental rules of the Board, which must seriously imperil the principle upon which the system of education is based. Now, these are the friends of the system. I wish to say a few words as to my own feelings upon this question. I have had the opportunity of stating more than once in this House, that I have never joined those who have attacked this system of education. I believe that, in many respects, it might have been better constituted. I should have been glad if alterations could have been made to conciliate sooner objections which have been made to it; but of this I am satisfied, that the introduction of the system into Ireland has done incalculable good. And of this also I am satisfied, that no more perilous step could be taken towards the country than to overthrow the system. In the Motion of which I have given notice, I refer to certain schools in Ireland which are called "convent and monastic schools," and I have used those terms because I do not know how otherwise to describe them; but I have never in this House attempted, and I have always endeavoured to avoid, the mixing up of this question with denominational differences, and I should have been prepared to take the same course if these schools had belonged to a different denomination. This is not a question of difference between one denomination and another, but it is a question of the fundamental principle of the system itself. It is so long since there was any discussion on this point that perhaps the House will allow me to direct attention to the principle of the National System. The House will recollect that the origin of the system was in a letter addressed by the present Earl of Derby, then Mr. Stanley, the Chief Secretary for Ireland, to the Duke of Leinster. In that letter matters of principle were pointed out which were to govern the Board of Education, and I found the chief of these principles to have been—first, that the new system, while admitting children of all religious denominations to partake of its benefits, would not only make no effort for, but would avoid even the suspicion of proselytism; secondly, that in the schools instruction should be given to children of all churches, in the common branches of education, while they were to have separate instruction in the doctrines of their several creeds according to the appointment of their parents and guardians; and thirdly, that the teachers should be persons who had previously received instruction in model schools in connection with the Board, where the fundamental principles of the National System were carried out. These were certainly three of the fundamental features of the system of National education. I must explain also what the model schools were intended to be. Upon the establishment of the system, district model schools were erected, and there was a central model school in Dublin, the object being that they might train young persons to become teachers in the schools of the Board, and the House will understand the magnitude of the question when I tell them that the cost of the central model school was £17,000, and that of the provincial model schools £110,000, and the amount annually granted to the support of the model schools alone is £24,000. Now, any one who has observed the course of events in Ireland of late, will know that these model schools have been the objects of the special hostility of the prelates and clergy of the Roman Catholic Church. I do not complain of this hostility, for they have a right to manifest it; but the fact no one will deny. Proof of this may be found in the fact that while in the model schools there were 9,700 scholars, there were only 3,626, or about one-third, Roman Catholics on the books, and a very much smaller number in constant attendance, while in the ordinary schools there were 584,000 scholars, of whom 479,000 were Roman Catholics. I believe that in the model school at Sligo there was not a single Roman Catholic child either in attendance or on the books. At the same time that this opposition has been shown to the model schools, there has proceeded from the Roman Catholic Church a demand of a very urgent kind for a separate training of the teachers of the Roman Catholic children. I will show that the Board of Education have in reality granted this, while in name they have professed to refuse it; and I will rely on the admission of the Board itself, that the separate training of teachers is contrary to the principles of the Board, while in reality and substance the thing is done. It may be said by English Members, "What harm is there after all that there should be separate training for teachers of different denominations?" There would be no harm, provided the system were different from what it is. If the Irish system were like the English system there would not only be no objection, but the thing would be perfectly natural; but what we are dealing with, what we are anxious to preserve, is the essential principle of the Irish system, and the consequences of a separate training in Ireland would be such that I think the House should be very unwilling to assent to it. In the first place, if you accede to the demand of one denomination, you must accede to the demand of all for a separate training, and if you accede to that you must accede to the demand of all for a separate education. You cannot justify the separate training of teachers upon any principle which would not compel you to adopt a system of separate education. But that is not all. Of course, if I am right in saying that the object of the model schools built at so great a cost, and supported by so large an annual grant, was to secure the training of teachers and to provide teachers for other schools, the moment that you have separate training out of the model schools, you will overthrow them. Still further, if you have separate training carried on, we will say by hypothesis, in the schools of the convents or monastic schools, the teachers there trained will be the only teachers which the Roman Catholic patrons will accept, and, virtually, the whole of the education of the Roman Catholic population of the country will be in the hands of teachers trained in these separate institutions. With this preface I will proceed to show to the House what the Commissioners have really done, and how they have met the demand for separate training. The first thing done by the Board was this. They began to apply to convent schools the system which has prevailed in other schools of appointing monitors, another name for junior or pupil-teachers. Not only are grants given to convent schools, but sums are given to pay the annual stipends to junior and senior monitors. But that was not enough, for it was found that the payment of these monitors extended only to persons of seventeen or eighteen years of age, and the Board had more recently created a new class of monitors whom they called first-class monitors, whom they describe to be young persons of an age when they become complete teachers, and who are to receive grants from the Board for their payment. That may be a judicious or an injudicious course, but it certainly constitutes a breach of a positive rule of the Board. How was it that convent schools originally became part of the schools of the Board? I find that the defence of the Commissioners rests upon this. They say that convent schools were always part of the schools of the Board, and that they are doing little more than was done at all times, and they ask how it is that they can be said to be altering the rules of the Board. I agree that convent schools were included in the schools of the Board; but I assert, and I may be set right if I am wrong by hon. Gentlemen opposite, that until 1855 there was no rule of the Board relaxed upon the face of it; convent schools submitted to all the rules of the Board; they accepted a grant, but it was on a different mode of remuneration, and with that exception prior to 1855 in the published rules of the Board there was no relaxation, convent schools being dealt with on the footing of other schools, or if anything was done it was without the knowledge of the public, and without any communication to Parliament. I now come to 1855. Down to the year 1855 the rule had been that no clerical person and no member of a religious order could be a teacher of a school under the control of the Board; but in that year the following rule was published for the first time:—

> "No clergyman of any denomination or member of any religious order can be recognized as a teacher of a national school. This does not apply to the teachers of convent schools."

That was the first time the public were informed of an alteration in the rule. And did the change pass unnoticed? I find that in that year, and as soon as the new rule was published, a protest was signed against it on the part of the General Assembly of the Presbyterian Church, upon the ground of its

> "Creating an invidious distinction, and giving an undue advantage to one denomination, contrary to the previous principles of the Board."

And were they justified in making that protest? Why, I find that in the same rules it was declared that, if the Commissioners should consider a teacher in a non-vested school objectionable, they could withdraw his salary till a suitable teacher should be appointed, that teachers should be trained in a particular way, subject to the direction of the Board, and that they should be classified under certain classes. The teachers of convent schools were manifestly made exceptions to those rules. They were not liable to dismissal by the Board, or to have their grants suspended as the result of any examination, they were not trained or classified by the Board; and it was, therefore, perfectly true, as stated by the General Assembly of the Presbyterian Church, that the new rule issued by the Board in 1855

> "Created an invidious distinction and gave an undue advantage to one denomination."

But it was alleged by the Commissioners in their own defence, that they had always treated conventual schools in an exceptional manner. The opponents of the new practice observed, on the other hand, that the rules of the Commissioners had been relaxed in favour of convents in many particulars, not in form or in words merely, but in practice; and that subject was discussed in the course of a debate which took place in this House in the year 1856. During that debate I read extracts from evidence laid before a Committee of the other House in 1854, for the purpose of showing that convent schools were of necessity exclusively Roman Catholic. I quoted the statement of Archdeacon Stopford, a warm friend of the National System, that convent schools must, of course, be schools of separate education, and that it was equally impossible Protestants should send their children there as that Roman Catholics should send their children to schools where the teaching was exclusively Scriptural. Mr. Cross, the excellent and intelligent secretary of the Board, said he

> "Should admit that convent schools must be looked upon as practically exclusive schools."

In the course of the same debate, I also adduced evidence to show that in the convent school at Youghal there were religious exercises every hour or half hour of the day, that Roman Catholic catechisms were at all times lying upon the desks, and notices were hung up calling attention to various dogmas of the Roman Catholic Church, and where eight Protestant children were found to be present on the day of inspection, the inducements consisting in the work that was taught and the price paid for it. These charges were taken from the Inspector's Report, formed the subject of investigation by the Board, and in their main features were all substantiated. But these are only instances of a universal practice. Every one who possesses any personal acquaintance with Ireland is aware that these convent schools are strictly and exclusively the schools of one particular religious denomination. I readily admit that they are schools which are productive of great good, that in them the industrial education is most admirable, that the secular education, subject to some grave drawbacks and qualifications, is good, and that the teachers are remarkable for their disinterestedness and their charitableness; but I believe those ladies themselves would be the first to acknowledge that they would insist on teaching their own religion at all times in those schools. I find it was stated before the Committee of 1854, that it was a mere mockery to pretend that any person might at any moment obtain admission to those schools, because the doors were always kept closed, and fifteen or twenty minutes usually elapsed before admittance to them could be obtained by strangers. I mentioned these facts in the debate of the year 1856; and what was the course which the Government pursued upon that occasion? The noble Lord the present Secretary for Foreign Affairs, who at that time was not a Member of the Government though he sat on the Treasury Bench, undertook the duty of answering the attack made on the National Board, said that the cases which had been adduced appeared to be breaches of rules of the Board, and that he had no doubt that the Board would take care that a stop should be put to those proceedings. He did not justify these departures from rule, but admitted that they were errors which ought to be redressed. But the Board has since done nothing to retrace its steps, and the expectation held out by the noble Lord has not been in any way realized. There is another very remarkable fact to which I have to invite the attention of the House. We have lately heard a great deal of the suppression of the Reports of the School Inspectors in England; but the Reports of Inspectors in Ireland have been suppressed in a manner to which anything that has been done in this country is the merest trifle. It had been the practice of the Commissioners in Ireland to make annual Reports to this House. They are bound to do so. And they had also been in the habit, until within the last few years, of appending to their Reports the Reports of the head Inspectors of the different districts in the country. The Board produced these Reports without any abridgment. But they were also in the habit—and very properly — of prefixing to those documents a notice to the effect, that although they produced them they did not feel bound to indorse every statement they contained, or to carry out every recommendation the head Inspectors might make. The Reports of the head Inspectors were submitted to Parliament every year until 1861, but in that year for the first time those Reports were wholly omitted. The volume, however, lost nothing in bulk, the size of it being made up in a great measure by the insertion of the names of all the schools in the country ranged in a tabular form, without any comment, but with a statement on some of the tables that they were taken from the Reports of the Inspectors, not one word of which Reports were produced. The most remarkable Report, I believe, that ever came from a head Inspector was made in that year; but although it was made in 1861 it was not discovered until 1864, when, in compliance with a special Motion, it was laid before the House; and I now hold it in my hand. It is the Report of Mr. Sheridan, who is the head Inspector for about one-sixth of the whole of Ireland. His district lies in the south, where there is a great number of convent schools. He is himself a Roman Catholic; and he could not, therefore, entertain, in consequence of difference of religion, any feeling unfavourable to convent schools. He invited the special attention of the Board to his statement, and assured them that that statement referred to matters of which no mention had previously been made. He appears fairly to apportion praise and blame to these convent schools, and he goes on to state that thirty-five of them situated in the South of Ireland contain 9,015 pupils, or about one-fifth of the number of pupils in the whole 854 schools in his district. Mr. Sheridan said—

> "These teachers are not classified by the Board, nor are they required to submit to an examination, as the Commissioners take for granted that they are sufficiently well educated to discharge the duties of national teachers efficiently; and, in point of fact, it is undeniable that the majority of them—of the nuns especially — are infinitely better educated than the teachers of ordinary National schools, while it is equally true that they bring to the discharge of their duties a disinterestedness and devotedness to which even the most zealous of the lay teachers can have no claim. It is also undeniable that their schools do an incalculable amount of good. Their pupils receive a moral and religious training of the highest order; they are educated to habits of truth-telling, modesty, order, and cleanliness, and such of them as attend with fair regularity and continue at school till they reach the upper classes are sure to receive an excellent literary education."

Mr. Sheridan having thus done justice to these schools, proceeded to notice two circumstances which seriously interfered with their efficiency:—

> "These teachers very seldom have any opportunity of receiving a technical training as teachers, either before or after making their religious profession; and hence, although they are undoubtedly well educated in a general sense, I apprehend that many of them have a very limited acquaintance with those improved methods of teaching and school organization which have received the sanction of experience. The want of such technical knowledge is most apparent in their management of the junior classes. It is a characteristic of these teachers that they are impatient of competition. A rival school, if it can possibly be extinguished, is not allowed to exist. In crowded cities this is, of course, impossible; but in Tralee, Killarney, Newcastle, Kinsale, Queenstown, Middleton, Skibbereen, Bandon, Dingle, and a host of smaller towns, no female schools, except those connected with convents, are to be found; none are permitted to be established. In some of them, indeed, such as Tralee, Killarney, Newcastle, and Dingle, in which there are monks' schools as well as nuns' schools, even the ordinary male National schools have been proscribed."

Now, I am perfectly convinced that these teachers, in pursuing this course, are actuated by worthy motives of faith in themselves and a conscientious belief that when schools are opened adapted for the proper training of youth, they consider they are justified in using every influence to remove them out of the way. Such a course Mr. Sheridan describes as intolerant, and the evils which arise are more than sufficient to counterbalance any good they might effect; and he goes on to say that in very vast populations, where large proportions will attend schools of their own religious community, there was no inconsiderable number of them who attend lay schools that cannot be induced to attend these. That is, I say, they will not, although Roman Catholics, go to the schools, which belong to the conventual and monastic order; and Mr. Sheridan gives a remarkable instance, that in Killarney, where there are two convent schools and one monks' school, every other being proscribed, the consequence is that there are fewer children who go to school than those who do not go to school. The principle of emulation and competition is by this policy extinguished, and they are left to receive pupils without limit as to their teaching powers. The Board, Mr. Sheridan says, deals with these schools differently from the others, for whilst they remunerate the teachers of the others by a stipend and the supply of school materials, they pay the convent schools by a capitation grant, the direct and positive object of which is to get as many children as possible crowded into these schools. The attendance, he says, instead of being restricted to the number of children the schools are capable of accommodating practically, is crowded to excess, and the attendance being out of proportion to the teaching powers, the rate of progress is consequently so slow that it takes a long time for a child to work its way from the lowest to the highest class, and, in point of fact, comparatively few reach that class, for the great majority of the children leave the schools before they have completed half their school course. Mr. Sheridan suggests three remedies for this state of things—first, a better organization with regard to numbers; secondly, the appointment of lay teachers; and thirdly, more efficient inspection. But then he went on to say that no improvement in organization and no amount of skill would make one teacher do the work of two, or ten do the work of fifteen. Could any one doubt when Parliament was asked to give large capitation grants, that they should have been made acquainted with that Report. It was a breach of duty not to communicate it to Parliament. But the matter did not stop there. Mr. Sheridan had said—

> "It is not my intention, however, just now to enter at greater length into the state of these schools and their teachers, as I have it in contemplation to inspect all the other convent schools in my district, and, when I have time, to make them the subject of a special Report. There are, however, two circumstances I must mention which cannot but interfere with their functions—one is, that these teachers have no opportunity of receiving educational training as teachers either before or after making their profession of faith, although they are well educated in a general sense, and they have necessarily a limited acquaintance with those methods of training and school organization which have received the sanction of experience, and the want of which is apparent in the management of these schools."

Different opinions, however, prevail with regard to Mr. Sheridan's Report. [Sir GEORGE BOWYER: Hear, hear!] My hon. Friend below the gangway is evidently more disposed to differ from it than I am; but no one can doubt it is a Report that ought to have been communicated to Parliament, and that when we were asked annually to give large capitation grants, we should have been told what the Board knew the confidential Inspector had informed them, and which Mr. Sheridan describes as unpleasant truths, and all the more unpleasant now that they are offered for the first time, and it was a dereliction of duty not to have communicated them to Parliament. But the matter goes further than that. A short time since I asked the Attorney General for Ireland, who represents the Board in this House, whether Mr. Sheridan had made his promised further Report, or whether orders had been given to him to make it, and the right hon. Gentleman said he had not made it, and that he had not received orders not to make it. I do not care which horn of the dilemma the Commissioners choose to adopt, as one seems quite as bad as the other. There are many ways by which an Inspector might be led to understand it is better not to make a Report until it has been promised. But if there were not, have the Commissioners discharged their duty in not calling upon him for his promised Report, in order that the truth might be known? In the rules which were made last year the Commissioners determined to act upon the principle that these convent schools should be efficient first-class schools, and they gave them that character in their Report and in their rules, in the face of Mr. Sheridan's Report, which they concealed. As soon as they had made these rules, and had come to the conclusion to publish them to the world, this Report was discovered, and they were forced to produce it, and they then instructed the other district Inspectors to inspect and report upon the other convent schools. Having given these schools the character they asserted belonged to them, they directed the other Inspectors to report, which is very like to deciding first and inquiring after. In the meantime the pressure from the Roman Catholic prelates and clergy for a separate system of training went on; and it is now confessed, on the part of the Board, that before any new rules were made they yielded to the pressure by appointing monitors and teachers to the convent schools, which is a direct breach of their own rules. For how did the rules stand before the month of November last. Before that time the members of the convents might discharge the duties of literary teachers, either by themselves or by the aid of such others as they might choose to employ, the salaries of such teachers to be defrayed by the communities; but by the proposed new rules it is provided that in schools where the teacher does not rank at least in the third class he can have the assistance of a junior monitor, and where the teacher does not rank at least in the second class he is to be allowed the services of a senior monitor. Now there is no teacher in the convent schools in the second or third class. I call upon the Board to show by what authority they violated the old rules. The new rules have not yet been acted upon, and the present moment is the most fitting for considering the question, because in a few days the House will be asked to grant a sum of money, which is to give effect to these new rules. There are only three of these rules to which I need refer. The old rule the House will remember, as I have already said, was that the members of the convent schools might, if convenient, discharge the duties of literary teachers by themselves or others, the salaries of such assistants to be defrayed by the community, and then there is inserted, for the first time, except in the case of monitors. That is to say, they really prohibit teachers in any convent school except those who are paid by the Board. The next alteration is this. Under the head of convent schools the rule says that schools of this class are entitled to the services of paid monitors. But the third alteration is the great one, whether as regards the singular manner in which it is framed or in the alteration which it makes. And when the House hears this rule I think they will see that the alarm which it created is not altogether unfounded. At first sight the rule may appear to be harmless enough. It is this—

> "In the case of a few very large and highly efficient schools the Commissioners are prepared to appoint young persons of great merit to act as first class monitors, with a rate of salary higher than the rate of salaries of the above grades."

Now, in the first place, I ask, is this the proper way to make a rule to be enforced in the country and to be acted upon? The Board is to appoint young persons of great merit without describing how that merit is to be discovered; and, finally, at a salary somewhat larger than the paid monitors, without stating the excess of such salary. I have got the admission of the Board of Education itself that this rule was intended to meet the case of convent schools, and practically it meets no other case. I should be sorry to suppose that gentlemen of the eminence of those who compose the Board could have used words to conceal their real intentions. But they must be now aware that, knowing the purposes for which this rule was intended, it is most unhappily expressed, and gives rise to the suggestion that it was couched in these terms in order that persons should not know what it was intended for. I challenge the right hon. Gentleman the Commissioner of Education to state to the House, that putting aside the case of model schools, for which there was no pretence to apply this rule, that there is any school in Ireland within the mind and view of the Commissioners to which the rule will apply other than convent schools. I say there is none. If there be one other it is a school in the North of Ireland which is described as a large school. To that alone could the epithet be ascribed. I challenge the right hon. Gentleman to say there is any other school to which it will apply. But whether he accepts the challenge or not, I have the confession of the Commissioners, that it was intended to apply to the convent schools chiefly. Now what would be the effect of this rule if acted upon? They would have junior monitors and senior monitors paid by the Board. They would first have their capitation grant in respect to their pupils. They would then have the monitors, both junior and senior, paid by the Board. Then they would have a new class not heard of before—the first class monitors—the object of which was, that they may be trained as teachers to go out to other Roman Catholic schools in the neighbourhood. The result would be that you would have a separate training establishment where the expense of separate training was defrayed by the State. You would have in substance and reality, the very thing that the Board said when they were asked on the subject they were not at liberty to grant. But what is the effect on the model schools? We have got the estimate upon the table prepared under the direction of the Board, which must soon come under the consideration of the House. And what do I find there? I find that there are struck off from monitors and pupil-teachers exactly the number which makes the diminution of the grant of £2,011.. Monitors and pupil-teachers are annihilated to that amount, and a grant requested for these first-class monitors in convent schools of £2,000. So that that amount is actually given to the convent schools which was withdrawn from the model schools. Now, what is the justification of the Commissioners upon this point? The Lord Lieutenant of Ireland, on being waited upon by a deputation, referred to the Commissioners for their observations upon this question. They have furnished his Excellency with an explanatory paper, which has been laid upon the table. Now, I will venture to say, though representing the Commissioners, that there never emanated from any public department a document to be paralleled with this for recklessness and audacity. In the first place, the Commissioners say there is a perfect distinction between monitors and teachers, and that monitors are not teachers at all. Now, I will judge them by their own rules. I will take two passages only from their defence. Under the head of "classification of teachers" occurs this rule—

> "Besides the principal and assistant teachers included under the foregoing head, there are other junior literary and industrial assistant teachers, pupil-teachers, and paid monitors."

And the Commissioners in the same document, forgetting their own rule, assert that the teachers, assistants, and monitors are perfectly different things; and under a rule which prohibited paid teachers the Commissioners say that they are at liberty to have paid monitors. But the second observation of the Commissioners is still more remarkable. They say, as to the district model schools being injured, that they were never intended as training establishments for teachers, and that it is quite a mistake to suppose that it entered into their conception to support model establishments as training schools Let me read their own words, for I will ask the right hon. Gentleman to give an explanation, for without an explanation it appears to me to be an audacious evasion of the rule on the part of the Commissioners. I will ask the House to judge between us. These are their words—

> "The district model schools are never intended to be training establishments for teachers."

Now, this is a short, clear, and pithy assertion of a fact. Before the echo of that sentence dies away we may read this rule. Under the head of "District Model Schools" they say—

> "The chief object of model schools is to promote a united education, to communicate a literary and scientific education, and to train young persons for the office of teachers."

In the same page the Commissioners say that they were never intended for training establishments for teachers. Well, I will now take up the covenant which occurs in all model school leases—in the leases of all the schools under the Board. I find that it is to this effect—it binds all teachers, male and female, teaching in schools connected with the Board, to hold themselves in readiness to attend when called upon at the normal establishment in Dublin, or at one of the district model schools hereafter to be opened, for the purpose of training. I have here before me the correspondence which had taken place between the resident Commissioner and Mr. Wynne, once a Member of this House, and a gentleman we all respect; and in that correspondence I find that Mr. Wynne complained of the manner in which the teachers in the model schools in Sligo were distributed amongst the various denominations. The answer which the Commissioner gave to this complaint was that the district model school is not the model school of a mere town or village in which it is placed, but of the whole district, for the purpose of preparing the future teachers for the 400 or 500 National schools of the district. Now, nearly all of those schools were Roman Catholic ones that lay within that district. But I ask, then, what is the justification for the statement made to the Lord Lieutenant as to a matter of fact? What is the next explanation they give? They say that the district model schools do not supply a sufficient number of teachers, and the object of this rule is to increase that supply. Now, let the House mark the consistency of those statements. What are the facts? The Commissioners say that they amount to 700 teachers a year, and that the model schools only give 130 a year. I will ask the right hon. Gentleman for some warranty for this surprising statement. I find that Mr. Inspector Newall, one of the head Inspectors, says that he cannot get places for his teachers in his district—that one-sixth of the whole only amount to forty in the year; so that, multiplying that number by six, you get the number 240 in place of 130, which the Commissioners say the model schools only give. I also find that in Belfast alone the schools turned out sixty-three teachers in 1861, and seventy-six in 1862, and this is only one of the seventeen model schools in Ireland. I want then to know, if the object of these model schools be to supply a sufficiency of teachers, how that is to be done, inasmuch as I have before observed that the Commissioners have reduced the estimate for the model schools by the sum intended to meet and satisfy the rule of which I complain. But there is another explanation given by the Commissioners. They say that the convent schools have only a small capitation allowance, and that that does not produce as much money as the capitation allowances in other schools; that consequently the teachers in the convent schools are worse off in point of salary than those of other schools, and that it is, therefore, unfair to grudge them this little addition to which I have alluded. But why are they worse off in this respect? They are worse off because they refuse to submit to the rules laid down. If they submitted to those rules they would get exactly the same allowance as other schools. Are they then unfairly paid, and does the country exact from them a cheaper rate of education than from other schools? The Commissioners say that each child in a convent school costs 4*s*. 6*d*. altogether, and that each child in any of the other schools costs 7*s*. 2*d*. That is to say, the convent school child costs a little more than half what the other school child costs. But Mr. Sheridan says that the children in the convent schools are not half taught; that one teacher does the work of two; and that the inevitable result in such schools is that the rate of progress is extremely slow; that it takes a long time for a child to work his way from the lowest to the highest classes, and that the majority of the children leave the schools before they have completed their education. He says that no improvement in the school will enable one teacher to do the work of two. Now, am I justified in the statement which I made to the House? Then do not tell me that the State pays 4*s*. 6*d*. a head in one school, and 7*s*. 2*d*. a head in another school, when I am distinctly told that the child in one school is only half taught, and that the school has only one-half of the teaching power they ought to have. What are the protests against the National system? One of the Commissioners said that the rule limiting the allowance to convent schools was made to meet isolated cases; and Dr. Henry, the oldest Commissioner on the Board, said that, in his humble judgment, the recent change in the rule seriously interfered with one of the fundamental principles relating to secular instruction, and that it fostered a spirit of separation and exclusiveness. I invite the House to a passage between the Board of Commissioners and the right hon. Baronet the Chief Secretary for Ireland. I shall even claim the vote of the right hon. Baronet. I find that on the 30th January this year the right hon. Baronet wrote to the Resident Commissioner in these terms—

> "Sir,—The attention of the Irish Government has been drawn to certain contemplated changes in the fundamental rules of the system of national education in Ireland, the effect of which would be seriously to imperil the principles on which the system is based. I have to remind you that the Board has no power to change any fundamental rule without the express permission of his Excellency the Lord Lieutenant."

This is much more clear than what I have put before the House. The answer of the Commissioners really raises a question the importance of which this House will see, and the House must determine whether they will have a control and authority over the Board of Commissioners or not. The Commissioners disown control. In their answer there are one or two very curious things. Although there is not a word in the secretary's letter relative to convent schools, or any enumeration of the changes which the right hon. Baronet conceived to be fundamental, the Commissioners accept the suggestions and the insinuations, and they at once enter into the question of the convent schools. They say, "Oh, it is the convent schools you are speaking of;" and they tell the Chief Secretary it is no business of his. They say, moreover, they are quite sure that the Lord Lieutenant will agree with them. They further say, "We don't care for either you or the Lord Lieutenant, because the only thing we have to do is to get our money from Parliament, if we can only scramble through the Estimates"—I call the particular attention of the Chancellor of the Exchequer to this—"If we can only scramble through the Estimates and get the money from Parliament, we may spend it in any way we like; and with anything connected with the spending of money you have nothing to do." The House will consider the relations which exist between it and the Board, who receive £16,000 a year, and they will consider the extent of the information contained in the Estimate. The secretaries to the Commission, in reply to the right hon. Baronet, wrote as follows:—

> "That though it seems to them there is nothing in the charter of incorporation forbidding the change of any rule of the Board, they are aware that, by one of the rules which were approved by the Government in 1855, it is provided that the Commissioners are not to change any fundamental rule without the express permission of his Excellency the Lord Lieutenant. We are directed further to state that, in approving the recent rules, supposed to be referred to by you, the Commissioners are of opinion that in so doing they made no change in any fundamental rule; and they are disposed to think that the Lord Lieutenant—to whom, in answer to his Excellency's letter of the 23rd ult., they have now forwarded a communication on the subject of these rules—will concur with them in this opinion."

Then they proceeded to lay down four fundamental rules, and I should very much like to know where they got them from. Certainly there is no document before Parliament which contains them. These are the rules—

> "1st, Those rules which protect the children from interference with their religious opinions; 2nd, those rules which entitle the pastors to give religious instruction to children in vested schools; 3rd, those rules which regulate and confirm the rights of the patron, and the succession in case of a vacancy; 4th, the rules which give to managers the right to use the schools, or to the public the right to visit them, in order to see that they are properly carried on."

They contend that these rules are not fundamental. I however understand these rules to be fundamental in this way, that they are solemnly established by the Board, and published to the world, as are the rules with regard to teachers, and with regard to convent schools—the one as much as the other. But so shortsighted are the Commissioners that they actually forget that if they are right in saying these four rules are not fundamental, and that therefore they may be changed without the consent of the Lord Lieutenant, the result will be that the very rule which says that fundamental rules cannot be changed without his consent is not itself fundamental and might itself be changed. That, I think, is not an argument that can be sustained for a moment. They went on to speak of the taxpayers and the House of Commons. This makes it proper for me to ask the House to observe that to the Estimate for this year there is appended a Vote relative to the creation of first-class monitors. The House knows pretty well what the class was created for. It was created for the convent schools, and for training teachers in the way I have pointed out. This is the information for the taxpayers. The note is—

> "In order to perfect the monitorial system the Committee are convinced it is necessary to extend somewhat the period of monitorial service where special aptitude is manifested either for training teachers or for receiving the instruction."

Do the Commissioners mean to say that the ladies at the head of nunneries, who never have been trained for teaching, who have never been put in possession of the technicalities of teaching, are peculiarly qualified to instruct pupil-teachers? I have no doubt that the time is coming, and that it is coming very fast, in which the House will have to consider the constitution of this Board, if it desires to retain the system of National Education in Ireland. Originally the Board consisted of seven Commissioners. The number was subsequently increased to ten, and later still to twenty. Only imagine a system of education in England conducted by twenty persons selected from different parts of the country who could never be got together! The result must be that the whole executive management must be left to clerks or cliques of a limited number of the Committee. The subject has before occupied attention. Mr. Cross, the secretary, appeared before a Committee of the House of Lords, and said a numerous Board was very undesirable, that three Commissioners were enough, and ten too many. The Bishop of Derry also said he was satisfied, from experience and observation, that if the system was to be saved there must be three paid Commissioners in the place of the present Board. Practically, this happens: in Dublin there are six, seven, or eight Commissioners—one in Belfast, one in Derry, and so forth; and the difficulty of getting them together is so great that the Dublin Commissioners do the whole business. I have brought this question before the House, this being a branch of the Legislature which has always been desirous to promote Irish education. If I wished the National system to fail, the best way would be to let it alone. I believe that two years would, in that case, overthrow the system to a certainty; but if the House desires to retain the system in the efficiency and spirit which has hitherto attended it, I call on the House, while yet there is time, to show the Commissioners that their course is one in which they will not be supported by the House, and to do so by affirming my Resolution.

Mr. DAWSON said, he begged to second the Motion. He had always been of opinion that the true and only groundwork of a National System of Education in Ireland must be based on the Earl of Derby's declaration in favour of combined religious and secular instruction. He had, therefore, always rejoiced at the advancement of the system under difficulties almost unparalleled; and he now protested against the recent departure from that sound principle. No concession to any party ought to be permitted. The rules of the system should be common to all, and indiscriminating in their application. In the answer of the Government to-night there should be no mystification about the rules, but there should be laid down some broad and general principle upon which there could be no misunderstanding, and for the maintenance of which the Commissioners hereafter should be held responsible. As it was not likely that the Irish people would ever agree where a question of religious opinion was discussed, he would avoid all controversy which was more likely to excite the passions than promote reconciliation. No clergyman of any church should be permitted to undertake religious instruction, excepting at certain specified school hours, and then only to children of his own persuasion, as no parent could be expected to approve of the teaching of any minister not of his own faith. He was not about to express an opinion whether the educational grants, although differing in their form, but still proceeding from the State, should ever have been granted to these institutions. He objected to any extension of the exception. It was sheer nonsense to suppose that the convent schools could be made instrumental for the purposes of united education. The late rule promulgated by the Board must bear with it these characteristics. It must weaken the authority of the model schools, whilst it encouraged the hostile attitude of the other schools, which would assume the character of training establishments. The State had expended large sums of money for the establishment of these model schools, but in doing so it had acted wisely and well; and although the course of education pursued therein might not be altogether free from criticism, and although it might be impossible to say that the children were of an exclusively unmixed class, they were valuable as training establishments to those who were hereafter to be intrusted with the development of the system. He could confirm what had been stated by his hon. and learned Friend that a growing dissatisfaction had arisen in Ireland with regard to the Board of Education. In the place of the present Board he would gladly see appointed three salaried Commissioners representing different denominations—the Episcopalian, the Presbyterian, and the Roman Catholic; and to these he would add a fourth, the Chief Secretary of Ireland for the time being, who in Parliament should be held responsible for their acts. He would rather that these duties should be of an executive and administrative than of an original character. Let Parliament lay down a system of administration impartial in its rules, and giving common justice to all without favouring any political creed. If such a change were made, and the system were hereafter to be honestly and efficiently worked out, it would render education in Ireland abundantly productive of the greatest blessings to all classes of the community.

Motion made, and Question proposed,

"That, in the opinion of this House, the Rules sanctioned by the Commissioners of National Education in Ireland on the 21st day of November, 1863, are, so far as regards their operation on the aid afforded to Convent and Monastic Schools, at variance with the principles of the system of National Education." — (*Sir Hugh Cairns.*)

MR. O'HAGAN (ATTORNEY GENERAL FOR IRELAND) said, he would not shrink from the responsibility of replying to the very able speech of the hon. and learned Member for Belfast (Sir Hugh Cairns), because he thought it was quite fit and becoming in one who had been assailed, not so much in that speech as in the agitation of which it was a very mild expression, that he should say, on behalf of himself and others, what he conceived ought to be satisfactory to any reasonable man in relation to charges which he knew, so far as imputations of motives were concerned, to be utterly unfounded, and which he believed to be, in relation to fact, equally unfounded. He had for some months past been observing the demonstrations—to use a word which was familiar to them in Ireland—which had been made in the press and on the platforms of certain districts of that country; and, beyond a doubt, the accusations which had been made against the Board of Education had been of a very grievous character. There had been accusations made against men of whom, although he was one of them, he presumed to say they were persons of the highest station in Ireland, and who had devoted their time and their thoughts—their anxious thoughts, in the face of much unfounded aspersion and much unmerited obloquy, to the advancement of the social and moral improvement of their country. He was very happy to have this question ventilated in the free air of the House of Commons, because he thought the opportunity was there afforded him of justifying those men, and, above all, of justifying one who was unjustly attacked, and whom, being a friend of his, he could with all sincerity describe as a man of the largest accomplishments and of the noblest nature; a man who having early achieved intellectual triumphs in a University in England, such as were unexampled in that University, had devoted his life in an office far below his mental and social attainments for advantages which, in a worldly point of view, were very contemptible indeed; but with this reward for him—that he had been able to confer benefits on the poor people of Ireland which would make his name an honoured one when the heats of party were over, and slander was at an end. He was happy to speak in that House on behalf of Mr. M'Donnell; and he thought that before he had concluded it would be patent to the House and to the world that the accusations which had been—in terms, gently, but in effect, strongly—urged by his hon. and learned Friend the Member for Belfast against him and his Colleagues, that they had been false to their trust—for it was no less than that—and that they had altered fundamental rules of the system without the sanction of the representative of the Sovereign, were accusations without a shadow of foundation. He could clearly understand this Motion if those at whose instance it was brought forward plainly avowed that their object was the one suggested by the hon. Gentleman, who had just addressed the House, at the close of his speech. He could well understand the movement if it was avowed that the object was not to bring before the public miserable charges which he should demonstrate to be unfounded, or to discuss a thing which was wretched and contemptible, whether they regarded its influence on society in Ireland, or as a pecuniary burden on the State; but to destroy a great institution, and substitute for a representative Board which commanded, in a great degree, the confidence of many and various parties in Ireland, a Board of three paid Commissioners—a Protestant, a Presbyterian, and a Roman Catholic. This was the object of the agitation and the attack, and the object of the clever speech which they had heard to-night. That he believed. But what was the charge which he had to meet? Not embarrassing himself, in the first place, with the number of criticisms which his hon. and learned Friend had so ably made on certain documents, he should meet the broad charge against the Board—namely, that it had introduced an innovation; that it had connected the convent schools with itself, and dealt with them in a mode different from that in which they had been dealt with before. That charge was put forward in this way—that a fundamental change had been accomplished in the rules of the Board, and that the change so made had not the sanction of the Government. Now, he asserted that no change had been made which in any way conflicted with the duty of the Board, or interfered with the established principles of the system. He asked the House to consider this question very deliberately, not with referenee to the position of individuals, but with reference to the safety of the system which he and many in Ireland believed to be connected with the best interests of that country. He believed that, although the system might have errors which ought to be corrected, and imperfections which it might be well to remedy, it had advanced the morals and intelligence of the people of Ireland, which was one of the most moral and the least criminal countries on the face of the earth. He asked the House to remember this great fact, that though the hostility to the National Board had been multiform and long-continued, though it had to contend with much of party spirit, it had so commended itself to the confidence of the people of Ireland, that the number of schools had increased from 789 in 1833 to 6,010 in 1862, and that in 1863 the number had still further increased to 6,163. The total number of children attending the schools, which in 1862 was 812,527, notwithstanding the depression which existed in Ireland, and the enormous emigration which had borne such vast numbers from the shores of that country had increased in 1863 to 840,569. With such facts before it, the House should be cautious before it came to a decision which might be most detrimental to the future interests of this great institution. Now what had been the relation between the conventual schools of Ireland and the National Board from its first establishment by Lord Derby? Soon after the famous letter by which the Board was founded, the question arose whether these schools should be connected with the Board. In point of fact, they had existed before the Board itself existed, they had been useful to Ireland, and had educated the people at a time when the State gave no aid for the purposes of education; and even the Kildare Place Society had helped these convent schools, giving them books and school requisites, though the managers of the society could not be accused of peculiar leaning towards the Irish Catholics. The matter was brought formally before Lord Stanley and the Irish Government, it was discussed by them, and in the first or second Report of the Board, answering the pamphlet of the Bishop of Exeter who had assailed them, the Board said that upon this point they had communicated with Lord Stanley, who thought it desirable that those schools should be brought under their superintendence, and that they should grant aid to them, which they accordingly had done. That was the Report of 1836. In 1837 there was a Commission of Inquiry of this House, and Mr. Carlile, a very able man, and a minister of the Church of Scotland, who was at the time resident commissioner, in reply to Lord Stanley, said the Board had received applications from some schools connected with nunneries and monasteries, that they had felt a difficulty in knowing how they were to proceed, and what the Government wished on the subject, but that, after communicating with Lord Stanley, they had unanimously resolved that it was desirable to include these schools. The House would see whether the effect of the Motion before the House would be exactly in harmony with this unanimous decision of Lord Stanley's Commissioners. In the same Report it appeared from the evidence of Dr. Kelly, now Judge Kelly, that when the convent schools were allowed to be taken into connection with the Board, Protestant and Presbyterian clergymen were applicants for the adoption of this course. The Presbyterians in the North of Ireland had taken a strong part in the discussion of this subject, but urged that the aid given to these schools should be withdrawn or diminished on the ground that they were exclusive and sectarian, and that the public ought to have nothing to do with them under a system of united education; but the effect of the amended rules in Ulster had been to make the Presbyterian schools there, to a large extent, as exclusive as the convent schools, and the Commissioners were quite right in 1839 in putting the two classes of schools very much on a par in point of exclusiveness. It was said that the connection of the convent schools was brought about in a concealed way; but in 1854, during the inquiry which took place before the House of Lords, this point was gone into particularly, and in a Report prepared by Earl Granville there was a specific reference to the convent schools, and specific suggestions or directions were given, which were communicated to the Board, and must have been known to the public. There was thus the fullest opportunity of inquiring thoroughly into the annection, and of ascertaining what the conditions were. The fact was that the convent schools were, from the very inception of this system, recognized as worthy of connection with it, and as institutions which might be aided for the public advantage, and quite consistently with the principles of the Board. There had been a vast deal of talk about united education by a number of very energetic agitators here and there, and it was asserted that only those schools should be aided where there were children of various religious persuasions. But this never had been the principle of the Board. Its principle had been to establish certain rules under which every school seeking aid should come, that those rules should be of such a character as to prevent the possibility of proselytism, and that there should be a complete protection for a religious minority against a religious majority. That was the principle of the Board, and the principle of Lord Stanley's letter was, that there should be good secular instruction without interference with peculiar religious tenets. *Qui hæret in literâ hæret in cortice.* It would be an abuse of the principle which that letter contained, if it were contended that no school should receive aid from the State unless it had a mixture of scholars. The value of the Board was shown in the representative character which was now assailed—that it had adapted itself to the peculiar circumstances of Ireland, that it had not acted in a *doctrinaire* spirit, but that respecting the great principle of religious freedom, it had not sought to tamper with the purity of religious faith, and therefore it had afforded aid to every school which could honestly accept aid upon the terms indicated in the constitution of the Board. Besides adapting itself to the circumstances of the country, it had respected the opinion of the people, and consequently it had been able to confer, as he believed, great benefit upon the country. Then what was the state of the case with regard to the principle as indicated by the Board itself, and as bearing upon the question before the House? In an able Report of the Commissioners of 1844, it was stated that the principle had been from the beginning that the National schools should be open alike to Christians of all denominations, and that accordingly no child should be required to receive religious instruction to which its parents or guardians might object. Under these circumstances, the convent schools came into connection with the Board. It would surely have been wrong if the Board had refused to admit those schools. Having been admitted into connection with the Board, it was not necessary for him to dwell upon the efficiency of those schools; but, as the question had been mooted, he would just refer to one or two authorities upon that point, to prove that they had been of great benefit to Ireland, and had more than repaid the amount of assistance which had been extended to them. Dr. Henry gave it as his opinion that it was most important to retain the conventual schools under the Board, as they had more than 40,000 children under their charge, and he believed that the education imparted was of a very excellent character. Mr. Keenan, the present chief Inspector, spoke highly of conventual schools as giving a valuable elementary education, and Dr. Sullivan bore testimony to the value of those schools in training teachers. It was quite true that Mr. Sheridan had reported against those schools, but that gentleman's opinion was set against the authorities he had mentioned, and the Board could not be required to act upon the opinion of a single Inspector, however able, whose experience only related to a particular district. Then came the question whether these schools in respect of payment were such as they ought to be. They had been originally paid precisely as all other schools under the Board by a capitation grant. For the first ten years they received 10 per cent upon all children enrolled, and afterwards 15, and then 20 per cent upon all children in attendance. In 1839 the system of classification was established; the nuns could not, from the nature of the case, take the burden of that system, and the result was that at this moment these conventual schools, which were teaching more children than the Church Establishment of Ireland, and teaching them most efficiently, received something like one-fourth of the first-class teachers and one-third of the ordinary class. They did the work of the State most effectively, and they received about 7*s.* 2¾*d.* per head, including monitors, while common schools got something like 14*s.* 4*d.* The convent schools, therefore, were doing work for which they were not paid. What did the whole of this agitation amount to? £2,000 was sought for a new class of monitors, to be divided between the convents and convent schools. The rule did not recognize the convents, but to large and very efficient schools certain advantage was to be afforded. Upon that was based the whole of this agitation. The pretence was not the reality. It was to destroy the convent schools, or separate them altogether from the Board. Such being the historical relation subsisting between the Board under the authority of Lord Derby, under the able men who had been Commissioners, and under the sanction of Parliament, he now came to consider whether there had been a violation of any fundamental rule in providing that in certain large and efficient schools a third class of monitors should be provided. For a course of years—more than twenty—the monitorial system had been established by the Board; it had been altered from time to time; it had been increased in efficiency by the Board; and when the Board, having large experience, very slightly modified that system, by a mere administrative act, for a mere administrative purpose, it would be very hard for the House to come to the conclusion that there was a change in fundamental principle which required the assent of the Lord Lieutenant before the Board should be allowed to act upon it. He read extracts from the Reports of 1843 and 1844, which showed that the Board had established the system of monitors, paying them from £4 to £7 a year. In the latter year they had fifteen boys and fifteen young women in training for that purpose, and they hoped gradually to bring forward a body of masters and mistresses thoroughly qualified to undertake the management of the schools. They did not ask the assent of the Lord Lieutenant to that. It was regarded as a mere administrative act. It appeared quite clear that no fundamental principle was involved in the arrangements which had been made by the Board with regard to the monitors from 1843 to 1860, and, indeed, nobody had suggested that such was the case. That being so, was the Board, he would ask, to be condemned as having betrayed its trust because it had not appealed to the Government to confirm the particular alteration in question? In 1855 a second class of junior monitors was appointed, who were to receive a smaller sum ranging from £2 to £4 a year, and the Commissioners in that year said that "in the case of schools commanding a larger attendance and distinguished by their superior efficiency, it should be allowable to appoint two or more monitors." It would at once, therefore, be seen, that if a covert design lurked under words almost identical in 1864, that same design must have been present to the minds of the men by whom the Report of 1855 was drawn up. Yet in 1855 no one presumed to say that a fundamental change was made in the rules, or that the Lord Lieutenant should have been consulted in the matter. It was stated on the other side that in 1862 the Commissioners, acting without any legal authority, instituted certain monitors in a certain school in Dublin; but the transaction was a very simple one, and one which had been recognized by every set of Commissioners from the first. It became a serious question with the people in Ireland, who took an interest in educational matters, whether or not it was desirable to continue the monitors after a certain time in connection with the Board for a short period. There were, it should be borne in mind, two classes of monitors—the seniors and the juniors. The senior class continued in connection with the Board until about the age of eighteen, at which age a monitor became eligible to receive a teachership. It was, however, found that though eligible he or she was rarely elected, because there was a feeling that it was better that persons of maturer age should be appointed. The result was that when boys or girls arrived at the age of eighteen, and found they could not get a teachership, they left the school, and in many cases emigrated; so that though educated for the public benefit, and at the public expense, they were lost to the public service. It occurred, therefore, to rational people in Ireland, that it would be a matter of great importance that these children should be continued in connection with the Board until the period at which they might receive teacherships, and it was considered that by keeping them for a period of two years, that desirable object might be accomplished. And what, he would ask, had been the practice of the Board since its institution? It did not frame rules until it had some means of ascertaining whether they were workable and wise by experiment, and acting upon that principle they came to the conclusion to add to the two classes of monitors which he had already mentioned a third class, which might continue to operate in the schools. Such, then, was their appalling interference with the settled institutions of the country, and the fundamental principles of their constitution. Two or three collateral matters had been mixed up with that question, certainly not for the purpose of making it clearer and more comprehensible. It was not the fact that convent schools were the only schools with which the Board would deal under that rule. The rule extended to every large and efficient school in the country, whether Protestant, Presbyterian, or Catholic. [*Cries of* "Name!"] He believed there was such a school in the town of Belfast. [Sir HUGH CAIRNS: "I expressly said that no school could be named but that."] The rule had not yet been acted upon, but he was informed, on the authority of as trustworthy men as ever breathed, that there were some fifty, or perhaps sixty, schools in Ireland which would be perfectly capable, from their size and efficiency, of availing themselves of the operation of the rule. That was an answer which ought to satisfy any reasonable mind. As to the model schools, the allegation of the hon. and learned Member was that they should be and were the training schools of Ireland. Now he would assert the contrary of that. The model schools grew up in this way. When the Board was originally constituted it did not appear to have occurred to anybody that more than one model school would be necessary; but very soon the Commissioners took a different view, and began to establish model schools in the various counties of Ireland. That was done, not in order to train teachers, but that, as the name implied, models should be set up, complete in all their parts, as examples to be followed in the rest of the schools throughout the country.

A model school, no doubt, trained teachers to a certain extent, but every school under the Board where there was a monitor also did the same in a degree; and it would be quite contrary to the principle of a model school to make it an institution for the training of teachers only. The hon. and learned Gentleman said the model schools were sufficient to supply all the teachers needed for Ireland; but the fact was they had 7,247 teachers in all in connection with the Board, and only 3,331 had been trained in those establishments. There were 700 teachers required every year, and the model schools did not supply one-half of that number. The authority of Mr. Newall had been cited in opposition to that calculation, but Mr. Newall must have been under a mistake, for in the year to which he referred there were actually 732 new teachers required. It might be confidently asserted that the model schools ought not to train all their teachers. It was a wise arrangement to have those schools retrenched. There were thirteen of them in Ulster; he did not know whether there was one in Connaught, and there were not many in Munster. It would be monstrous to think of sending young persons from one province to another to be trained as teachers, when they would be at a great distance from their parents and friends, and when an enormous expense would be incurred without securing any better results than were now obtained in a much more economical manner. He maintained, then, that the model schools neither were nor should be the training establishments for teachers in Ireland. Attention had been called last Session by his hon. Friend the Member for Longford (Mr. O'Reilly) to the question of the model schools, and that hon. Member certainly raised an argument with reference to some of those institutions which appeared not to admit of a very easy answer. The expenditure made upon them was regarded as excessive; and the Treasury, having had the circumstance brought to its notice, had done what he generally did—namely, performed its duty, and directed the Commissioners to look into the matter, with a view to curtail any useless outlay of public money. The Commissioners obeyed their instructions, and suggested a reduction of £2,500, which was agreed to by the Treasury. That proceeding had no possible connection, either in intention or in fact, with that other arrangement, the creation of a third class of monitors. No doubt in the Belfast school a considerable reduction had been made; but in that school it turned out that there was a teacher for every twelve pupils. In the Enniscorthy school it also turned out that there was a teacher for every eight pupils. He had endeavoured to present broadly to the House the history of the connection of the convent schools and the monitorial system with the National Board, and he said, again, that whether the object of this Motion was to effect a small arrangement, or whether it was really designed to effect the connection of convents with the National Board, the case had entirely failed. If the objection were confined to the arrangement, he answered that it was according to the settled practice of the Board, and was justified by the necessity of the case. If he was told that the desire was to sever the connection of the convents with the Board, as had been suggested elsewhere, and as would seem to be the legitimate corollary from the argument which they had heard that evening—even though it might not be intended—then he invoked the authority of Lord Derby, the founder of the system, and referred to the unbroken course of action of the Commission, to the admirable results which that course had produced, and to the danger and destruction which its abandonment would undoubtedly involve. The people of Ireland had a great regard and a deep love for their conventual institutions. They were attracted to education by those institutions as nothing else could attract them. Would it not be a pity and a shame to deprive them of those advantages which they had heretofore enjoyed at so trifling a cost to the State? It was not desirable that they should in dealing with Ireland act always with the rigidness of logic or in the narrow spirit of doctrinaires. It was necessary to look to the feelings of the people, to the position of the people, and to the traditions of the people in order to govern Ireland rightly. The people were impulsive, they were impressible, they were ardent. Sometimes they exhibited an excess of love and hate; but those very circumstances, their peculiar history, and the position in which they stood, entitled them to and required for them special generosity and special kindness. They might be sure that if they gave them kindness it would be answered by trust; and if they gave them kindness they would return more than gratitude. That had been too often forgotten, but it ought especially to be borne in mind with reference to this question. The schools to which the people were most deeply attached were the convent schools. They were to them a sacred thing. If the connection which had been wisely established and well maintained between those schools and the National Board was severed, the people of Ireland would be led to repel and repudiate the principles of that body. It was not desirable to produce such a result. It was desirable to inspire the people with confidence and with trust. There was in operation in the country a great influence — an incalculable power which would exist whether hon. Members desired it or not, and it would be infinitely better to accept that influence, to cultivate kindly and friendly relations with it, and to utilize it as far as possible. Dean Kernan, of Dundalk, in his evidence before the Lords' Committee of 1854, stated that the connection between the convent schools and the National Board had done a great deal to remove the suspicions with which the people, the clergy, and the bishops of Ireland at first received the National system, and that if that connection was broken their confidence in it would be gone. These were grave and weighty words. The Motion before the House would very much endanger the connection to which this distinguished dignitary of the Roman Catholic Church attached so much importance, and therefore he hoped that the House would not agree to it.

Mr. WHITESIDE said, that the right hon. and learned Gentleman the Attorney General for Ireland having anticipated that his hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) would make an attack upon the National Board, had prepared a speech, the greater part of which was not *ad litem*, and had with scrupulous care avoided the three important points which were alleged by his hon. and learned Friend. This, which the Attorney General treated as a trifling and contemptible matter, had excited the opposition of all the respectability of the North of Ireland, and even some of the right hon. Gentleman's colleagues had protested against this act of arbitrary power, which was justified or attempted to be palliated by him as a mere act of administrative authority. But what was the opinion of the organ of the Government? The Chief Secretary for Ireland, writing from Dublin Castle to the resident Commissioner, said that the attention of the Irish Government had been drawn to "certain contemplated changes in the fundamental rules of the system of National Education in Ireland, the effect of which will be seriously to imperil the principle upon which that system is based," and reminded him, as resident Commissioner, "that the Board of Commissioners, as incorporated by Royal Charter, has no power to change any fundamental rule without the express permission of the Lord Lieutenant." These were the expressions of the Chief Secretary; and then the Attorney General, who ought to be his right hand, to sustain him in his exposition of the law, stood up and said that there was not a word of truth in that letter, that no fundamental rule was altered or amended, and that the changes had no foundation except in the imagination of the right hon. Baronet. He believed that both as to law and fact the right hon. Baronet had stated exactly that which it was his duty to state. It was a very pretty quarrel as it stood, and there he was quite ready to leave it. What could be the value of a Government the leading members of which differed point blank from each other? The National system was founded in succession to the Kildare Place Society, a tolerant institution, established by the Church to which he had the honour to belong, and it was a significant fact that those who now advocated an exceptional policy for the Roman Catholics and the Presbyterians persistently refused the smallest concession to the Established Church. It was quite true that the Kildare Place Society gave their good books to the Roman Catholic convents, but on one condition, that they would read and understand them. One of the books so given was the New Testament. The Kildare Place Society insisted that it should be read, and on that point, after some time, a split took place, and the National Board was established. For several years the new system worked very well. It was supported by Archbishop Whately, the foremost man in Ireland; but at length Archbishop Murray died, and then the Roman Catholic Church in Ireland received a new head from Rome. That personage immediately took the government of the business into his own hands. He at once objected to the books which had been assented to by the right rev. Dr. Murray, and when Archbishop Whately said that he had induced his clergy to join the National Board on the faith that those books would be used, Dr. Cullen replied that he had nothing to do with engagements entered into before his arrival in Ireland. The result was that the Commissioners, like obedient men, kicked the books out, and when Archbishop Whately asked to reason it with them they flatly refused, for it was a remarkable peculiarity of the National Board that it never reasoned. Archbishop Whately, who was a logician, charged them with having departed from the principle on which the National system was founded, but they declined to give any reply, and contented themselves with obeying the behest of Dr. Cullen. Finally, the Archbishop told them they had been guilty of a breach of faith to the public, and withdrew from the Board. No doubt they were glad to get rid of him, for the presence of an eminent, honest, thinking man must have been a great obstruction to their proceedings. Shortly afterwards the Synod of Thurles published its decrees, all of which were aimed directly at the National System of Education, as originally established, and ever since the Board had acted in exact accordance with the commands of the Synod. Lord Derby intended that there should be a combined literary and a separate religious education. The Synod of Thurles decreed that an end should be put to that principle, and Dr. Cullen openly and honestly advised his clergy to take advantage of the National system in order to defeat the plan of its founders. All the Roman Catholic children were withdrawn from the model schools, one of the objects of which was, notwithstanding what the Attorney General had said, to train young persons as teachers. It appeared from the Reports of the Inspectors—a body of gentlemen, many of them Roman Catholics, for whom he had the highest respect—that the plan adopted was, first to establish a convent school in the neighbourhood of a model school, and then to induce Roman Catholic parents to transfer their children from the latter to the former. In some cases, not merely were the pupils withdrawn, but the paid monitresses were directed to resign. Thus the schools established to carry out the original principle of the Earl of Derby were gradually brought to the brink of ruin, and now the question arose, where the masters and mistresses were to come from who were to continue what was still preposterously called the National System of Education in Ireland. Upon these convent schools he made no attack whatever. They were conducted by highly respectable ladies, deserving much praise for their zeal and devotion. But he could not stand up and conscientiously say with the Attorney General for Ireland, that he believed conventual and monastic bodies to be best fitted to undertake the education of mankind. He believed the account to be strictly correct which was given of them in that Report of the Roman Catholic Inspector, which was shamefully concealed from Parliament, and even from some of the Commissioners of National Education, till one of them found it out, and led to its being moved for in that House. In that Report they were shown to be founded on virtuous intolerance. The Attorney General for Ireland had said that complaints had been made about nothing at all. But it was impossible to read those able protests without seeing that they were levelled against the system of giving money for the spread of the religious principle, the very reverse of that animating the National system, against diverting the funds intended for the secular education of the country to the training of masters and mistresses in religious establishments, so as to indoctrinate the country with their peculiar principles. Into the Emancipation Act clauses were introduced forbidding the establishment of monastic institutions in Ireland, but to the very establishments proscribed by the law the State was now paying money for the education of youths. A clergyman of the Established Church could not get so much as a book from this National Board, which the country was taxed to support. Books, money, influence were all handed to monks and nuns, friars and Jesuits, to carry out their views. And this was called even-handed justice. What has been the result of this action of the Board? The Lady Superioress of Baggot Street Convent modestly demanded that no less than forty monitresses should be sent in one consignment to that institution, that large number being requisite, it was stated, to satisfy the wishes and feelings of the general population of Ireland. The reasons on which the demand was based were ably set out in the despatch, for attached to each of those convents, he believed, there was always a highly educated and distinguished member of some confraternity: the document closed with a reference to the recognition attributed to the right hon. Gentleman the Secretary for the Colonies of the importance of separate denominational training establishments. The object of the application was to supply the places of the teachers who before were taught in the training establishments and in the model schools with others trained upon their conventual system. [Mr. O'HAGAN: Read the answer of the Commissioners.] The answer was dated 1864, and he need not remind the right hon. Gentleman that there was such a thing as the House of Commons. Only for it he knew not what would become of them in Ireland. The answer stated that it was entirely out of the power of the Commissioners to comply with the request made to them. But if that were so, it must have been equally out of their power to give paid monitresses, which was the same thing under another name. They knew there was to be a full discussion in the House of Commons. [*Laughter.*] A laugh, he might remind the hon. Gentleman, was no argument, and he should be glad if he would debate the matter in sounds less audible but more sensible. The spirit underlying all these movements might be gathered from the letters of Mr. Kavanagh, a zealous Roman Catholic, formerly holding high office under the National Board. In one letter addressed to the Earl of Carlisle, he boasted of what the Catholic strength of the country had already achieved, adding—

> "We have our heel on the neck of the National system, the vitals of which are well-nigh strangled."

Formerly, the matter in dispute between Protestants and Roman Catholics was as to the reading of the Scriptures. That stage had long since passed, and a reference to the reading of the Scriptures was scarcely ever heard in the present day. There were 3,000 schools, of which 3,000 priests were patrons, and as to what became of the Scriptures in those schools it was not necessary to inquire. He wished to speak with all respect of the National Commissioners. They were, however, a Board; and a Board was a thing without heart, without feelings, without substance or affections—in short, it was a Board. He asked the House, which had visited with its indignation practices in the Educational Department in England not one-hundredth part as much to be complained of as those in Ireland, to express its opinion fearlessly on the conduct of that Board, and in particular to remember its suppression of a most valuable Report. That document reflected the highest credit on the abilities, candour, and honesty of the gentleman who framed it. His division of the subjects treated of was most skilful, and in it he showed conclusively that the alleged success of the National system in secular education was purely a myth. Mr. Sheridan in that Report said, that should his conclusion be verified it behoved the Commissioners to take some steps to effect a radical change in the course of the secular instruction. Having that Report before them, it was the duty of the Government to act upon the information which it contained. He regretted that the principle on which the Commissioners enforced, endowed, and enriched these schools, for the purpose of overthrowing the model and training schools, was that of carrying out Ultramontane views. No doubt the Secretary for Ireland would follow him in debate, would vindicate his letter, and with his usual frankness would state why he differed from the Attorney General on this subject. But the present discussion gave him and those around him no redress. The system of united education was a myth. He would admit that some Protestant children went to the Roman Catholic schools, and that the humbler classes of Irish children went to the convent schools because they were religious institutions. But the principle of the Board was that the schools should be opened to all classes of Her Majesty's subjects alike. Would any one say that these convent schools were intended for Protestant children? He believed that they were intended to separate the Roman Catholics from the Protestants, in order to educate the former as the priest wished. He had been assured by a Roman Catholic that every book in these schools, even those on secular subjects, was to be permeated with the spirit of the Catholic religion. This was a big and mighty question. It might be asked what part the Established Church in Ireland would take in it. He did not ask for one guinea for the Church Education Society, but he wished the reins to be held tightly over the secular system of education in Ireland, so that it might not be perverted or spoiled. He thought that secular system good. He was willing to take the books, the training, and the inspection of that system, but the Church would never give up the right to use the Scriptures in the schools. The great principle of Church education was just as strong as ever, and the society had 1,800 schools open, and about 40,000 scholars. Yet the Board would not give any books to the schools of the Church Education Society, while they gave them to the nuns, who were far more exclusive. The question now arose what was to be done with the Board? There could be no doubt it must be knocked down. The right hon. Gentleman (Mr. Cardwell) constituted a Board of twenty in number, and every one rightly prophesied that they would meet to debate, and not to administer, the affairs intrusted to them. The first thing would be to get rid of the Board. It would be for the House of Commons to say whether there should be paid Commissioners in its place. He would ask the House whether it was possible, in the present condition of this question, to coerce the consciences of any class of persons? He asked them to consider whether it was not possible to extend to all classes of Her Majesty's subjects the blessings of a good sound secular education in addition to that religious education which Protestants had always contended for, and which they would not be true Protestants if they did not contend for still? He would entreat the House, in justice to the Roman Catholic as well as the Protestant population of Ireland, to affirm the Resolution so logically advocated by his hon. and learned Friend the Member for Belfast.

Mr. MAGUIRE moved that the debate be adjourned.

Debate *adjourned* till *To-morrow.*

PORTSMOUTH DOCKYARD (ACQUISITION OF LANDS) BILL.

Bill to authorise the Acquisition of Lands by the Admiralty, with a view to the extension of Portsmouth Dockyard, and for other purposes connected therewith, *ordered* to be brought in by Lord Clarence Paget and Mr. Childers.

REGISTRATION OF DEEDS (IRELAND) BILL.

Bill to make valid Defective Registration of Deeds in certain cases in Ireland, *ordered* to be brought in by Sir Edward Grogan, Mr. George, and Mr. Vance.

NEW ZEALAND (GUARANTEE OF LOAN) BILL.

Bill "to guarantee the liquidation of a Loan for the service of the Colony of New Zealand," *presented*, and read 1°. [Bill 150.]

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 15, 1864.

MINUTES.] — Public Bills—*Ordered*—Poor Law Guardians' Election *.

First Reading — Naval and Victualling Stores (*Lords*)* [Bill 151]; Portsmouth Dockyard (Acquisition of Lands)* [Bill 152]; Poor Law Guardians Election * [Bill 153].

Second Reading — Costs Security [Bill 58]; Forfeiture of Lands and Goods [Bill 21]; County Voters Registration [Bill 112].

Committee — Servants Hiring (Scotland) [Bill 108]; Election Petitions * [Bill 17], *Debate further adjourned;* County Constabulary Superannuation * [Bill 136].

Report—Servants Hiring (Scotland)* [Bill 108]; County Constabulary Superannuation * [Bill 136]; Railway Passengers Assurance Company (*Lords*)*.

FORFEITURE OF LANDS AND GOODS BILL.—[Bill 21.]—SECOND READING.

Order for Second Reading read.

Mr. CHARLES FORSTER said, that he regretted the subject of forfeiture on conviction of crime had not been dealt with at the time of the passing of the Criminal Acts Amendment Bill. The law of forfeiture was unjust in principle, inconvenient in practice, and was unworthy of modern civilization. It had its origin in remote times. It was the worst feature of the prosecutions of Sylla and Marius in Rome, and in the feudal times the rich adopted it as a means of robbing the poor. The law on the subject now in force in the country was substantially that which was defined by the Statute of *Edward II.* That statute conferred upon the Sovereign the goods of all persons convicted of felony. He did not apprehend there would be any difficulty if the Bill became law in the matter of compensation to certain corporations who had claims to the goods of convicted felons. There was one class of cases which he did not propose to include in the Bill—namely, attainders. He did not think it right to punish the innocent for the guilty; yet, as the law of treason was of very rare occurrence, he proposed to confine his measure to ordinary cases of felony. At present the law made an anomalous distinction between felonies and misdemeanours. The smallest larceny was a felony, and conviction was followed by forfeiture. On the other hand, forfeiture was not a consequence of misdemeanour, though misdemeanour comprehended offences of a more injurious nature than the large majority of cases of felony that came before the Courts. In the mineral districts a man was sometimes sentenced to a day's imprisonment for stealing a lump of coal, and was told that all his goods and chattels were forfeited to the Crown. On the other hand, the bankers who a few years ago were tried at the Central Criminal Court for one of the greatest frauds that could be committed against society, and who were sentenced to lengthened terms of imprisonment, did not as misdemeanants incur any forfeiture whatever. The principle for which he contended was, that the punishment inflicted by the Court ought to be adequate to the offence, without superadding a punishment that fell upon the innocent. It might be said that the Crown was always ready on a proper representation of the facts to remit the penalty of forfeiture. Why, however, should they retain on the statute-book a law which was a blot upon the jurisprudence of the country? The operation of the law was shown in the case of an artist named Kirwan, who was tried and convicted in 1852 for the murder of his wife in Ireland's Eye. The capital punishment was in his case commuted, but all the convict's furniture and effects were sold by auction and the proceeds paid into the Treasury, to the exclusion of those who had the strongest claims upon the property. The Returns showed that a partial remission by the Crown of its rights was usually conceded, but this remission proceeded on no well-defined principle. A convict in Middlesex with £400 a year incurred the forfeiture of his property. His daughter applied to the Treasury, but she could only get £200 a year. The amounts that found their way to the Treasury from this source were very inconsiderable. The Crown usually exercised its rights, and left the convict's friends to make representations, in consequence of which the property, or a portion of it, was sometimes given back. If that were the operation of the law in the case of the guilty, the House would see how vast an amount of oppression was exercised in the case of the innocent. Under the existing law, they could only protect themselves by conveying their property to some third party before trial. Not long ago a gentleman of position in Staffordshire became the subject of a prosecution for stealing timber. He was acquitted, but he had to go through the process of conveying all his property to others. There were not wanting, however, cases in which the parties to whom property had been thus conveyed had asserted their absolute right to it after a verdict of "Not Guilty." Another class of cases were those of coroners' verdicts. A coroner's jury in Staffordshire returned a verdict of "Manslaughter" against an opulent and highly respectable ironmaster in consequence of an accident. The verdict was quashed, or that gentleman might have been subjected to the humiliating process of conveying all his property to somebody else. The ironmaster actually retired from business rather than have the law of forfeiture hanging over his head. Take another case, brought before the House recently by his hon. Friend the Member for Bristol (Mr. H. Berkeley). Mr. Bewicke had been convicted of felony. Every article of his furniture had been sold, and he had no resource but to accept the miserable sum offered to him. A Committee was sitting to inquire into his case, and, whatever the result of their deliberations might be, the case itself would be remembered as a lasting monument of suffering innocence and grievous oppression. The cause of humanity and justice was deeply indebted to the exertions of his hon. Friend the Member for Dumfries, who had been mainly instrumental in divesting our Criminal Code of much of its former Draconian character. Considering the many just and humane modifications which had been of late years made in our Criminal Law, he could not but entertain the most sanguine anticipations that the British Parliament would not refuse to abolish the last law of a barbarous age, and to place our criminal jurisprudence upon a footing more consonant and in harmony with that humane and enlightened legislation which had of recent years characterized its proceedings. He moved that the Bill be read a second time.

MR. W. EWART seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time." —(*Mr. Charles Forster.*)

MR. HUNT said, that the Bill had the merit of being a short one, the enacting part of it consisting of three lines and a word. It was a measure intended to abrogate a law which had existed for a great many centuries. Now, before he consented to abolish anything that had the sanction of antiquity he should certainly require the most excellent and substantial reasons. He was generally inclined to believe that a law which had existed for a great many hundred years, had good reasons to sustain it. The hon. Gentleman said that the law had its origin in the worst times of the Roman empire, and that it had found its way into this country upon the introduction of the feudal system. Now Blackstone was at issue with the hon. Gentleman as to the pedigree of this law. It did not owe its origin to the feudal system. [Mr. CHARLES FORSTER explained.] He would beg the hon. Gentleman's pardon, but he would take leave to refer him to the second volume of *Blackstone* (Chitty's edition), who stated that the forfeiture of lands and the other property of a criminal was a doctrine of the old Saxon law, and that it did not belong to the feudal system. This, then, was a vestige of the old Saxon law. It appeared that it did not escape the attention of those who took part in the framing of Magna Charta, for it had a provision in favour of those who were unjustly convicted, and the law so modified by Magna Charta remained unchanged up to the present time. Now the law was not without its advantages as regarded the interests of society generally. The law of forfeiture placed the rich man on a par with the poor as regarded the administration of justice. The rich man had an enormous advantage over the poor in escaping justice. There was a tradition—he did not know whether it was true or not—that some time back a rich man tried for murder escaped by promising the Judge the possession of his lands at his death. Whether the bargain was made or not it was certain that he escaped; it was agreed that the murder was committed, and the Judge's family eventually inherited the rich man's lands. Cases had recently occurred in which rich offenders had been enabled to elude justice by bribing witnesses essential to their conviction to keep out of the way. Ought there not, then, to be some countervailing disadvantage? Was not the prospect of losing lands and goods to a large amount a strong inducement to wealthy persons to abstain from committing crime? He admitted there was an anomalous distinction between felonies and misdemeanours, many of which were graver offences than trivial felonies. The hon. Member for Walsall proposed to remove the anomaly by relieving the felon, but he should rather be disposed to go in the other direction and make the misdemeanant in certain cases forfeit his land and goods as well as the felon. Take the case of those who accumulated stolen property. The premises of such persons were sometimes found full of goods which they had acquired by dishonest practices, and it was only right that the law should lay hold of property acquired in that way. The hon. Gentleman said the law was evaded by the property being conveyed before trial to other parties; but he imagined that in cases of conviction the conveyance was invalid, and that the forfeiture related back to the commission of the offence. Then, again, they were told that the innocent wife and children suffered from the cruelty of the law. But they must remember that one inducement to a man to observe the law was the consideration that if he broke it, not only himself but his family would be involved in the evil consequences; and that consideration was also an inducement to the man's family to keep him within the law. The case of Mr. Bewicke, referred to by the hon. Gentleman, was still under consideration; but he, as a Member of the Select Committee, would only say to the hon. Member, that if he knew as much of the facts as the Committee he would not have used the strong expressions which had just fallen from him. He was far from saying that the law was perfect. There were many points upon which the law might be altered in the sense which the hon. Gentleman wished; but, on the other hand, he (Mr. Hunt) would like to see the law made applicable to many classes of misdemeanour. If the hon. Member had proposed a Select Committee to consider what alteration of the law was necessary, he would have voted with him; but the Bill as it stood was a crude piece of legislation, incapable of being put into a satisfactory shape, and he therefore moved that it be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Hunt.*)

Question proposed, "That the word 'now' stand part of the Question."

THE ATTORNEY GENERAL said, that if in voting for the second reading they were called upon at once to commit themselves to the full length to which the preamble of the Bill, literally interpreted, would carry them, he should be unable to bind himself to that extent. He understood, however, that his hon. Friend was only desirous of having the principle affirmed, that the present law of forfeiture of lands and goods was one which ought not to be maintained, and required mitigation; not that it was absolutely necessary in all cases to abolish the forfeiture of land and goods, but that the present law was not suited to the times, and required at least a large alteration. In that sense he would prefer that the House should assent to the second reading of the Bill, on the understanding, however, that hon. Members did not pledge themselves to the manner in which the desired mitigation was to be carried into effect. If it was thought more desirable (as indeed he thought it was) that the matter should be taken up by the Government, who could collect from all their sources of information materials upon which to found a complete judgment, then he was prepared to promise that the subject should receive attention before the next meeting of Parliament. He would admit that if they had to choose between maintaining the present law of forfeiture and its total abolition, the latter would be, on the whole, preferable; but there was a course that was better than either. The very classification of crimes as felonies was singularly imperfect. As had been stated by his hon. Friend, there were many grave misdemeanours which were infinitely worse than slight felonies. Here, then, they came across an anomaly involving a practical injustice. On the other hand, the effect of the measure now before the House was such that, if it passed in its present form, a man convicted of a capital felony would escape the forfeiture of his property. The law at present showed so much tenderness for human life, that the heaviest punishment not capital could not be thought too great for some offences, for which death was not inflicted. Of this class of cases were murders and attempts to murder, where the capital sentence was commuted, and other crimes of violence, with some cases of forgery and fraud. In these cases, civil death seemed to be a most reasonable consequence of crime; but, if the present Bill were adopted simply as it stood, an offender, convicted of any of these crimes, might, notwithstanding, remain in the possession and enjoyment of the whole of his property. Such a money power might be capable of being inconveniently used against the law, even for the purposes of escape. If a mitigation in cases such as these were thought desirable at all, the law should still take from the individual the title to property, leaving the succession to the innocent members of the family. That was practically the case now, for where the family seemed undeservedly to suffer, and memorialized the Crown, all the circumstances were usually taken into account, and the benefit of the family was not lost sight of. The hon. Member for Northamptonshire (Mr. Hunt) had alluded to another class of offenders, which made it most important that the Crown should retain some hold over the property of felons. He meant those who had accumulated, by robbery or fraud, a quantity of other people's property. The present law enabled the Crown, without litigation, to make such restitution to those who had been despoiled as was desirable and possible. Without going further into details, he would merely mention one other subject involved in the Bill, which would require full consideration. One inconvenient relic of feudal times was what were called manorial rights. In many manors and royalties, amongst other rights of the Crown granted to individuals, were felons' goods. The Bill would abolish that right, and this might possibly be considered by some to involve a question of compensation. He expressed no opinion on that subject, he merely mentioned it as one which would require careful consideration. In assenting to the principle of the Bill, therefore, he did not pledge himself to details, and on that understanding he should support the Motion for the second reading.

MR. WHITESIDE said, when he was Attorney General for Ireland it became part of his duty to look into the subject, and he came to the conclusion to which Sir Samuel Romilly had come—that it was not possible for the wit of man to suggest an argument to justify the forfeiture of goods and lands. The matter was laid before his colleagues, and they were called before the Cabinet of which his right hon. Friend near him (Sir John Pakington) was a member to explain the proposal which they had agreed to recommend. The result was that a Bill was brought in which was afterwards withdrawn, and referred to the Committee which was then sitting on the subject of the Consolidation of the Criminal Law. That Committee was of opinion that they could not do more than consolidate the statute law of the two countries, and the subject, therefore, was not taken up by them. He was not quite sure that he had correctly followed the shadowy distinctions of the Attorney General, but he was willing to proceed upon this broad principle—that if they took away a man's life they ought to be satisfied, and not to inflict a punishment undeservedly upon his posterity. He never had a more painful duty to discharge than when, as Law Officer of the Crown, he had to decide what should be done with the property of a wretched man who had been executed. Upon his advice the property was given, as it ought to be both by the law of reason and humanity, to the family of the man who had committed no crime, and therefore ought not to be punished. He had had occasion to defend persons charged with high treason, and he knew what was done in such cases was that the property was conveyed away before the trial. There was a memorable instance of a person in Ireland, who, being accused of treason, took poison, and then, leaning over the dock, whispered to Curran, "We have deceived the Senate," and died. If the direct question were to go to a division, he should support it.

Mr. HADFIELD said, he should support the Bill, on the ground that cruelty in the punishment of crime was a great mistake. In the reign of Henry VIII. the cook of the Bishop of Rochester poisoned two of his fellow-servants, and in order to show abhorrence for a crime which had been perpetrated in a Bishop's palace it was enacted that he should be boiled to death. The cook was literally boiled, but what became of him afterwards he could not say. But the second section of the Act said that the lands of the offenders against it should escheat to the lord of the fee. He should like to know whether the Act of Henry VIII. was repealed last year? What injustice would be done by depriving the lord of the fee of such rights as he possessed under that Act? Another offence, once common in Lancashire, was witchcraft. Witchcraft was a felony. A case was on record of ten or twelve witches being tried for murder by incantation, and several of them were executed, and their land was forfeited. The offence and the forfeiture were abolished, and the crime being no longer cognizable by law it had ceased. He trusted that Parliament would do away with the barbarous law of forfeiture. Was there a man more to be pitied than one who had fallen into crime? Were he poor or were he wealthy, his reputation was gone for ever. He could never show his face in society again. And where was his property? It was taken from his family; and if the man came back from his punishment, where was he to live and how was he to live; and what became of his family? The late Governor of the Wakefield House of Correction had given an opinion that cruelty in the punishment of crime had been a great mistake; and that it was not the excessive vindictiveness of the law that prevented the commission of crime, but moral instruction and teaching. The House and the country were indebted to the hon. Member for bringing in this Bill. The property gained by the Crown by forfeiture was infinitesimal; its loss was ruinous to innocent families; and the system was unbecoming the dignity of a great nation.

Mr. ROEBUCK said, he had been struck by the curious language which had been used by almost every hon. Gentleman who had spoken on the subject. The hon. Gentleman who had brought in the Bill, and had supported his views with great candour and great power, spoke of the right principle upon which all punishment ought to be inflicted, and said that the present state of the law was unjust to the children. But he should like to know what punishment inflicted upon the father did not fall upon the children, and whether there was not high authority for visiting the children for the crimes of their parents? The hon. Gentleman who moved the Amendment said he had a great love for anything that was ancient.

Mr. HUNT explained that what he did say was, when a law had existed for centuries he always presumed there was good reason for it, and therefore he required good reasons for its abolition.

Mr. ROEBUCK said, that the law against witches had existed for centuries, and therefore recommended itself to the hon. Gentleman. The Attorney General had spoken of the enormity of the offence. But what had the enormity of the offence to do with the punishment? Punishment ought to be inflicted only for two purposes —first for reformation and then for prevention. He thought it was Bentham who said that if a crime could be prevented by a fine of a penny, then any infliction of pain beyond what such a fine would cause was wrong. Now, it was supposed that the forfeiture of lands and goods was a means of preventing crime. But was that mode of prevention equivalent in the one scale to the pain and misery inflicted upon the family in the other? It was not a matter of sentiment, but of inquiry. The greater part of the crimes of society were committed by poor people. He did not state that for the purpose of showing that there was inherent vice in the poor, but simply as a matter of fact. The punishment in question had no existence for the poor, nor would any one believe that the rich were prevented from committing crimes by the fear of the loss of their property. In Scotland the penalty of forfeiture for the crime of treason was made void by an arrangement by which the succession should be in one person, but the actual enjoyment in another, and the father went on one side and the son on the other, so that, whatever turned up, the family always kept the estate. But it could not be said that England was less famous for its treasons than Scotland, and therefore the loss of property was no prevention of crime. He could come to the same conclusion as his hon. Friend (Mr. Charles Forster), though upon different grounds; and he maintained that all that was done by the present state of the law was unmitigated mischief, because it produced pain without any corresponding advantage. He quite agreed with the Attorney General that it was a grave matter, and ought to be dealt with by the Government. He was sure from the character of his hon. Friend he would be glad to see the matter in the hands of the Government, but the Government must not trifle with it. They must understand that the opinion of society demanded that an exceedingly mischievous provision should be struck out of the law, and that the time had arrived for doing so. If, therefore, his hon. Friend would take his advice, he would place the matter in the hands of the Attorney General.

MR. MARSH said, he should support the Bill. It was an ancient principle of English law laid down by Blackstone, that no man should be fined beyond his means, but in this case a man was not only fined beyond his means, but was deprived of the whole of his means.

MR. MALINS said, there seemed to be a general concurrence of opinion in the House in favour of the Bill, and he had no hesitation in giving it his support. He ventured to say that from the beginning of the world no one had been deterred from the commission of crime by the fear that he would lose his property and goods. Besides, the law as it stood was practically inoperative, as, because when an accusation was brought against a man, the first thing that was done was to make an assignment of his property to trustees for the benefit of his family. He knew himself of a case in which a man had in this way transferred property worth £30,000, and though he was afterwards acquitted the trustees refused to give up the property, and, as far as he knew, he was now destitute and entirely dependent on the bounty of his family for support. He approved the language of the Bill, which was simple and effectual for its purpose. If the measure was committed to the Attorney General, it would not pass this Session, and therefore he hoped the House would support the second reading of the Bill.

SIR WILLIAM HEATHCOTE said, he hoped they would not have a division, for, substantially, they were all agreed upon the subject, and if the right hon. Baronet the Secretary of State would intimate that the matter would be taken up by the Government, the hon. Gentleman would do well to leave it in their hands. It was not desirable to pledge the House, as the Bill proposed to do, that it was expedient to abolish the forfeiture of lands and goods. All that ought to be done was to restrain the forfeiture. If forced to a division, he should be obliged to vote against the second reading, though he should be sorry not to meet the views of the hon. Mover.

SIR GEORGE GREY said, he had not the slightest difficulty in giving the assurance required by the hon. Baronet, though he thought it unnecessary after what had been stated by the Attorney General. His hon. and learned Friend had agreed in the principle of the Bill, that the goods of persons convicted of felony should not in all cases be forfeited, though there were certain cases in which he thought further inquiry necessary, with a view to ascertain whether the principle of total abolition should not be modified. The Attorney General thought it necessary to get information with respect to the working of the law in foreign countries. In France he believed power was given to the Court in certain cases to impound the property either for the purposes of paying the expenses of the prosecution, or of giving compensation to persons who had suffered by the crime. His hon. and learned Friend had undertaken to look fully into the matter.

MR. PACKE said, the House was generally in favour of the Bill, but when he found that the alteration of the law was contained in three lines, he could not understand how the measure could be amended in Committee to suit the views of the Government. The wise course would be to withdraw the Bill, and leave the matter in the hands of the Government.

Sir FITZROY KELLY said, he should hear with great regret that any course was adopted which would have the effect of postponing the Bill. There were too many uncertainties attending every measure of law reform to allow him to view with satisfaction any step which might lead to delay. The measure itself had his most cordial concurrence, and there was but one point with respect to which he entertained any doubt. During the time the late Government was in office, and while they were engaged in the consolidation of the statutes and the assimilation of the criminal law of England and Ireland, very attentive and mature consideration was given to the question, and the unanimous opinion of all concerned was that the law should undergo the alteration which it was the object of the present Bill to effect. The matter was submitted to the Cabinet, and but for the change of Government a measure similar to that before the House would have become law some five or six years previously. He thought the only doubtful question was, whether the abolition of the whole system of forfeiture should apply to cases of high treason? He hoped his hon. Friend would persist with the Motion.

Mr. HUNT said, if the hon. Gentleman would consent to withdraw the Bill and leave the matter in the hands of the Government, he would not press his Amendment.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday*, next.

COSTS SECURITY BILL—[Bill 58.]

SECOND READING.

Order for Second Reading read.

Mr. BUTT said, he rose to move the second reading of this Bill, the object of which was to remove a grievance arising out of the existing state of the law. At present, if a person resident in England sued in an Irish court, or if a person resident in Ireland sued in an English court, he was obliged before he could proceed with his action to give security for costs, because, as he was beyond the jurisdiction of the court in which he brought the action, that court had no power of enforcing against him the payment of any costs that might be awarded. That was practically felt to be in many cases a very great grievance, and had been frequently complained of by the mercantile community. If a person in Liverpool, for instance, had a number of persons indebted to him in Ireland, and desired to take legal proceedings against them to recover the debts, he was obliged first to lodge a sum of money, perhaps £50 in each case, or to find two persons to become answerable for the costs. In fact, it was an anomaly that the inhabitants of one United Kingdom should be thus treated as foreigners in different parts of the same kingdom, and the existing state of the law had often been made use of in order to defeat a just claim. To remedy this evil he proposed, by the Bill before the House, that when an Englishman sued in Ireland, or an Irishman sued in England, he should be empowered to give, if he so thought fit, in lieu of security for costs, an undertaking under the present Bill. That would be a personal security, but the undertaking would be enforceable in any court of the United Kingdom. The same Bill was introduced last year. It received the sanction of the late Attorney General for Ireland, and passed the second reading. After it had passed the second reading it was proposed to refer it to a Commission then sitting on the practice and process of the Irish courts, and that Commission recommended that a clause should be introduced in the Bill. That had been done, but it did not affect the principle of the Bill. He had nothing further to say in respect to his Bill, except that he had made no provision for the case of the Scotch courts. The fact was that he found such difficulty in understanding the proceedings of those courts, and still greater in comprehending the terms used in them, he thought it better to relinquish the task altogether of including the Scotch courts in his measure. There would not, however, be any difficulty in introducing clauses affecting Scotland into the measure if it were allowed to go into Committee, and such was the feeling of the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Butt.*)

Mr. WHITESIDE said, he thought that the House would hardly be induced to recognize the principle of the Bill, which was to alter that most salutary provision of the law which gave the courts either in England or Ireland the power of requiring security for costs from a stranger, or one belonging to a different country to that in which he sought to bring his action, so that the defendant, should he obtain a verdict, would have the means of reimbursing himself the costs to which he was subjected by an unjust and fraudulent action. Nothing could be fairer or more just than the existing law in that respect. Nor was any grievance likely to be inflicted, because if the party bringing the action were a respectable man and had a good case he would find no difficulty in obtaining the necessary security from his solicitor or other friends. But the effect of the Bill would be to enable a man without character or property in one division of the United Kingdom, who brought an action against a man in another division, to say to the person he sued, "You will never get anything from me if I lose the action; therefore, what will you give me to stay proceedings?" The deposit of security for costs was reasonable and fair, and calculated to prevent injustice being done under the form of law. He had seen a great many cases of hardship and injustice arising out of improper and unfounded actions at law; but he thought that such cases would be considerably augmented if the present Bill were allowed to pass into a law. What, then, was the substitute proposed by the present Bill? It was that the gentleman who had no cash, character, or case, might sign an undertaking to pay all such costs as he might be adjudged to pay. The exact value of that undertaking was the worth of the paper on which it was written; and, thinking that the Bill ought not to pass, he should move, as an Amendment, that it be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Whiteside.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. VANCE said, he concurred with the right hon. Gentleman the Member for the Dublin University in the propriety of rejecting the Bill. The hon. and learned Gentleman said he brought forward the Bill in the interest of the mercantile community. He (Mr. Vance) was a member of that community, but he had never heard that any complaint had been made of the present practice; and at the late meetings of the Chambers of Commerce no mention of it had been made. So far from limiting the principle in the existing provision of the law, which was now sought to be altered, he should be glad to see it extended, for there were many instances of frivolous and vexatious actions being brought, occasioning a large amount of costs, and inflicting grievous injury on innocent parties.

THE SOLICITOR GENERAL said, that it appeared to him that the Bill would effect an improvement of the law, and the objections which had been urged to it did not alter his opinion on that point. The Bill did not interfere with the law relating to persons residing out of the United Kingdom, but with respect to persons in England and Ireland the effect of the Bill would be very much the same as if one legal jurisdiction extended over the two countries, and he could not help feeling that that was an improvement of the law.

SIR COLMAN O'LOGHLEN said, he concurred in the opinion that the provision in the Bill was a great improvement on the existing law, but he thought that some power should be given to prevent the institution of frivolous and vexatious actions. That, however, was a matter which might be taken into consideration when a Bill of the Lord Chancellor's, then before the House of Lords, came down to the Commons.

MR. BUTT stated, that his hon. Friend, whose name was on the back of the Bill (Mr. Murray), had been in frequent communication with the Chambers of Commerce of Liverpool and Manchester, and they were in favour of the Bill; and he had himself repeatedly heard from mercantile men resident in England, that the state of the law occasioned great inconvenience. It might be said that it would be no great matter for an English merchant to provide the required security, but it was felt as an annoyance that in such cases the inhabitant of the one country should be treated as a foreigner in the other country, when both those countries formed part of the same United Kingdom, and it was his object to do away with all such distinctions between the two countries.

MR. DUNLOP said, he agreed in the principle of the Bill, which, he thought, might with advantage be made to apply to all the three parts of the United Kingdom.

Question put, "That the word 'now' stand part of the Question."

The House *divided*;—Ayes 99; Noes 64: Majority 35.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Wednesday* next.

COUNTY VOTERS REGISTRATION BILL.

[BILL 112.] SECOND READING.

Order for Second Reading read.

MR. DODSON said, he rose to move the second reading of the measure, the main object of which, as based upon the Report of a Select Committee appointed early during the Session, was to amend the registration of county voters by improving the official agency. At present the duty of keeping up the registration was left mainly to voluntary agents, who were paid out of private funds. What happened? The clerk of the peace, after the commencement of the registration season, issued a very meagre precept to the overseers to instruct them in their duties. The respective overseers then printed such parts of the existing register as related to their own parishes. Later in the season the overseers made out a list of claims sent to them by individuals. They had also power to make and to receive objections to persons on the lists on various grounds, and such objections were posted upon the church doors. Unless the party objected to resided in the parish and went to church, he knew nothing of the objection, and his name might be struck off the register. The arrangement proposed by the Bill was as follows. The clerk of the peace was to send to the overseers a precept setting forth all their duties, those duties being, in some respects, of a more positive and active character. Each overseer was then to ascertain as best he could, from the rate book taken in conjunction with other sources of information, what persons had become entitled to vote or had become disqualified. It was proposed that they should make out a list, called the supplemental list, of all the persons newly entitled to the franchise. They were further to state their objections to voters disentitled, in every case assigning the reason why. The Bill further recognized what the existing law scarcely did recognize, namely, the importance of making the register a correct statement of points not essential to the vote, such as the addresses of the voters and the description of the qualification. The overseers were, therefore, to note any errors in the entries of voters in regard to these points. The materials thus collected by the local information of the overseers were to be arranged and digested by the clerk of the peace, who would draw up the lists for publication. It was proposed to give to voters whose descriptions required correction the opportunity of making the proper correction by letter. If, after a year, they failed to furnish the necessary information, their names should be expunged from the register. The present right of individuals to make claims and objections was to be retained, but every person objected to was to receive notice of the objection and the ground of it. Any person objected to was to have an opportunity of vindicating his claim by making a statutory declaration before a magistrate, in answer to the objection. The revising barrister's powers of correcting the lists submitted to him were to be enlarged, and there was to be a more thorough and closer scrutiny of those lists than at present. The advantages of the proposed system over the present were briefly these. By means of the supplemental list it was hoped to facilitate the registration of new voters; individual claims would be facilitated by the power to make a statutory declaration in support of them; vague and vexatious objections would be checked by requiring the grounds of objection to be stated. Official would be, in a great measure, substituted for voluntary agency, and the register in all points duly corrected from time to time by responsible persons, specially employed for the purpose. The Bill would also impose a check on unfounded and fraudulent claims by subjecting new claims to a closer scrutiny. The Bill provided for the correction of the register in matters of description, which at present were "no man's business." At present the only means of correcting errors of description was by sending in new claims. The overseers would be relieved of a portion of their duties, which they were least fitted to perform. The clerk of the peace, with his legal knowledge, could greatly facilitate the future labours of the revising barrister. One other change was proposed by the Bill—a difference in the arrangement of the names. It was proposed that each parish list in the register should contain the names, not only of persons claiming to vote for property in the parish, but also the names of voters residing there who claimed to vote for property in other parishes in the same county. It was proposed that each voter should vote in the polling district in which he was resident;

the object being to get rid of duplicate numbers. Each parish list would be complete in itself, for the purpose of canvassing and voting; and that would do away with the expense of the conveyance of voters. There were some other minor changes to give effect to those which he had mentioned, but they were details fitted rather for consideration in a Committee than for discussion on the question of the second reading. The Bill was the result of the labours of a Select Committee. It had been drawn with great care and, he ventured to say, accuracy. If the House would consent to a second reading and discuss the clauses on a future day, it would be found that the Bill was calculated to make some valuable alterations in the law, which was far from satisfactory.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Dodson.*)

Mr. HUNT said, he would not oppose the second reading of the Bill, because it contained several provisions which he approved, but he wished it to be understood that he did not pledge himself to the whole scheme of registration as proposed. He doubted the competency of the overseers to perform the duties which it was intended to impose on them. It was doubtful, for instance, whether they should be intrusted with the power of putting names on the lists without claims having been sent in. No doubt the clerks of the peace were competent, but he was not sure that it was expedient to intrust individuals with so great a power of affecting the political character of the registration. Another ground of objection to the Bill was the expense it would involve. The clerks of the peace throughout England had held a meeting on the subject, and it appeared that the Bill would involve the employment of more clerks, and the conduct of much correspondence. Considering that the existing system of registration was tolerably cheap, he thought the House would do well to consider whether they ought to make a change involving so much expense. It was impossible that the Bill should go through without being referred to a Select Committee upstairs, and he thought the hon. Member for Sussex would do well by contenting himself with carrying the second reading, and then circulating it through the country for consideration during the recess, so that it might come up advantageously for discussion in the next Session of Parliament.

Mr. COLLINS said, it was probable there would be considerable opposition to the Bill, because it would interfere with the emoluments of country attorneys, who of course would enlighten Members as to the great injury which would be done to their party thereby. The Bill, if passed in its present shape, would throw four-fifths of the work done by election agents into the hands of public officers, and the agents would only have to supplement the work instead of doing it all, as at present. The existing system was costly, not very efficient, and, in his opinion, rather discreditable. The duty of correcting the lists ought not to be left to voluntary effort. The Bill would be productive of one great advantage, that it would check the practice of making wholesale objections to voters in the hope that many of them would not appear to defend their rights. On one occasion, out of 24,000 names on the lists of voters for South Lancashire, not less than 15,000 were objected to by one party or the other, and some of them were objected to by both parties; and such a fact showed that something ought to be done to alter the existing law upon the subject. Instead of sending the Bill to a Select Committee, he would suggest that the Government should be requested to give a morning sitting for the discussion of the main points of the Bill, and then it might be brought into a shape ready for being passed next Session.

Mr. SOTHERON ESTCOURT said, it could not be denied that the present system of county registration was very unsatisfactory. Still the scheme proposed by the Bill was a wide scheme, and required consideration. If the hon. Member obtained a second reading for the Bill, he ought either to remit it to a Select Committee, or induce the Government to adopt it. Such a measure could not be accepted on the mere responsibility of an individual Member. If the hon. Gentleman would agree to either of these conditions, he would have no objection to the second reading.

Mr. T. G. BARING said, his right hon. Friend the Home Secretary was prepared to give his support to the second reading of the Bill. He thought the hon. Gentleman deserved the thanks of the House for the great pains he had taken in the matter, and he might remind the right hon. Gentleman opposite that the measure was based on the Report of a Select Committee. The Government, of course, could give no pledge to support all the provisions of the

Bill, but would carefully consider them before it went into Committee.

Motion *agreed to.*

Bill read 2°, and committed for *Wednesday* next.

SERVANTS HIRING (SCOTLAND) BILL.

[BILL 108.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DUNLOP said, that as he had no opportunity of explaining the Bill on the second reading, he wished to advert to it now in reference particularly to that part regarding farm servants, for though he proposed dropping at present, in consideration of the farming interest having been, as they thought, taken by surprise, he would propose it again next Session. By the present law of Scotland, when servants were not hired for a stated period, it was presumed that the hiring extended to a term of six months, or a year, according to the nature of the service; and the result was that, at the end of that time, servants generally left their employments, and the constant separations between masters and servants led to great inconvenience. He proposed to remedy the evil by providing that, whenever the duration of a hiring was not specified, it should be deemed to be for an indefinite period, but terminable, as in England, by a month's notice on either side. No objection, he believed, was offered to the Bill as far as it regarded domestic servants, but the farmers were under considerable apprehensions as to its effect in respect to agricultural labourers. The case of farm servants was entitled to great sympathy and consideration. Formerly the distance between the farmer and the farm servant was not great. The latter lived with his master, and from the great number of small farms, and the little capital required to cultivate them, a steady farm servant, if he saved a little money, might look forward to raising himself to the position of a farmer. The prospect of this was a great stimulus to good conduct, and a protection against the temptations to which that class are chiefly exposed. But now that farming was becoming more and more a pursuit of a manufacturing kind, and required more capital, the small farms were being swept away, and the relative position of the farmer and of the farm servant was becoming less and less familiar, while the hope of passing the gulf from the position of a farm servant to that of a farmer was nearly entirely gone, and along with it the stimulus to good conduct and industry. More care was, therefore, necessary to keep them out of the way of evil. One mischief of the existing service was, that at the close of the six months' hiring the servants were sent adrift, and they resorted to the market towns, where they stood to be hired, and were engaged generally without inquiry as to their characters. As might be expected, these meetings were productive of much profligacy and excess. He believed that the alarm of the farmers was groundless, that the measure would tend to foster more satisfactory relations between them and their servants, that it would lead them to be more considerate and accommodating towards each other, and that consequently it would give permanence to the engagements between them. He trusted also that the moral condition of the employed would be greatly improved. He proposed, however, for the present to omit the words "farm servants" from the Bill; but, if the Bill should pass, he hoped next year to propose an extension of its provisions to that class. Many intelligent and benevolent persons in Scotland, he might add, cordially supported him in the endeavour to pass the Bill.

MR. BLACK said, he was reluctant to oppose a measure which he knew was proposed with a desire to promote morality and good order amongst the servants in Scotland. If the hon. Member had persevered with the second part of the Bill, relating to farm servants, a great deal of good might have been done. As the Bill stood, however, he thought that the advantage in the case of female domestic servants would be altogether in favour of the master and against the servant. The knowledge on the part of masters and servants that they were compelled to live together for six months very often led to their making up their differences and living amicably together. As far as he had been able to learn, the proposed change was not desired by one person in ten in Scotland, and he hoped it would not be allowed to be carried out. Among other public bodies, the Highland and Agricultural Society was unanimously against it, and the great majority of the farmers were likewise opposed to it. He should move that the House should go into Committee on the Bill that day three months.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Black,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JAMES FERGUSSON said, he doubted whether the Bill, if passed into law, would improve the condition or morality of the farm servants in Scotland. Statute fairs, though giving rise occasionally to scenes of impropriety, were yet a great boon to the respectable portion of the farm labourers. He doubted whether the hon. Gentleman had gone the right way to work in the remedy which he had proposed. In Scotland the farm servant held his cottage not from the lord of the manor but from the farmer who employed him, and if his hiring was terminable on a month's notice he might be turned out of his home at a time when he might not be able to get either work or a lodging. As regarded the farmer, a dishonest labourer, if he could leave at a month's notice, might quit his service at the most critical time of the crops, or, taking advantage of the month's notice, demand exorbitant wages. He thought, however, that the provisions of the Bill might be applied with advantage to domestic servants, who stood in a different position from agricultural labourers. He had heard great complaints in Scotland of the six months' engagement of domestic servants, and thought that the custom in England was preferable. To remedy the inconvenience felt from the old term being kept in some places with the new term in others, he would on some future occasion propose to provide that the half-yearly terms—where no stipulation to the contrary existed—should be the 11th May and 15th November.

MR. CAIRD said, that as regarded that part of the proposal which related to farm servants the information upon which the hon. Gentleman had proceeded was of a limited nature, and did not apply to farm labourers throughout Scotland generally. He did not know a more intelligent or respectable class of men than the farm servants in Scotland. He deprecated the introduction of anything calculated to sever the connection which then existed between them and their masters. He believed that the present measure would have that tendency, inasmuch as it would give the master power to dismiss his married farm servant upon one month's notice, the house of the latter being generally considered as part of his yearly wages. He (Mr. Caird) spoke as an experienced man upon the question, and he advised the hon. Gentleman, before he proceeded further with his measure, to seek for further information as to its objects and effects.

MR. BAILLIE COCHRANE said, the system which at present prevailed was a one-sided system, inasmuch as it was binding against the employer but not against the employed. He had once a keeper who, he discovered, was a great poacher, and, as he detected him in the act, he, of course, dismissed him upon the spot. But that man brought an action against him, and he (Mr. Baillie Cochrane) had actually to pay him six months' wages. Was not such a state of things monstrously unjust? With regard to farm servants, he could not agree in the opinion expressed by his hon. and gallant Friend behind him (Sir James Fergusson). He considered that the system of hiring for six months led to a state of things that was disgraceful to a civilized society. He regretted that the hon. and learned Gentleman had withdrawn that part of the Bill which related to farm servants. He trusted they would receive the amount of protection proposed by the Bill—namely, that in the absence of any specific agreement the hiring of servants should be held to be on the same basis as in England—namely, one month's warning or one month's wages.

MR. POLLARD-URQUHART thought that great inconvenience arose from the different character of the hiring in Scotland to what it was in the other parts of the United Kingdom. On the whole, he preferred the system that prevailed in Scotland.

SIR MICHAEL SHAW STEWART admitted that the measure would be worthy of their best consideration if it tended to diminish the evils attending the holiday system; but he doubted much whether any legislation in that shape would have the effect supposed by the hon. and learned Gentleman who introduced it.

COLONEL SYKES said, he viewed the Bill as a harmless measure, inasmuch as it would not interfere with the practice in Scotland except in cases where there was no specific agreement entered into.

Mr. FINLAY said, he hoped the Bill would pass, and he was only sorry that the most important clauses had been withdrawn.

Mr. DUNLOP said, the class of whom he spoke was that of unmarried farm servants. He was glad the discussion had taken place, and he assured the hon. Member for Stirling that he would consider his suggestions. All he proposed was, that people should be left free to make a contract; but if they made no contract then the hiring should be for one month.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Sir JAMES FERGUSSON proposed to add corresponding words to the preamble.

Amendment proposed,

In page 1, line 3, after the word "months," to insert the words "and whereas differences of usage are followed in certain counties or districts of Scotland in the observance of the half-yearly terms of Whitsunday and Martinmas respectively; and whereas this practice:"—(*Sir James Fergusson.*)

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 116; Noes 7: Majority 109.

House *resumed.*

Bill *reported;* as amended, to be considered on *Friday.*

POOR LAW GUARDIANS' ELECTIONS BILL.

On Motion of Mr. Barnes, Bill to empower the occupiers of small tenements in certain cases to vote in the Election of Guardians of the Poor, *ordered* to be brought in by Mr. Barnes, Mr. Bazley, and Mr. Hadfield.

Bill *presented,* and read 1°. [Bill 153.]

PORTSMOUTH DOCKYARD (ACQUISITION OF LANDS) BILL.

Bill to authorize the acquisition of Lands by the Admiralty, with a view to the extension of Portsmouth Dockyard, and for other purposes connected therewith; *presented,* and read 1°. [Bill 152.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 16, 1864.

MINUTES.]—Public Bills—*First Reading*—Beer Houses (Ireland)* (No. 134).

Committee—Chain Cables and Anchors* (No. 101); Improvement of Land Act (1864) (No. 122) [h.l.]

Report—Chain Cables and Anchors (No. 101).

Third Reading — Mortgage Debentures* (No. 107) [h.l.]; Public Schools (No. 128) [h.l.]; Scottish Episcopal Clergy Disabilities Removal* (No. 123) [h.l.], and *passed.*

NAVAL GUNNERY.—QUESTION.

The Earl of HARDWICKE said, he wished to ask the noble Duke the First Lord of the Admiralty, Whether it is true that the Government have determined to alter the Armstrong guns so as to make them muzzle-loaders, and also to form the interior on the shunt principle of the Armstrong gun? He believed that the experiments at Shoeburyness between Sir William Armstrong's gun and Mr. Whitworth's had not been concluded, and he would therefore only express a hope that the Government would not act precipitately in the matter.

The Duke of SOMERSET said, that the Government about two years ago ordered a number of seventy-pounders to be constructed, part at Woolwich and part at Elswick, so that the service should not be left without a supply of guns; but the Admiralty had not yet been able to pronounce whether muzzle-loading guns should be definitively adopted or not for the naval service. The guns which had been made could easily be adapted to either muzzle or breech-loading. When the experiments were concluded, the report and the decision of the Government should be laid before Parliament at the earliest possible moment.

COUNTY COURTS AMENDMENT BILL.

PETITION.

Lord BROUGHAM said, a petition on a most important subject had been intrusted to him by the inhabitants of Nottingham, chiefly of the trading class. They felt the greatest alarm at the County Court Bill now before the House. One part they highly approved—the extension of equitable jurisdiction, but they objected strongly to the limitation of one year in simple contract debts. His noble and learned Friend the Lord Chancellor had announced his intention of changing that from one to three years; the Petition earnestly prayed he would also abandon or greatly alter the part of the Bill which alarmed them most—the abolishing imprisonment for small debts. They considered this at once most injurious to them, the great bulk of debts due to them being of small amount, and it would at once close the County Courts, from which they derived so great a benefit. This he stated to be quite true, according to all the opinions of the County Court Judges. Of sixty who returned answers without any concert whatever, fifty-eight were decidedly against the provisions of the Bill, one had doubts, and only one of the whole body approved of it. Nothing could be more inaccurate than the representation of the great numbers of commitments. There were 900,000 suits yearly in these courts, and of these not above 9,000, or 1 per cent, led to the judgment summons, which is the only possibility of commitment. In the superior Courts of King's Bench, Common Pleas, and Exchequer, there were eight times the number of arrests in proportion to the number of actions. But the judgment summons only led to actual commitment in a few cases. Thus, in one County Court, in 5,500 suits, these being the usual proportion of 1 per cent, of 550 of these summonses only thirty-seven led to commitment, all the others having led to payment or settlement. And of these thirty-seven only nine actually went to prison, the other twenty-eight having paid when arrested. Now, but for the fear of commitment, none of them would in all probability have paid. It was absolutely necessary that the imprisonment should be held over the heads of these debtors. He (Lord Brougham) considered that a most salutary course was pursued by some County Court Judges, Sir E. Wilmot and Mr. Dasent especially. Indeed, Mr. Dasent had furnished most valuable information on the whole subject in his very able answer to the question proposed. The course recommended was to suspend for a short time, as a month, the execution of the order, and in the course of this month the greater number paid. He (Lord Brougham) thought a provision should be inserted in the Bill, not compulsory, but giving the Judge a discretion to suspend for a time to be defined. He trusted, for the sake of trade and of the County Courts, that the prayer of the petitioners would be granted.

CHAIN CABLES AND ANCHORS BILL.
[NO. 101.]—COMMITTEE.

House in Committee (according to Order).

THE EARL OF CAITHNESS expressed the hope that provision would be made for examining the iron and workmanship of cables and anchors, as well as for testing the finished article. It sometimes happened that when an extreme strain had been tried a fracture occurred upon a second test, even before the extreme strain was reached. Bessemer steel would stand 50 or 60 per cent more of tensile strain than the best Low Moor iron.

LORD STANLEY OF ALDERLEY said, that he had communicated with the Board of Trade, and should not press the exemption which had been referred to on a former occasion.

Bill reported without Amendment; and to be read 3^a *To-morrow.*

IMPROVEMENT OF LAND ACTS (1864) BILL—[No. 122.]—COMMITTEE.

House in Committee (according to Order).

LORD ST. LEONARDS, who was almost inaudible, was understood to object to many of the provisions of the Bill, and to say that in his opinion a more hazardous measure had never been brought forward.

LORD PORTMAN did not think that the Bill was open to so much objection as the noble and learned Lord appeared to think. Many private Acts contained the powers embodied in this general Bill. He thought great advantages would attend the passing of the Act in this respect, that whereas some of the clauses gave powers and facilities not afforded by the existing state of the law, any railway company seeking to have the benefit of them would have to come under the whole of the regulations of the Bill. The railway companies who thus adopted the Act would be put under a restraint to which they were not at present subjected.

THE EARL OF MALMESBURY thought the landed interest generally were much indebted to the noble and learned Lord on the Woolsack for having not only collected the various statutes on this subject and consolidated the law, but also for encouraging a principle which, instead of being detrimental, would be of great advantage to the landed interest.

THE LORD CHANCELLOR said, he was placed at a disadvantage in replying to the objections of his noble and learned Friend by the circumstance that he had not been able to hear more than one word out of twenty that were spoken by his noble and learned Friend. He could only say that, if the law relating to landed property had been allowed to remain in all respects as it was sixty years ago, that law would have operated as a continual drag upon the progress of society. Land ought not to be kept strictly bound by the system which prevailed in former times, but facilities should be afforded for improvements by the owners. It was desirable to make the law and its amendments keep pace with the interests of society, and to further instead of retarding them. The noble and learned Lord had objected that a tenant for twenty-five years should have the power of charging an estate; but from this it would appear that the noble and learned Lord had not read the Bill. It was provided that no charge could be created for more than twenty-five years, and in ordinary cases the tenant for life might be expected to survive that term, so that the estate would be handed down to his successor improved and unencumbered. Of late years powers for the improvement of land had been given to private companies, varying and conflicting in their character, and it had become necessary that the Legislature should step in and create, once for all, such definite general powers as ought to be given. That object was sought to be attained by the present Bill. Its provisions had been discussed with the greatest care in the Select Committee, and had been adopted after full comparison of the existing powers granted to various companies. He believed that the Bill if passed would confer great advantages on the country.

EARL GREY said, that if the noble and learned Lord (Lord St. Leonards) wished to abolish the whole system of settlement of landed estates, he had only to act upon the narrow principle of preventing improvements which seemed to meet with his approbation. It was only the relaxation of the old laws during the last twenty years, which had prevented the law of settled estates from being swept away as an intolerable nuisance to the country. Since the repeal of the Corn Laws in 1846, an enormous sum of money had been laid out in the improvement of land under the powers granted to private companies. Without those powers those improvements could not have been effected, and much injury and even ruin would have befallen many proprietors of land. One witness who was examined before the Committee stated that he himself had valued land in Scotland for improvements to the extent of a million sterling. As he (Earl Grey) was the person who first proposed to extend to the construction of railways the same facilities for raising money which had already been given for the improvement of land, he wished to add one word upon that subject. It was clearly proved before the Committee last year, that a railway in the vicinity of a landed estate was an improvement as ascertainable as draining, building, or any other work. The Bill, as it stood, only proposed that money should be charged on land to the extent of the annual increase of value given to it by the projected railway, on the supposition that not one farthing was received in shares. He might mention an instance in which the construction of a railway near certain lands on the Humber, had increased the annual value from £1,150 a year, to £1,540 a year, and the object of the present Bill was to give facilities for such improvements as that. If they adhered to the principle already adopted, there was no reason for excluding railways from participating in the advantage.

LORD ST. LEONARDS assured his noble and learned Friend that he never had been opposed to rational progress and improvement; nor had any one assisted more than he had, in removing from the statute-book all enactments which were no longer necessary.

LORD REDESDALE said, he certainly agreed with this Bill, which would be a great improvement on the existing state of things. He was extremely anxious that the measure should be made compulsory on all companies. He had made this proposition in the Select Committee, and regretted exceedingly that his proposition had not been accepted.

LORD BROUGHAM wished to say two words in justice to his noble and learned Friend (Lord St. Leonards). It was a very great mistake to suppose or represent him as an enemy to the improvement of the law. He had some right to speak on that subject, as no one had taken greater part than he had done during the last forty years in effecting changes, and what were considered improvements in the law. Now, he could answer for his noble and learned Friend — on no occasion, whether in office, before he acceded to office, or since leaving office, had he been a decided persevering adversary of these improvements. On the contrary, he was bound to bear testimony to the great value of the help he had received in all those measures from his noble and learned Friend.

The clauses of the Bill, as amended by the Select Committee, were then presented, read, and *agreed to.*

The Report of the Amendments to be received *To-morrow.*

PUBLIC SCHOOLS BILL—(No. 128.) [H.L.]

THIRD READING.

Moved, That the Bill be now read 3ª.

VISCOUNT STRATFORD DE REDCLIFFE said, he desired to make a few remarks on the subject. It so happened that he had some personal experience of one of the great schools included in the list of his noble Friend below (the Earl of Clarendon). He believed that all the others, with the exception of those in the City of London, were more or less founded on the same system, and therefore in making a few remarks on the system established and practised in the school in which he received his education—he meant Eton—he was not likely to deviate from what would apply more or less to the other schools. From the experience he had had—and he entered Eton at a very early age, between seven and eight—he wished to bear his testimony to what he believed most firmly to be the truth—namely, that the system in respect to its fundamental principles was substantially sound and good. What were the points of that system? If he was not greatly mistaken they were, instruction in the first instance, then health, and formation of character. He had been brought up in the persuasion that, of all human languages, whether ancient or modern, Latin was the most logical in its construction; and with respect to Greek he believed that there was no language, unless it was modern German, which could compete with it in the power of expansion or in comprehensiveness. He could, therefore, conceive no better foundation for the study of language than on the one hand the most logical, and on the other the most comprehensive of languages. The system at Eton consisted of short school hours, with intervals between them; and thus the boys had opportunities for engaging in games of a manly description, which brought them into frequent intercourse with each other, and served to strengthen and develop their physical constitutions. Another most essential point in regard to such institutions was their influence in the formation of character. In this respect the system at Eton was that of leaving the boys as much to themselves as the course of instruction and necessary discipline of the school would allow, and certainly much more than was the case in private schools; and he thought this system tended to promote self-respect and the avoidance of many faults and vices, and qualified the boys for the position they were to fill in after life. Our public schools, however, like all other human institutions, were liable to abuse; and it might well be that, having been in existence for centuries, they were susceptible of improvement. He had, therefore, heard of the appointment of the Commission on the subject with satisfaction, and as far as he had read the voluminous reports on the table, he had derived a general impression very favourable to those who conducted the inquiry. But it should be borne in mind that the system pursued at Eton was designed for instruction in studies which were not of a nature to be practised at home. The boys would generally acquire a knowledge of their vernacular tongue at home, and the same remark applied to a great extent to an acquaintance with English literature. As to the introduction of new subjects of study, it was most undesirable that anything should be done which might have the effect of lowering the character of great national institutions like these, and there were many things which could hardly be introduced into the course of study without having that effect. He very much doubted whether any legislation in detail on this subject would be desirable. He did not object to an inquiry by Commission, in order to ascertain the requirements which the progress of time made necessary in those schools; but he should lament to see Parliament assuming the performance of a duty which could best be discharged by the masters.

THE EARL OF SHAFTESBURY said, it seemed to him that very little improvement was likely to be effected in this matter, unless some addition were made to the number and quality of the tutors. Everybody saw how difficult it was for tutors at public schools to discharge the duties of parents and relatives, and act as if they were the parents of the children they had to teach. His noble Friend (Earl Stanhope) said, the other day, he wished to accommodate the system to meet the case of all boys, some of whom were idle, and some dull. Now he did not think they would be successful in reaching those peculiar cases by the plan they proposed of the alteration of the statutes, unless they succeeded in obtaining men who took an interest in their business, and who would employ their minds and energies in rebuking the idle, and taking care to help forward the diligent as much as possible. They had heard a great deal of the system of Dr. Arnold and the system of other men, but he believed the system of a man to be the man himself—and from his long experience in matters of this nature he felt certain that no kind of arrangement they could make in the way of rules and regulations could compensate for the want of the living energies of a man.

Lord CAMPBELL thought it would be useful to refer to the points suggested by the Bill on which there seemed to be a general concurrence of opinion. On all sides it was admitted that the ancient languages ought not to lose the supremacy in public schools which had hitherto belonged to them; that mathematics ought to be more encouraged than they had been; that the elements of science ought to be made use of in instruction; that military drill which had been recently established in public schools ought to be perpetuated; and that French should be made to form an essential part of education. He referred to the manly and enlightened views of Mr. William Johnson, an assistant master at Eton, on the latter point, and to the support which the Under Secretary of State—Lord Wodehouse—had lately given them. In spite of the general concurrence as to what ought to be done, there was no definite opinion as to how the necessary changes should be brought about. Direct legislation would not answer such a purpose. Parliament could never make itself in detail the taskmaster of public schools. It would not be easy for the authorities of Eton to act on the Report of the Commissioners, however much they wished to do so. They would be held back by no less than three impediments; fear of the parents who might not all approve of the reforms; fear of the school which had a strong spirit of conservative resistance; and fear of innovation which presented to their mind a mass of possible disorders. But the hope and view of the Commissioners was that their reforms would be brought about by the new governing bodies of public schools proposed to be created. He (Lord Campbell) was anxious for a moment to warn the House against that expectation. The new governing body of Eton, as sketched by the Commissioners, was so complex in its structure that no one could now divine the materials of which it might consist in the first instance. Beyond that there was the greatest possible uncertainty as to when it would come into existence. An Act of Parliament would be necessary for each governing body. Six or seven Bills would, therefore, come under discussion. They would open questions as to corporate prescription, vested rights, and the authority of founders. They might lead to party conflict, and no one could foresee in what manner they would issue. But it was yet more important to consider the elements of discord, and the obstacles to action which the governing body proposed for Eton would contain. According to the plan of the Commissioners it was to be formed of the Provost and fourteen Fellows. The Fellows were to be stipendiary and honorary; five of the first class; nine of the second. The nine honorary Fellows had a threefold subdivision. One would be the Provost of King's; three would be appointed by the Crown, and five elected by the whole governing body. The stipendiary Fellows were to be divided into three clergymen and two laymen. The first element of conflict which occurred to any one who glanced at such a project was the probable antagonism of the new body with the Headmaster, who had no power to control it. These differences appeared to be inevitable between the honorary and stipendiary Fellows. The nominees of the Crown would clash with the elected members in the former section. Again the chance discord was provided in the solitary action of the Provost of King's. And, as regarded the latter section, the five stipendiary Fellows, a standing difficulty might arise between the clerical and lay ingredients it endeavoured to assimilate. It was not enough to say that such a body wanted the conditions of a reforming one—namely, simplicity and unity. Simplicity and unity had been ingeniously, and after much design, eliminated from it. Such a body might be admirable to give steadiness and firmness to a system of instruction well matured and previously established. But it was clearly not adapted to invade prejudices, modify abuses, and inaugurate reforms. The power which apparently characterized it without any limit was the *vis inertiæ* by which decisions were arrested and debates prolonged. If at the end of the last century the Abbé Sieyes had been engaged to frame an Eton constitution he could not have produced one more elaborate, more intricate, more full of balances and checks, more incapable of movement and of action. It was not the Abbé Sieyes however, but Ovid, who had given its conception, when he said—

> . . . . "Corpore in uno,
> Frigida pugnabant calidis, humentia siccis,
> Mollia cum duris, sine pondere habentia pondus."

These lines nearly shadowed a facsimile — since in one body, *corpore in uno,* the Commissioners resolved to join elements of zeal and elements of coldness, minds notoriously dry with minds of vigour and exuberance; men prone to yield and others certain of resisting; characters of gravity and weight with persons utterly deficient in these qualities. He (Lord Campbell) had ventured thus to criticize the new body which had been designed to govern Eton, only to establish this important proposition, that they must look to some other agency to bring about the changes generally wished for. Neither immediate legislation as to studies, nor the authorities existing now, nor the proposed body, could be described as equal to that purpose. The proposed body might have every advantage as an agency for governing, but was not to be relied on as an agency to initiate reform. He would venture to suggest, therefore, to the noble Lord (Lord Clarendon) and to the Government, that they should seriously weigh the course adopted a few years ago towards the University of Cambridge, where an Executive Commission was empowered to make statutes. An Executive Commission, created by an Act of Parliament, might at once proceed to the public schools and give effect to the Report of the Commissioners. It might be formed of the very persons by whom the inquiry had been so long and so diligently prosecuted. At least, his noble Friend (Lord Clarendon) might be at the head of it. Would anybody doubt that his noble Friend, at the head of an Executive Commission, would be more apt and more effective to introduce his own reforms than a mysteriously constituted body, to be called into existence at a time they could not calculate at present. As they were still six weeks from the ordinary termination of the Session, there was no difficulty as to passing the necessary Act of Parliament. A noble Earl on the other side (the Earl of Malmesbury) had regretted the exposure which the blue-books invoked. If there was such an exposure as to gratify unfavourable critics of our public schools, either abroad or in this country, it was too late to recall it. The only question they could influence was whether the exposure should be the ground for merited reproach, or the path to long desired improvement. The whole House joined in aspiring to the latter of these two results; and he had ventured to submit to the House and to the Government, what appeared to be the only means by which that result could be, with any ease or with any certainty, accomplished.

Motion *agreed to:* Bill read 3^a and passed, and sent to the Commons.

NEEDLEWOMEN OF LONDON—REPORT OF THE COMMISSION.

QUESTION.

The Earl of CARNARVON said, that before the House adjourned he desired to ask a Question of the noble Earl the President of the Council. It would be recollected that last year the death of a needlewoman employed in a millinery establishment in the West End was caused partly by overwork and partly by the abominable and discreditable condition of the room in which she was employed. On the attention of the Government being called to the case, they promised that the subject of the ventilation of workrooms should be inquired into by a Commission then sitting; but up to the present time, though nearly a year had elapsed, neither their Lordships nor the country had heard anything more of the matter. He begged to ask, therefore, when the Report of the Commissioners would be produced. It was also well known that the large body of persons, who might be classed under the name of tailors, suffered from the same want of proper sanitary regulations, and he hoped that something would be done on their behalf. The waste of life which now occurred was such that, whether they looked to individuals or the community, the subject was of too much importance to be neglected. All he desired was that the Report should be printed and laid on the table as soon as possible, and he hoped the noble Earl would use his best efforts to secure this result before Parliament was prorogued.

Earl GRANVILLE said, there could be no objection to do what the noble Earl suggested. Having made inquiry that day respecting the Report of the Commission, he found that it would be presented before the end of the Session.

The Earl of SHAFTESBURY said, the Commissioners had conducted their inquiry with so much zeal and ability that he should be loth to say one word against them. But he thought they had formed a wrong judgment in withholding their Report upon the milliners and dressmakers. They might have presented this Report at the beginning of the Session, but for their wish to combine with it the Report upon the needlewomen and slopwomen of the East of London. Now, though there might be a difficulty in drawing a logical distinction between the two classes, there was a real distinction between them which everybody could understand; and if this delay had not taken place, Parliament might have legislated to meet a great and crying evil—an evil which was to be remedied by sanitary rather than by other regulations. He was glad that his noble Friend had called attention to the case of the tailors, because, though it did not come within the scope of inquiry, yet the waste of life among them was such as to make it of the greatest importance to them and their families that the evils which affected them should be redressed; moreover, the sanitary condition of those men and of many more like them was of national importance, not only on account of the waste of life, but the waste of health, which every year threw thousands and tens of thousands upon the poor rates. He felt certain that if the Legislature had wisdom enough to pass good sanitary laws and compel their adoption by a system of Inspectorship, the burden upon the rates of this country would be reduced by, at least, one-third in the course of the next five years.

House adjourned at half past Seven o'clock, till To-morrow half past Seven o'clock.

HOUSE OF COMMONS,

Thursday, June 16, 1864.

MINUTES.] — Supply — *considered in Committee* — Civil Service Estimates—*Resolutions* [June 14] *reported.*

The Earl of Carnarvon

Public Bills — *Resolutions in Committee*—Inland Revenue (Stamp Duties).

Ordered—Local Government Act (1858) Amendment*; Cranbourne Street.

First Reading—Cranbourne Street* [Bill 154]; Local Government Act (1858) Amendment [Bill 155]; Countess of Elgin and Kincardine's Annuity [Bill 156]; Punishment of Rape [Bill 157] (*Lords*).

Second Reading — Local Government Supplemental (No. 2) [Bill 80]; Accidents Compensation Act Amendment [Bill 143]; *Committee* —Election Petitions [Bill 17]; Adjourned Debate [1st June], *further adjourned.*

Third Reading—Public and Refreshment Houses (Metropolis, &c.) [Bill 92].

CITY TRAFFIC REGULATIONS.

QUESTION.

Mr. DOULTON said, he would beg to ask the Secretary of State for the Home Department, What are the difficulties in the way of carrying into effect the City Traffic Regulation Act of last Session, and whether any steps have been taken for their removal?

Sir GEORGE GREY replied that, on looking through these regulations, which were numerous, a doubt arose whether some of them were not beyond the powers conferred by the Act of Parliament, and they were, therefore, referred to the Law Officers of the Crown for their opinion. They gave their opinion that several of the regulations were beyond the powers of the Act. He (Sir George Grey) thereupon returned the regulations to the authorities of the City, with a Copy of the Opinions of the Law Officers, that they might see to which of the regulations the objection applied. That was done on the 25th of April, 1864, and he had not received any further communication from the City authorities on the subject.

RAILWAYS IN CHINA.—QUESTION.

Mr. HENRY SEYMOUR said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Sir Macdonald Stephenson has lately been travelling in China at the expense of the British Government, or at his own expense, merely with the sanction of the Foreign Office; and if he will lay upon the table of the House his Report on the possibility of introducing Railways into China?

Mr. LAYARD, in reply, said, he believed Sir Macdonald Stephenson had been travelling in China, but certainly not at the expense of the Foreign Office. He could not say if he paid his own expenses or not, for he was not aware under what auspices he was travelling. He understood he had made a Report, but not an official document, and a copy of it had been sent to Earl Russell, but as it was not in an official form he was not able to lay it upon the table of the House.

EDUCATION—SCIENCE CERTIFICATE.

QUESTION.

Mr. **MUNDY** said, he would beg to ask the Vice President of the Committee of Council on Education, What Clause in the Revised Code prevents a Certificated Elementary Teacher having a Pupil Teacher, and holding a Science Certificate, from receiving payment for the results of his Science Teaching?

Mr. **H. A. BRUCE** said, in reply, that the limitation referred to was not imposed by the Revised Code, but by the Committee of Council on Science and Art. It was obvious that the schoolmaster, who might be obliged to attend an elementary school two or three times a day, and was also bound to discharge the duty of superintending pupil-teachers, could not have much time to attend to the study of science and art. Schoolmasters were often ready to undertake these duties, and to overtax their strength; but it was clear that either the school and pupil-teachers, or the School of Science and Art, must be neglected.

IRELAND—DAUNT'S ROCK.

QUESTION.

Mr. **HORSFALL** said, he would beg to ask the President of the Board of Trade, Whether any steps are being taken for blasting Daunt's Rock, or for placing a Light Vessel with Fog Signals, to prevent a recurrence of accidents?

Mr. **MILNER GIBSON**, in reply, said, there was no intention of blasting Daunt's Rock, or of placing a Light Ship there, but sanction had been given for placing a large bell buoy for warning vessels in foggy weather, and sanction had also been given for improving the Light at Roche's Point, but no further steps had been taken.

THE IRISH FISHERIES.—QUESTION.

In reply to Mr. Monsell,

Mr. **O'HAGAN** (The Attorney General for Ireland) said, there was no difficulty either in Law or in fact with regard to the appeals under the Fisheries Act. The Legal Commissioners had to sign each appeal before it could be taken to the Queen's Bench, and he believed Mr. Lane, the new Commissioner, would be competent to do so; and in all the cases accurate shorthand notes had been preserved, so that no legal difficulty would arise.

ARMY—THE ARMSTRONG GUN.

QUESTION.

Mr. **HUSSEY VIVIAN** said, he would beg to ask the Under Secretary of State for War, Whether there is any truth in the report that it is the intention of the Government to convert a considerable number of Armstrong Breech-loading Guns into Muzzle-loaders, and to rifle them on Sir William Armstrong's shunt principle; and, if so, whether he will lay upon the table of the House a Copy of any Report, or the results of any experiments, on which it has been resolved to adopt the shunt principle of rifling?

The Marquess of **HARTINGTON** said, it was perfectly true that it was the intention of Her Majesty's Government to finish a considerable number of guns that had been waiting for two or three years, which had been completed up to a state when it became necessary to rifle them. They were originally prepared as breech-loaders, on the wedge principle, and it was intended to convert them into muzzle-loaders, and to rifle them on the shunt principle. The reason for this was owing to the delay which had taken place from various causes, but in a great measure from delays of which Mr. Whitworth was himself the cause. The trials only began two months ago, and they were not likely to be brought to a conclusion much before the termination of this year. The Admiralty had been for some time pressing for a supply of 70-pounder guns for the requirements of the service; and it was impossible to delay longer the providing them with one gun or another. They ultimately came to the conclusion that for the object for which these guns were intended muzzle-loading guns would be preferable to breech-loaders; and as the shunt principle was one of which the department had had most experience, and had already produced very favourable results, it was decided to rifle them upon that principle. Besides that, it must be recollected that these guns were manufactured by Sir William Armstrong and adapted to his principle, and probably it would not at all have been satisfactory if any other system of rifling, recommended by any other inventor, had been applied to them. However the determination of the War Office did not in the least bind them to the adoption of the shunt principle, the principle proposed by Mr. Whitworth, or any other for rifling future guns. With regard to the latter part of the question of the hon. Member, the system had been extensively tried at Shoeburyness, and on board the gunnery practice ship *Excellent* at Portsmouth. The War Department had a great number of Reports on the subject, and he was not aware there was any objection to lay them on the table. They would take a considerable time to prepare, and as no definite resolution had been come to in regard to the system to be adopted, he thought it would be better to defer their production for the present.

THE ASHANTEE WAR

QUESTION.

SIR JOHN HAY: It will be in the recollection of the House that the right hon. Gentleman the Secretary for the Colonies, in reply to a Question from the right hon. Baronet the Member for Droitwich (Sir John Pakington), in May, promised that the Ashantee war should be put a stop to, and a transport sent to fetch away the troops. I wish to ask the noble Lord, Whether, in accordance with the promise given before Whitsuntide, any transports have been sent to convey troops from the Gold Coast, what number of men are to be conveyed, and when the ship sailed?

LORD CLARENCE PAGET: Sir, I will state the arrangements which have been made for removing the troops which it is intended to transfer from Cape Coast Castle to the West Indies. We have taken up a transport, which is to proceed, and will be ready to proceed, in two days, to the Cape de Verd Islands. We have likewise ordered the *Gladiator*, a paddle-steamer, to proceed at once to Cape Coast Castle to bring the troops, calling at Sierra Leone, to the Cape de Verd Islands, there to meet the transport, which will convey them thence to the West Indies. We expect that the transport will have arrived at the Cape de Verd Islands in time to await the arrival of the *Gladiator* with the troops on board.

SIR JOHN HAY: The numbers?

LORD CLARENCE PAGET: The number of those whom it is intended to remove is slightly above 500.

SIR JOHN HAY: I have also a Question to put to the Under Secretary of State for War, of which I have given him notice. I wish to ask him, How it is that only one transport for 500 men is provided, when the Returns in the hands of Members this morning show 1,402 men at Cape Coast Castle, in addition to the garrison of 300 men, and whether there is reason to suppose, as I fear there is too good reason, that 1,000 men have died?

THE MARQUESS OF HARTINGTON: I hope, Sir, there is no reason to suppose that 1,000 of the men at Cape Coast Castle have died; on the contrary, the last Return received from there showed that the rank and file, at least, were not suffering from any great amount of sickness. The promise which was given by my right hon. Friend the Secretary of State for the Colonies was, I believe, that those troops who had been sent from the West Indies to the Gold Coast for the objects of this war should be removed, and that the force at the Gold Coast should be reduced to its normal strength. It had been decided, long before the outbreak of hostilities, that the force permanently to be stationed at the Gold Coast should for the future consist of one battalion. The removal of these 500 or 550 men from Cape Coast will leave between 700 and 800 men, which is the force that it is proposed permanently to station there.

MR. HENRY SEYMOUR said, he wished to ask whether it is true, that of fifty-one officers landed at Cape Coast Castle thirteen had already died, while ten others were sick from the effects of climate? Also whether, out of 1,400 men landed, 600, within a short time after their arrival, were either dead or invalided?

THE MARQUESS OF HARTINGTON: It is quite true that within the last year thirteen officers have died on the Gold Coast, and about the number which has been mentioned by my hon. Friend were invalided. The Returns have been laid on the table this evening, and will be in the hands of Members to-morrow.

SIR JOHN PAKINGTON: I wish to ask when the order was given for the *Gladiator* to proceed to the coast of Africa, and whether she will afford proper accommodation for 500 men?

LORD CLARENCE PAGET: To-day the *Gladiator* was ordered to proceed to the Gold Coast. We have no reason to believe that her accommodation will prove insufficient for the troops she is to take.

SIR JAMES ELPHINSTONE asked

the noble Lord to state the name of the transport which was to proceed to the Cape de Verd Islands, and why she could not go straight to the Gold Coast. Was the *Gladiator* to perform the service for which she was intended in one or more trips?

Lord CLARENCE PAGET: The reason we have sent the transport to the Cape de Verd Islands is in order to save time. She would have to beat up against contrary winds in order to get to Cape Coast Castle, and we think time will be saved by sending the *Gladiator*, which is a steamer, to carry the troops thence to the Cape de Verd Islands. She can do this in one trip.

Sir JAMES ELPHINSTONE said, the name of the transport, or the class to which she belonged, has not been stated.

Lord CLARENCE PAGET: I cannot tell my hon. Friend the name. She is, however, a sailing ship.

Captain TALBOT asked when the transport was taken up for this service?

Lord CLARENCE PAGET: She was taken up immediately upon the requisition of the War Office; I think on the 26th of May, or about the end of that month. We have had her fitted out at once; the men have been working day and night to get her ready.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE CHARITY COMMISSIONERS.

SELECT COMMITTEE MOVED FOR.

Mr. FERRAND said, he rose to move for a Select Committee to inquire into the construction, the expense, and the working of the Board of Charity Commissioners. He hoped he should be able to make out such a case as would induce a large majority to support him on a division should the Government oppose his Motion. And he was the more encouraged to propose his Motion from the fact, that the Chancellor of the Exchequer had repeatedly during the present Session called on hon. Members on both sides of the House to assist him in reducing the expenditure of the country, without which it was impossible to keep it within proper limits. Not long since the Chancellor of the Exchequer attacked several hon. Members on the Opposition side of the House for having shown, as he stated, a disposition to increase the expenditure of the country without just grounds; and although he entirely differed from the right hon. Gentleman in that opinion, it the more fortified him in the conviction that he should have the right hon. Gentleman's support if he found it necessary to divide the House. The hon. Member for Salisbury (Mr. Marsh), in an able speech, had lately reviewed the expenditure of the country; and the Secretary of the Treasury, in reply to him, stated that he would give his support to any hon. Member who brought forward any instance of an unjust and improper application of the taxes; and, therefore, he also looked to that right hon. Gentleman for his support on that occasion. When the Charity Board was formed under the Act of 1853, Her Majesty's Government distinctly stated that in all probability the expenses of the Board would not amount to more than between £5,000 and £6,000 per annum, but the expenses this year, according to the Votes, amounted to the enormous sum of £18,250. In 1830, when the Tories were driven from power by the Whig cry of "peace, retrenchment, and reform," the civil service expenditure only amounted to £1,872,000; but it then amounted to no less a sum than £8,000,000. Out of the thirty years the Whigs had held office twenty-seven years, and there could be no doubt whatever that a great portion of the increased expenditure had arisen from jobbery of the gravest kind on the part of Whig Governments during that period. Now as to the construction of the Charity Board. The Charity Board had been in existence ten years. It was a secret tribunal, with the proceedings of which the public were unacquainted except from the very meagre accounts that were annually laid by them upon the table of the House. At the commencement of the Session he asked for a return of the names, salaries, and trades or professions of the members of the Board; but the right hon. Gentleman the Member for Calne (Mr. Lowe), though willing to furnish the names of the members and the amount of salary which each received, thought it his duty to resist the latter part of his Motion; but he (Mr. Ferrand) would have occasion before he concluded to call attention to the trade or profession of some of the members. The Return on the table justified the expression he had used in moving for it—that the Board was "a snug nest of Whigs." There were no less than forty persons connected with the Board, every one of whom, with a single exception, belonged to the

Whig party. There had been grievous complaints for a length of time made against the Charity Board. Since he gave notice of his intention to bring its construction and its working under the notice of the House, he had received hundreds of letters from various parts of the country complaining of the manner in which the affairs connected with that Board were carried out to the injury of the various charities. In those communications the Commissioners were charged with negligence, ignorance, offensive letter writing, maladministration, misappropriation, and political partisanship. The Inspectors were charged with dereliction of duty and drawing up false Reports. When he moved for this Return the right hon. Member for Calne (Mr. Lowe) declared that the members of the Board were among the most industrious, honourable, and valuable of Her Majesty's public servants. There was a great difference between the opinion of the public and the opinion of the unpaid Commissioner who represented that Board in the House of Commons, and he would endeavour to show who was nearer the truth. The Board of Charity Commissioners was originally intended to superintend the various charities in the country, to be a court of appeal, to receive addresses, and hear and determine calls for assistance. But by various Bills introduced into that House in two or three instances, during the last few days of the Session of Parliament, the Board had become possessed of the most unconstitutional powers. The Commissioners and the Inspectors were clothed with judicial powers. They had the right to go into any part of England and Wales, and there hold courts, to summon before them persons of all ranks and all classes residing within ten miles; if they should be of opinion that a witness had given false evidence they had power to order him to be indicted for a misdemeanor; and if any witness so summoned should refuse to attend, they had the power of declaring him guilty of contempt of the Court of Chancery. These were great powers for any person or any body in this country to possess, powers which were never possessed by any Board or any body of officers previous to the construction of the Board of Charity Commissioners. Beyond that, it was necessary that the Charity Commissioners and Inspectors should be men of the highest integrity and honour, and probity, for they had to inquire into charities possessed of a large amount of property; they had to inquire into charges of dereliction, maladministration, and misappropriation of the funds. There was, however, an opinion abroad that these Commissioners and Inspectors, as he had before shown, had neglected their duty in the grossest manner. He would confirm that statement as far as his own neighbourhood was concerned, and he had been urged by various parties in Yorkshire to bring the question before the House of Commons. He had been told by his hon. and learned Friend (Mr. Malins) that the Commissioners were highly respectable, honourable, and eminent men, and that one of their body was brother to Lord Chief Justice Erle. He had never disputed that Mr. Erle was the brother of the Lord Chief Justice. He had merely said that the Commissioners had not done their duty as they ought to have done. The question was not as to their eminence or respectability. The question was, had they faithfully, diligently, honestly, effectually discharged the duties imposed upon them by the House of Commons when the Board was constructed? Before the present Board was constructed in 1853, all the preliminary work had been done for them, and their labour ought to be very light. The House was little aware of the large sums which the Government had paid for inquiries into the state of the charities. In 1818 Lord Brougham, then Mr. Brougham, who had taken great interest in the subject of charities, obtained the appointment of ten Commissioners under the title of the Charitable Trusts Commissioners to inquire into the charities; the Commission lasted eleven years; and each Commissioner received by Act of Parliament £1,000 a year, besides £800 a year for expenses. The total sum allowed between the years 1818 and 1831 for expenses amounted to the enormous sum of £198,000. That Commission expired in 1830. In 1831 Lord Brougham, still a Member of the House of Commons, obtained an Act for renewing the Commission till 1834; and the total cost during that interval was £72,000. In 1835, the time when Whig Commissioners, like a flight of locusts, seized on the taxes of this country, a Commission of thirty Commissioners was appointed, twenty of whom were paid out of the civil service fund. That Commission expired in two years, in 1837. The expenses amounted to £45,695. The total sum paid to Commissioners for inquiring into the public charities of the kingdom up to 1835 amounted to £315,690, which gave an average of twelve guineas for each of the charities of England and Wales. Besides these enormous grants there was the cost of printing thirty-eight folio volumes of Reports, in which the results of the inquiries were embodied, and which he believed would take fifty years for any hon. Member to read through. The result was that £1,000,000 worth of charity property was recovered from those who had unjustly taken possession of it. The number of all the charities in the kingdom was 28,484, of which number more than 22,000 were below £30 a year, and 25,000 of these charities were subject to the control of the Board of Charity Commissioners. The whole of the charities were possessed of property to the value of £35,000.000, and an annual income of about £1,500,000. Such was the state of the charities in 1851, when a Bill was brought in by the Whig Government to superintend the charities. It did not propose to construct a Board such as that which now existed. The Commissioners were to superintend the charities, leaving it to the Trustees of each to attend to the charity and administer the funds. That Bill did not become law. In 1852 a like Bill to superintend the charities was brought in by the Earl of Derby's Government, but the Attorney General of that day failed to pass the Bill through Committee. But in 1853 the Whig Government brought in the Bill under which the Board was constituted; and he would read to the House a few extracts from the debates on the measure, for the purpose of showing the pledges given by the Government when they induced Parliament to pass the Bill. When a Government stood before Parliament for the purpose of inducing them to agree to a measure of an important description, the Members of that and the other House listened to the grounds on which the assent of Parliament was solicited. If a Minister stood up and stated distinctly that it was the intention of Government to carry out such and such a course, Parliament credited his word, and the Bill became law. The Whig Government, by their Lord Chancellor, introduced the Bill of 1853, declaring that "the duties of the Board would be to exercise a general superintendence over all the charities of the kingdom at no expense to any." When he (Mr. Ferrand) stated on his Motion for Returns early in the Session, that the funds of some of the charities were being swallowed up by the expenses, the right hon. Gentleman opposite (Mr. Lowe) stood up and declared that the charities were not put to a farthing of expense. The Lord Chancellor went on to say that "the Board was to consist of three Commissioners, one secretary, and two legal gentlemen of high attainments, upon whom, of course, the more laborious part of the business would devolve as Inspectors, who were to go into the country and bring justice home to the doors of the different charities." He also stated that "the total expense would probably not be more than £5,000 or £6,000 a year, and that it should be paid out of the public exchequer." Was that pledge kept when they found, as he had already stated, that the expense of the Board during the past year amounted to no less than £18,250? In Opposition it was strongly objected that the powers given by the Bill were never contemplated by the Charity Commissioners—no more they were—that up to that time such powers had never before been intrusted to individuals in this country—that it would be a political party Board, and could never possess public confidence. That was the opinion of the two noble Lords who opposed the Bill. The Bill was read a second time, and referred to a Select Committee of the House of Lords. That was early in May, 1853. On August the 2nd, the second reading of the Bill was moved in that House by Lord John Russell. His Lordship stated that the Bill had been introduced into the other House by the Lord Chancellor, and had been referred to a Select Committee. Now, he (Mr. Ferrand) asked the attention of the House while he read to them the Report of that Select Committee, which the Government in both Houses had pledged themselves to abide by when the Board was constituted. It was the opinion of the Committee

> "That it would be better that the question of general expenditure and administration of charities should be altogether separated from any political question and from the interest of any party."

How had that pledge been kept? It had been distinctly and deliberately broken in every appointment. There was only a single man connected with the Board who was even tinged with Conservative principles. [*Laughter.*] Hon. Gentlemen might laugh, but when the word of a Cabinet Minister and a solemn pledge given to the House of Commons were broken, it was no laughing matter to the country. However, it seemed to have been long thought that the word of honour of a Cabinet Minister was worth nothing unless so far as it kept a Government in office. The Chancellor of the Exchequer had said the other day that he was constantly receiving letters from householders complaining that they were sold up in order to pay the taxes, and that it made his heart bleed to read them. He would ask hon. Gentlemen opposite who laughed, how many of these poor creatures might not have been sold up in order to raise the £18,250 to pay the expenses of the Commissioners? The noble Lord also said that though three Commissioners were named in the Bill, probably after a time so many would not be required, and he would therefore introduce a clause by which, in 1857, one of the Commissionerships would cease and determine. The removal of that Commissioner would have reduced the expense to about £3,800, since the whole was not to exceed £5,000 or £6,000 according to the Lord Chancellor. These were the statements made in 1853. But a most extraordinary circumstance happened in 1855, in defiance of all those pledges of economy made by the Whig Government to Parliament. They came before the House, and asked for another Act for a further construction of the Board. And now he would refer to proceedings connected with the discussion of that Bill which would create in the minds of hon. Members a grave suspicion that the Bill was nothing in the world but a gross and scandalous job. When he moved for the Returns the other day, the right hon. Gentleman (Mr. Lowe) complained that he used violent language. He was determined when he brought public grievances before the House to use language strong enough to make known what he thought, but not to use any expressions which might be offensive to any one in it. On the 16th of April, 1855, the Lord Chancellor introduced a measure totally different from that of 1853. He entered fully into the details of the measure, and went through clause after clause, explaining the intention of Government. The Bill gave arbitrary and unconstitutional powers to the Board, converting it into a sort of star chamber, and appointed permanently a third Commissioner, whose office was to have expired in 1857. When the Bill was brought into the House of Lords, there was not a clause in it which related to the appointment of additional Inspectors. He asked particular attention to that circumstance, because before he should sit down he should have to make statements which he was prepared to prove before a Select Committee. In the annual Report of the Commissioners, laid upon the table at the commencement of that year, they expressed regret at the death of Mr. Jones, the third Commissioner, who was to retire in 1857, but did not say a word about the appointment of further Inspectors. The Bill was brought into that House on the 2nd of August, but there was no discussion upon it until the 11th, within some ten days of the close of the Session. The Attorney General of the day, Sir Alexander Cockburn, proposed that the second reading should be agreed to without opposition. The hon. Member for Worcestershire (Mr. Knight) strongly objected on account of the centralizing powers of the Bill; but the right hon. Gentleman the Home Secretary asked him to postpone his objections till the Bill was in Committee. The right hon. Gentleman the Member for Bucks (Mr. Disraeli) said that the objections affected the principle of the Bill, and ought to be discussed upon the second reading. The noble Viscount (Viscount Palmerston) stated that the real object of the Bill was to invest the Commissioners with certain powers which would prevent the necessity for long, expensive, and multiplied Chancery suits. That was the real object according to the noble Lord, but before he sat down he would show the House what the real object was. The House believed the noble Lord, they took his word, there was no discussion, and the second reading took place. Some days afterwards, on the 6th of August, a further discussion took place, on the order of the day for going into the Committee, and the Attorney General said that the salary of one of the Commissioners would drop at the end of the year. Now, that was an untrue statement of the Attorney General. Let the House mark what followed. The Attorney General said—

> "It having been found that the present number of the Inspectors was too limited, it was proposed to take powers in the present Bill to add to them."

How had that been found? Who had found that out? The Commons had never found it out. The Lords had never found it out. He would tell the House by-and-bye. The hon. Member for Worcestershire (Mr. Knight) said he

> "Could not help thinking that an attempt was being made to smuggle the measure through the House."

He gave the hon. Member credit for his acuteness. It was an attempt to smuggle the Bill through the House. The hon. and learned Member for Belfast (Mr. Cairns) said, that

> "He hoped the House would not extend the powers of the Commissioners except upon a well matured plan which had been considered by a Select Committee."

The right hon. Member for Oxfordshire (Mr. Henley)

> "Protested against the unconstitutional powers. The same Law Officers had in the space of two years brought forward entirely distinct and different measures. It would be best to improve the present system and let it work in public, which was the only security. There were three committees sitting in St. James's Square. There might be (he proceeded) three angels sitting in Lincoln's Inn Fields, but if they sat in private the public would not be satisfied. A great many of the charity trustees had been accused of applying the funds to political purposes, and things done in secret conclave would assuredly be suspected. In the present form the measure would tend to swallow up charities."

The Whig Government, after the remarks of the right hon. Member for Oxfordshire, saw that their Bill was in danger, and that their gross job for the appointment of Charity Inspectors was about to be lost. And what did they do? They gave up the whole of the clauses which were stated by the noble Lord at the head of the Government to be the real object of the Bill, and a hope was expressed that the House would go into Committee. The House was again humbugged, and the Bill passed through Committee. On the 11th of August the Bill was sent to the House of Lords, and the clause authorizing the three Inspectors was agreed to—probably not half-a-dozen Members being present. The Commissioners were appointed on the 30th October. But when were the Inspectors appointed? Why, those Inspectors who, in August, 1855, it was stated were absolutely necessary for the performance of the duty, were not appointed until eight months afterwards. They were not appointed until the 26th April in the following year, and he would presently inform the House why that delay took place. He would, in the next place, refer to the Board, and hold up to view that snug nest of Whigs. Hon. Members were indebted to him for knowing anything about the interior of the Board, for he had had a hard struggle to wring the Return from the Government. Lord John Russell had said that the Select Committee of the House of Lords were of opinion that it would be better to separate the general administration of charities from any political feeling. However, in October, in 1853, the Board was constituted in the following way:—Peter Erle, Queen's Counsel, Chief Commissioner, with £1,500 a year—a Whig; James Hill, first paid Commissioner, with £1,200 a year—a Whig; R. Jones, with £1,200 a year—a Whig. Now, he had not a word to say against these gentlemen in their private capacity. He understood that all the lawyers who were M.P's. had come down to the House to defend Mr. Erle. He believed him to be an honourable man and a perfect gentleman. He had never met Mr. Erle but once, and that was at the Charity Board, and he acknowledged that Mr. Erle was a gentleman of great urbanity; but the question now was, had he done his duty? Mr. Hill, he believed, was an eminent counsel at the time of his appointment, and Mr. Jones was a respectable clergyman, though why a clergyman was placed on the Charity Board he could not conceive, unless it was for being a Whig. Next, there was Henry Morgan Vane, the secretary, with a salary of £800, and there existed a strong opinion in the country that he was neglecting his duty. Then came Mr. Hare, a barrister, with £800, and the last appointed in 1853 was Mr. Skirrow, jun., with £800 a year. From his early boyhood he had known Mr. Skirrow, and he could safely say that he was an honourable man; and he had heard people say that Mr. Skirrow was the working head of the Board, and that if it were not for him the Board would come to a standstill. If these gentlemen had conducted the affairs of the Board properly, the Select Committee he asked for would, no doubt, report so to the House. He then came to the Act of 1855, by which Mr. Campbell, the Queen's Counsel, was appointed a permanent Commissioner with a salary of £1,200 a year, in direct violation of the pledge given to Parliament that the appointment should cease in 1857. With regard to the three Inspectors—the men who were absolutely necessary in August, 1855, but who, nevertheless, were not appointed until April, 1856—he could safely say that it was the general opinion in many parts of the country that Mr. Martin had grossly failed in the performance of his duty. That Mr. Martin had been a partisan, he could say from his own knowledge. Mr. Boase, the second Inspector, was electioneering agent in the previous year to the private Secretary of the present Prime Minister. On a former occasion he had mentioned circumstances connected with that gentleman's conduct to Sir John Trelawny at the election of 1854, which Mr. Boase had never ventured to contradict, though the hon. Member for Liskeard

(Mr. Bernal Osborne) had said that the statement was all wrong. Now, if he had said anything wrong, he would be ready to retract it, but he made the statement on the authority of public letters in the newspapers and other communications. Mr. Boase published a letter in *The Times*, stating that he had not deserted Sir John Trelawny, but he admitted that he was appointed Inspector because he was electioneering agent to the private Secretary of the Prime Minister. Was that a proper person to be appointed an Inspector in the teeth of Lord John Russell's declaration that the Board was not to be mixed up with party politics? It was openly stated in the West of England that the private Secretary of the noble Lord had paid his election expenses out of that appointment. Now if the House should consent to the appointment of the Committee he believed that circumstances would come out which would prove anything but creditable to the noble Lord. He now came to the third Inspector—Mr. John Simons—who was described by the right hon. Member for Calne, when he last addressed the House on the subject, as "a gentleman who had not been brought up, as far as he knew, to anything." Did the right hon. Gentleman consider it his duty, as the head of the Charity Board, to ring his bell and say to Mr. John Simons, "I am going down to the House of Commons to oppose the return of the Member for Devonport; he has asked for the professions, trades, and callings of the members of the Board; and I am going to tell the House that the three Commissioners are all eminent men; and with respect to the Inspectors, that three of them are barristers, another is a solicitor—pray what are you?" The right hon. Gentleman told the House that as far as he was aware, Mr. Simons had not been brought up to anything. Now he (Mr. Ferrand) would tell the House who Mr. Simons really was, what he had been, and show how the public taxes were squandered by those Whigs who were so deeply pledged to retrenchment. The gentleman referred to was not Mr. John Simons. He was Mr. John Simons, jun. [*Cries of* "Oh, oh!"] Hon. Gentleman should not halloo before they were out of the wood. This Mr. John Simons, jun., was an uneducated man; he could write indifferently, but he could not spell. That person was clothed with judicial powers. He had a right to hold a court in any part of England and Wales, to summon before him Peers of the realm, Members of this House, the Speaker himself when he left the chair, to administer oaths, to examine and cross-examine. If he thought a witness had not given his evidence satisfactorily he could order that he should be prosecuted for perjury, and if any one failed to attend before him he could have him committed for contempt of Chancery. This man had also the power of examining into Charities of enormous wealth. Now, as he had said, a Charity Inspector ought to be a man of the highest integrity and honour; and, above all, when he had to come in contact with trustees against whom charges were made. Well, this John Simons, jun., was a coal and potato dealer in the Hampstead Road. [*A laugh.*] There should be no mistake about it. Here was his card. [The hon. Member held up a card.] It was as black as coal, and as dirty as a rotten potato. In fact, it might have lain for twelve months on the floor of a grocer's shop or been nailed to a costermonger's barrow. The card was as follows:—"John Simons, jun., coal merchant, Bridge Wharf, Regent's Canal, Hampstead Road." In 1853 he was a coal and potato dealer. At the end of the year he fled from his creditors to Australia. While there he was reduced to beggary, and worked as a hired labourer. In July, 1855, Mr. Wood, the chairman of the Inland Revenue Board, was dangerously ill. It was intended that John Simons, jun., should be appointed in his place with a salary of £2,000 a year. But Mr. Wood did not then die, and Sir George Cornwall Lewis was Chancellor of the Exchequer. Mr. Wood lived till the October of the following year. Therefore it was decided that the coal and potato dealer should be provided for by the Charitable Trusts Amendment Act, which was then before Parliament, and a place was secured for him as a third Charity Inspector, with a salary of £800 a year. The Act received the Royal Assent on the 14th of August. John Simons, jun., was immediately written to, and desired to come home, "for a lucrative Government office had been provided for him by one of the highest in the land." He arrived in England early in 1856, and had to undergo two months' preparation before his friends dared to let him enter the office of the Charity Board. He was then recommended to Her Majesty as duly qualified, and appointed by the Queen on the 21st April, all three appointments of Inspectors having been kept vacant for eight months until he returned to England and was prepared, although the

Attorney General had declared, on the 6th August in the preceding year, that their immediate appointment was absolutely necessary for the administration of the law. Now, he had written down all these facts in order, if the House desired it, that the document might be laid on the table and sent to the Select Committee, before which he was prepared to substantiate every word of it. One of this Charity Inspector's creditors, to whom he owed £2,800, which he had received as his agent, heard of his return to England and his lucrative appointment. The gentleman to whom he referred was one of the most eminent members of the Coal Exchange, and a person of the highest honour and integrity, and he was ready to go before the Select Committee, if it were appointed, and make good every word in the paper with which his name was connected. He was quite prepared to give his name to the House if any one asked for it, or to mention it to any Member who chose to ask him for it after he sat down. The gentleman was not afraid of his name being known. Perhaps some Member of the Government might say "Name him!" If so, he would do it at once. Knowing the character of the new Inspector and his unfitness, the gentleman could not credit the announcement he had seen. He would as soon have expected a costermonger to be appointed. He went to the office in St. James's Square, and to his amazement there was his runaway debtor. He demanded his money. The Inspector pleaded poverty and hard pressure from others. He declared he was living in 8*s.* a week lodgings. His creditor found out that he was living in a large, well-furnished house. In 1857 he was sued for this debt, and this Charity Inspector, with a salary of £800 a year, who was described by the right hon. Member for Calne as amongst the most industrious, honourable, and valuable of Her Majesty's public servants, pleaded the Statute of Limitations, and defrauded his creditor. On the 24th June, 1859, the present Prime Minister was gazetted First Lord of the Treasury, and on the following day the Hampstead Road coal and potato dealer, the runaway fraudulent debtor, the Australian day labourer, the uneducated Charity Inspector, the Statute of Limitations pleader, was presented to Her Majesty by Viscount Palmerston, who stood by and witnessed this insult to his Sovereign. Mark what followed! This corrupt appointment was connected with a scandalous transaction in which a Cabinet Minister was deeply implicated. He was prepared to name him. Did any one ask it? ["Name!"] It was the noble Viscount opposite who was concerned in this affair, for which the taxpayers had already been plundered of £6,000, and were now paying £800 a year. As he had said, he was prepared to put the paper from which he had read these things on the table, if any one would take the necessary steps to have it laid there. It would then become a Parliamentary paper to which his name was pledged, and if he did not prove its truth in all its material bearings he was unworthy of a seat in the House. Where was the Chancellor of the Exchequer, who had taunted them across the floor with being spendthrifts of the public money? Why was he not present sitting on the Treasury Bench and looking at the noble Lord, instead of at the Benches opposite? If the right hon. Gentleman had been present he should have told him that it was his duty, as guardian of the national exchequer, to summon a meeting of the Cabinet for the following day, to insist upon a distinct, a positive, a truthful statement from the noble Lord of all the facts connected with that gross, this odious, this iniquitous appointment; and if he spoke the truth, the whole truth, and nothing but the truth, the next day's sun would set upon a broken-up Cabinet and a dissolved Ministry; or if the Chancellor of the Exchequer remained in office after he had heard all the circumstances connected with this affair, his character as a public man in England would be gone, he would be unworthy of his office, and he would fall into the deepest pit of degradation and debasement by continuing a member of a Ministry at the head of which was the noble Lord. He had understood his Motion was to be opposed. It could not be opposed now without the Government suffering an ignominious defeat. If they attempted to divide the House he would appeal to the financial reformers who sat below the gangway, whether he had not made out a case already (and he could say much more) for an inquiry by a Select Committee. He had done with the appointments of 1855. He trusted he had convinced the House what was the reason why the three Inspectors were not appointed till April, 1856, when John Simons, jun., got his place. He would go to the other appointments. There was Mr. Good, the chief clerk, who was a Whig, with £660 a year. The next appointment involved a violation of the law. There was no authority whatever to establish an accountant. The Act said there should be Commissioners, Inspectors, Clerks, and Messengers; but there was not a word about any Accountant. Not long ago he heard it said that some one suspected of a tinge of Conservatism had got into that nest of Whigs, and had made the nest very uncomfortable. He feared they had quickly inoculated the intruder; and, at any rate, it could not be this person for whom the snug berth of accountant was provided. He entered office with a salary of £300, which was raised in the next year to £400, which was now £550, and which was every year increasing, so that he did not know where it would stop. Who did the House suppose got that snug appointment contrary to law? William Goodenough Hayter; not the right hon. Gentleman the Member for Wells, but his nephew. Now, was not that, he would ask, too bad for a retrenchment Government? Was it not a job, and a job of which nothing would have been known had he not made a violent speech on the 12th of February? Next came the first clerk, T. W. Erle, who, he supposed, was a son of Peter. That, however, was not all. Another office had been created in direct violation of the law, that of Record keeper. There was no such appointment mentioned in the Act of Parliament. The salary was £332 per annum. The office was held by E. K. Greville, who he was told was a Whig, and he had no doubt of it. After that came eight first-class clerks, eleven second-class clerks, and nine third-class clerks, making twenty-eight altogether—two-thirds of the appointments being gross jobs. He would next advert to the expenses of the Board, which had gone on increasing, until they in the present year amounted to £18,243, though a pledge had been given on the part of the Government that they should not exceed £5,000 or £6,000. Of the £18,243 the sum of £7,060 was for appointments made by the Commissioners and the Whig patronage Lord of the Treasury, while the third Commissioner being made permanent by the Act of 1855, had cost the ratepayers of the country £8,400, and the additional three jobbed Inspectors at the rate of £3,600 annually. The total expense of the present Board already amounted, he might add, to £181,224; the expense of the Commissioners before the Board to £315,690, the entire cost, not including the printing of thirty-eight close folio volumes and other Parliamentary papers, being thus £496,914. That being the expenditure of the Board, he was anxious, as briefly as he could, to show what had been the working of the Board. Let it be borne in mind that the Inspectors were to be the working power of the Board. They were to go through the country, to visit the different Charities, and bring justice to the doors of the people in every part of England and Wales. On the 14th of August, 1854, the first annual Report of the Commissioners was placed upon the table of that House. It was then stated that they had distributed 15,000 circulars previous to the 31st December, and that there were thirty or forty cases in which their advice and assistance had been asked. There was no statement that the Inspectors had visited one. In their second Report, in 1855, they stated that there were 1,100 special applications. The Inspectors investigated the circumstances of about 800. That was the only time in which the numbers were mentioned. In 1856 the Report stated that there were 864 applications. It did not mention the number of charities inspected, but said "very numerous." They said they anticipated great advantage from trustees being obliged to submit parochial charities to public audit in the vestries. In 1857 the Report stated that there were 1,007 particular cases. They said the Inspectors had "proceeded with the investigation of charities in various localities." They were getting fine by degrees and beautifully less with their information. According to the fifth annual Report there were 948 special applications. The Commissioners said that

> "The investigation of charities has been actively proceeded with by the Inspectors under our direction in those places where such an investigation has appeared to be most requisite."

That was the last Report in which the Inspectors were mentioned until 1864, after he had given notice of his intention to bring their conduct before the House. A Report was soon laid on the table, on the 26th of April, in which it was stated that

> "They have been actively engaged under our direction in investigating the circumstances of various foundations, particularly several important charities in and near the metropolis."

He had taken considerable pains to find out what they had been doing, and in the Return he had moved for he asked for a statement of their travelling expenses. He found from that Return that the annual average expenses of Mr. Hare for travelling through the country to carry justice to the doors of the different charities of England were £71 0*s.* 8*d.*, being a weekly average of £1 7*s.* 6*d.* In speaking of Mr. Skirrow, he must say that he remained very much at the Charity Board, and that he was a most useful and able man. His annual average was £60 12*s.*, or a weekly average of £1 3*s.* 6*d.* Now he came to Mr. F. O. Martin, whose appointment he believed to be a gross job. He had the evidence in his possession, but he would not disclose it lest the result might be to defeat the ends of justice. His annual average was £95, or £1 16*s.* 8*d.* weekly. He now came to the coal and potato dealer. In 1856 this man's travelling expenses amounted to £22 5*s.*; in the following year the sum was £12 17*s.* 4*d.*; in 1858 it was £12 18*s.*; and in 1859, when he was presented at Court, the amount rose to £71 13*s.* 7*d.* Whether his Court dress was paid for in the sum he could not say; but it was an extraordinary circumstance that this man's travelling expenses amounted in 1859 to £71 13*s.* 7*d.*, and in the following year should drop down to £12 12*s.* 10*d.* In 1861 his expenses were £21 4*s.* 3*d.*; in 1862 the amount was £36 13*s.* 7*d.*; in 1863 the sum was £57 3*s.* The annual average was £32 1*s.* 5*d.*, or a weekly average of 12*s.* 8*d.* The annual average of Mr. Boase was £20 6*s.* 8*d.*, or 8*s.* a week. These were the members of that Board, who were described by the right hon. Member for Calne, the unpaid Commissioner, as among the most industrious, the most valuable, and the most honourable of Her Majesty's servants. Well, the last three of them had received £6,000 each, £2,400 a year wrung from the poor taxpayers of this country by a Chancellor of the Exchequer, who did not hesitate to say that it made his heart bleed when he was asked for 5*d.* a day to be added to the pay of a warrant officer in the Royal Navy. He had now given the House some notion of the working of the Board, but he must trespass a little longer upon their attention, because it was an important question. There were no less than forty-seven men upon their trial in that charity office; and it was the duty of a man bringing charges against them to make out his case. Now, he had said that Mr. Martin, one of the Inspectors, had of his own knowledge acted most improperly, and, he might say, most dishonestly. He (Mr. Ferrand) went to the Charity Board in 1857, and made a statement with reference to a charity at Bingley, to Mr. Erle, who at once told him that the subject of his communication was an important matter, and that he had found, according to documents in the office, that there was something seriously wrong. He said further that he would order an Inspector to go down and make an inquiry into the charities. Mr. Martin went down and held a court. On the first day nothing could be more fair and impartial, and he would add more able, than the manner in which he conducted that inquiry. He (Mr. Ferrand) went home, and during the evening he received information that Mr. Martin had been got at by the Whigs. He (Mr. Ferrand) would not believe the report, because he had acted in so fair and impartial a manner hitherto; but he was told that he had better employ a solicitor. Next morning Mr. Martin showed a temper which was something extraordinary. He conducted himself in an overbearing, insolent, and violent manner. He bullied the witnesses, refused their evidence, and gave great dissatisfaction. He went away from that meeting back to London, and did not send in a Report for a considerable length of time. Things were still going on from bad to worse in connection with these charities. He (Mr. Ferrand) wrote repeated letters to the Charity Commissioners, told them how the property was being jobbed away, and called upon them to interfere to take steps to recover the property, which a trustee admitted he had taken and put into his own pocket. They never replied to his letter. At last the trustee in question died. He would not refer to the cause of his death, or the circumstances that surrounded the event, but he wrote to the Commissioners and told them that the man was dead, and that he had not paid the money which he owed to the charity trust. He had repeatedly reminded them of his defalcations, and that he was overwhelmed in debt, but they never answered his letters. At last he wrote a full account of the whole circumstances, and told the Commissioners that they had treated him in the most offensive manner, and that if they did not acknowledge the receipt of his letter, he would send a copy of it to the right hon. Gentleman the Secretary for the Home Department. The House should hear the answer he got — "Sir, I am to acknowledge the receipt of your letter, dated the 15th inst." That was all the reply he got. He went to London and saw the hon. Member for Leeds, and asked him to move for the whole correspondence in connection with the charity trust at Bingley. His hon. Friend went to the Home Secretary and asked for these papers, and the answer of the right hon. Baronet was, "of course you shall have them." But he (Mr. Ferrand) believed that the right hon. Gentleman the Member for Calne communicated with the Home Secretary, and they were not allowed to be produced. But what did the right hon. Gentleman the Member for Calne say to the hon. Member for Leeds? Why that he (Mr. Ferrand), who had been vilified by Mr. Martin's false report — who had been struggling to save the charities in his neighbourhood from ruin—had been in the right, and the Charity Commissioners had been in the wrong, and the Government were about to bring in a Bill to put a stop to the frauds of which he had for years complained. What had taken place since that man's death? They had in the parish one of the best and most faithful ministers of the Gospel. He had been trying to rescue these trust funds; but at last the letters of the Commissioners became so offensive that the trustees said they would in a body resign. Since he (Mr. Ferrand) had given his notice, however, the Commissioners became as civil and attentive as possible, and there was nothing in the world they would not do. He now came to Giggleswick School, a question in which the hon. Member for Plymouth (Mr. Morrison) had taken a great deal of interest. There was considerable difference of opinion as to the proceedings of the Charity Commissioners; but the great body of the public were of opinion that the Commissioners had grossly neglected their duty. Recollect that by the law of the land they had tied the hands behind the back of every trustee in England. They had no power to act without the consent of the Commissioners, who would not move, and nobody else could move. Mr. Foster had written a pamphlet in which he made serious charges against the Commissioners. He stated that the Report of one of the Inspectors contained several errors, and one statement entirely false, and that it was a gross misrepresentation of facts. The *Leeds Intelligencer*, the *Lancaster Guardian*, the *Lancaster Gazette*, and the *Manchester Guardian*, more or less endorsed Mr. Foster's views. The *Bradford Observer*, also a Whig paper, said that the inquiry of Mr. Martin was a mere mockery, and that the dereliction of duty on the part of the Charity Commissioners ought to be brought under the notice of the House of Commons by the West Riding Members. An application was made to the Commissioners for an inquiry into a charity at Richmond. The letter was dated 19th August, 1863. The reply was that the application would be submitted to the Commissioners as soon as possible, the meetings of the Board having been suspended during the recess. On the 5th February following the parties had never heard a word. The recess of the Commissioners was a long one. He wished to say a few words about Totnes, the Duke of Somerset's borough. There the charitable estates were valuable. The four acting trustees were Whigs. Mr. Seymour's political agent was one, and the clerk was Mr. Pender's paid agent. No accounts had been rendered by the trustees for seven years. Hundreds of pounds had been kept in the hands of the clerk which ought to have been invested. The Commissioners had been constantly appealed to, but although the first letter was dated the 8th of January, 1860, and they were constantly pressed to send an Inspector, they had made the most paltry and shuffling excuses. It was only in March last, after he had moved for the Return of the travelling expenses, that they sent one. It was notorious that the Duke of Somerset had for two or three years acted in the most tyrannical manner in the borough of Totnes. He had sold the electors up—he had driven them from their holdings by scores, because they desired to enforce the bargain which he had entered into with them, that they should elect one member and he the other. Under those circumstances it was natural that party and political feeling should run high in the borough, and it therefore was of the greatest importance that the Commissioners should have selected a perfectly impartial, upright, and honourable Inspector to inquire into the management of the charities with which the Whigs were so scandalously mixed up. Whom did they send? Mr. Boase, the electioneering agent of the private Secretary of the noble Lord, the Colleague of the Duke of Somerset. That was a scandalous act on the part of the Commissioners. What was the result? Of course Mr. Boase would do his best to serve his patrons. He had received a letter from Totnes, dated March 25, 1864, the writer of which said, "They have sent an Inspector about twelve months after they promised to do so, and, indeed, he is a Radical. Of course he was sent to patch up the Radical misdoings. Although the clerk of the trustees kept hundreds of pounds, contrary to the scheme, Mr. Boase smiled at it, and made it appear as if nothing. The Conservatives are very much disgusted with Mr. Boase." The case of Huntingdon contradicted the statement made by the right hon. Gentleman the Member for Calne, no doubt in perfect good faith, that the Charity Commissioners had nothing to do with taking money from the charities of the country. A letter dated Huntingdon, March, 1864, contained the following account of the dealings with the charities of that place :—

> " Sir,—Having seen that you are about to bring forward a Motion upon the subject of the Charity Commission, and supposing that you might not object to have facts with regard to it brought under your notice, I take the liberty of writing to acquaint you with the operations of the Charity Commission in respect to the municipal charities of this town. Several years ago returns were made to the Commissioners of the incomes and working of the several charities. Although there was no fault to be found with the application of the funds, which, in most cases, was made as nearly conformable as possible with the wills of the founders, a new scheme was to be put forth, and new trustees appointed. This scheme has been, to my knowledge, upwards of five years in preparation. I was, in the early stage of it, directed by the Commissioners to apply for information upon it to Messrs. Fearon and Clabon, solicitors to the Attorney General, and in their hands I found the matter remained for the best part of the period I have named. On one occasion Mr. Clabon visited Huntingdon with a view of finding out the wishes of the chief inhabitants with regard to their charities, and after one rather hurried meeting he embodied most of the suggestions then made in the scheme, which, after further and needless delay, was printed and came into operation for the first time at Easter, 1863. The results of this 'investigation' are that we have a body of sixteen trustees to manage charities which could much more effectively be administered by six. We have a scheme differing from the former mode of management in very few particulars, and those only such as we suggested ourselves, and now are not able to alter if it should from time to time need improvement. And out of charities which yield an annual income of £471 11*s.* 5*d.*, of which every penny ought to be paid in education and charitable bequests, we have two bills to pay for 'costs attending this investigation' and schemes—one to Messrs. Fearon and Clabon of £274 13*s.* 11*d.*; the other to the town clerk of £255 12*s.* 6*d.*, making a total of £530 6*s.* 5*d.* To meet these expenses we have had to sell stock to the amount of £290 belonging to the charities; and thus, for the sake of 'an investigation,' to cripple our means of carrying out the intentions of those who left their money to feed, clothe, and educate the poor, and not to enrich lawyers or make jobs for a Government Department.
>
> " I have the honour to be, Sir,
> " Your obedient Servant,
> " F. GERALD VESEY, M.A.,
> " Rector of All Saints and St. John's,
> " Huntingdon."

Now, the statement in that letter completely contradicted what had been said by the right hon. Gentleman. He (Mr. Ferrand) assured the House that he had taken up the matter from no other motive than to protect the charities of England from being robbed and plundered, and to show the scandalous manner in which a body whom they paid at the rate of £18,000 a year had failed to do its duty. Let the right hon. Gentleman (Mr. Bruce) go to a division, and if the Chancellor of the Exchequer desires to show himself a faithful guardian of the public purse, he must go into the lobby with him (Mr. Ferrand), for he well knew that if he were to bring forward that tax of £18,000 as a single Vote, no independent Member would support it, and the right hon. Gentleman would not dare to enforce it, as he had no right to take this £18,000, and impose a burden on the public for the purpose of managing these private charities. What would be said if they were to bring in a Bill to authorize the collection of their own rents out of the public taxes? Would the people of this country submit to it? And if not, why should they be made to pay the Charity Commissioners? No single interest had a right to fix an impost upon the country for its individual benefit; and if the charities required a Board to control them, the Charity Estates ought to bear the cost. In that view he was borne out by the right hon. Gentleman the Chancellor of the Exchequer. Early in the Session he asked the right hon. Gentleman the Member for Calne, why an increase of £200 a year salary had been given to the Secretary, and the right hon. Gentleman justified the addition, stating that this increase had been recommended by Sir G. C. Lewis and agreed to by the House. It was rather a tart reply, and financial reformers laughed, thinking that the right hon. Gentleman had given him a knockdown answer. It now appeared that the proposal for an increase of salary was made on the 21st of August, 1860, when most hon. Members had left town for the country, and there were only fifty-four present. The Chancellor of the Exchequer agreed to the Vote, but the right hon. Gentleman felt that he was in the wrong, and he (Mr. Ferrand) knew he did, and the reason that he knew this was, that when the hon. Member for the Tower Hamlets (Mr. Ayrton), anxious to do good service to the barristers who acted as Inspectors, and finding that the increase to the Secretary was unanimously agreed to, drew attention to the duties which were discharged by the Inspectors, and suggested that an increase should be made to their salaries; the Chancellor of the Exchequer declined to accede to any increase of salary which might be given to the Inspectors out of the Consolidated Fund. He said that he did not think that the public purse should be charged for such purposes. And the Attorney General said that there ought to be a clause proposed to give compensation to the Inspectors to a limited amount, such compensation to be raised out of the trust funds committed to their charge. The difference was that the suggestion as to the Inspectors came from below the gangway, and not from any recognized Member of the Whig party. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), whose wisdom was shown on all occasions that he rose to address the House, suggested that the whole subject of expenditure should be brought forward by the Chancellor of the Exchequer in the following Session. As that right hon. Gentleman had never since complied with the suggestion, he had discharged the duty for him. He regretted the right hon. Gentleman had not been present during the greater portion of his remarks, as he had felt it necessary to make frequent reference to him. He thought he had made out a strong case, and he thanked the House for the patience with which they had listened to him. The House must feel that the truth of the allegations which he had made ought to be inquired into before a Select Committee, and if the Government, defended by the right hon. Gentleman (Mr. Bruce), wished to be considered honest and straightforward, and if he himself (the Chancellor of the Exchequer) desired to be thought a consistent, watchful guardian of the public purse, they were bound to go into the lobby with him. He had that night exposed a state of things disgraceful to the Whigs as a Government; there could be no denying it; and that feeling would be expressed unmistakably out of doors if the noble Lord should think proper to appeal to the country as the only man able to govern it. Let him go down to Tiverton and stand upon the hustings with John Simons junior's trade card in his hand; let him tell the electors of Tiverton that was his ticket; that such was the way in which his retrenching and reforming Government guarded the taxes of the country; that such was the fashion in which he selected public officers to perform grave and important duties, and that such was the manner he insulted the Sovereign. And would those hon. Members who sat behind him, propping with their knees a tottering Government, dare on the hustings to justify the appointment of Mr. John Simons? Would they go on the hustings and declare that the noble Lord was the only man fit to govern this country? If they did, a million voices would meet them with the cry, "How about John Simons, junior?" One word he felt bound to say to the financial reformers. If they approved appointments such as he had described, the jobbing he had exposed—the robbery of the public taxpayers, they must, if the Government dared to divide against the Motion, go into the lobby for its rejection. If, on the other hand, they supported the demand for inquiry, they would be doing their duty to their constituents and acting as faithful representatives. He had now to say a word to those sitting on his own side of the House. They were not afraid to go to the country. They did not think the noble Lord the only man able to govern England; they were prepared for the conflict at any moment. As long as the Conservative party existed in England, there would not be a man among them who would not rather die a thousand deaths than be a party to such transactions as he had endeavoured to expose. The hon. Member concluded by moving for a Select Committee.

Amendment proposed,

"To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the construction, the expense, and the working of the Board of Charity Commissioners," —(*Mr. Ferrand,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MORRISON said, that as the Giggleswick School had been referred to by the hon. Gentleman, it was only an act of justice to the Commissioners to state that, having had every opportunity of witnessing their action as regarded that school, he thought they were entirely free from blame. For three years past they had taken the greatest pains, and had sent down scheme after scheme which had fallen to the ground—as such plans frequently failed—in consequence of the opposition of those who lived in the immediate neighbourhood of the school. If the hon. Gentleman's Motion had been for an inquiry into the working of the Commission, he should have had much pleasure in voting with him, because he could not help thinking that the waste of money in connection with the public charities scattered through the country deserved the serious consideration of the House. He trusted that Government would supplement the good work they had done in regard to the Universities and public schools by an inquiry respecting the charities. The speech of the hon. Member, however, had from first to last been a personal attack upon the private character of the Charity Commissioners, and as he believed they had performed their duties in a manner to give general satisfaction, he was unable to go into the lobby with the hon. Gentleman.

Mr. F. S. POWELL said that, as a Member of the Bingley Trust, he rose for himself and colleagues to enter a strong and emphatic protest against the charge made by his hon. Friend, that they had been guilty, as trustees, of jobbing away the property intrusted to them.

Mr. FERRAND: I made no charge against the hon. Member.

Mr. F. S. POWELL: The hon. Member says he did not bring the charge, and if the charge be withdrawn a reply to it is unnecessary.

Mr. FERRAND: My remarks had reference to the charity before my hon. Friend was a trustee.

Mr. F. S. POWELL said, that Mr. Martin came down from London after he was a trustee, and he was a party to the proceedings. In one particular case, the charge against the trustees was that they had sold, or were prepared to sell, a plot of land below its value. As a trustee he felt bound with a great responsibility, and he had brought over from Bradford, at his own expense, two surveyors, unconnected both with the trustees and the purchaser, and they both declared that the sale was an advantageous one for the trust. If the arrangements made for selling that property were thoroughly investigated, it would be found that a wise discretion had been exercised, and that the charity would be largely benefited by it. He hoped that the Government would grant the inquiry. If he were one of the Commissioners against whom such charges were made, he should be anxious for a full and complete inquiry, so as to give the hon. Member an opportunity of proving his allegations, and the Commissioners an opportunity of answering and rebutting the accusations made against them. He believed it was for the benefit of the public service that frequent inquiry should be made by the House into the operations and mode of proceeding of public Boards. Such inquiries usually worked a marvellous change. The secretary, who probably had been pert, became civil; the letters, instead of being formal, and merely acknowledging the receipt of communications, went into detail, and condescended to give a civil answer to inquiries, and business was transacted, instead of being postponed or neglected. The Charity Commissioners were invested with large powers, and they ought to treat the trustees with generosity, courtesy, and confidence. If they were not so dealt with, an inferior class of men would be left to discharge the duties, and the business of the charities would be directed by the red tape of a London office, and not under the watchful eye of local trustees.

Mr. H. A. BRUCE said, he could assure the House that if the tone and language of the hon. Gentleman had been such that the Government could accede to his Motion, they would gladly have done so. In 1860 very large and new powers had been given to the Commissioners, and there could be no more legitimate subject of inquiry than whether those powers had been exercised for the public good, and whether they might be further extended for the public advantage. Had that been the object of the hon. Gentleman, and had his speech been consistent with that object, the utmost that could have been said was that the Session being so far advanced the time was not propitious for an inquiry, which must necessarily be an extended one, but that the subject deserved attention; and, speaking on the part of the Government, he might have given the hon. Gentleman the assurance that the Committee for which he asked should be appointed at the beginning of the next Session. But the speech of the hon. Gentleman had not been directed to the real substantial merits of the question—namely, whether or not the powers intrusted to the Commissioners had been exercised for the public good. From first to last the speech of the hon. Gentleman had been a personal attack against the members constituting the Board and their subordinates. From the highest to the lowest none had escaped his personal invective. The character of the Commissioners was too well known to the large majority of Members of that House to need any defence from him.

They were men of well-known ability, integrity, and industry. Many hon. Members must have had frequent opportunities of consulting them, and he was sure that many hon. Gentlemen on both sides of the House would be anxious to bear testimony to their ability, integrity, and worth. But what would the House, consisting of honourable men, say to charges against persons of comparative obscurity without any previous announcement to him who was their legitimate defender? It was bad enough that, when he (Mr. Bruce) who had been appointed fourth Commissioner, and was therefore their official defender, had only just stepped into that office, the hon. Gentleman had not told him what were the cases he intended to bring before the House, so as to enable him to inquire what answer could be made to these charges. But even that was a trifling offence as compared with that of making, without notice, a violent and personal attack against the character of officials. The House had heard what the hon. Gentleman had said of the character of Mr. John Simons. He (Mr. Bruce) knew nothing of Mr. John Simons' antecedents before he entered the office; and he was, therefore, unable to contradict or explain any of the hon. Gentleman's statements respecting his early career; but he had been informed that that gentleman had performed the duties intrusted to him in a satisfactory manner, and was it right or just, therefore, to rake up his past history? because the House would observe there was no imputation of misconduct on the part of Mr. John Simons since his appointment. The hon. Gentleman had made an attack upon Mr. Martin, but he had not sat down for one moment before direct contradictions were given to two of the statements affecting that gentleman. The House was told that it would not be properly doing its duty if it did not grant a Committee to inquire into charges which an hon. Gentleman might make rashly and recklessly, as those charges had been made. The Government could not accede to a proposition made in that spirit. Fortunately, he was not called upon to defend a body of men who were under the ban of public opinion; on the contrary, he had merely to share with others the easy task of defending men who stood high in the respect and esteem of those who knew them. To proceed to the merits of the case apart from the personal attack. The hon. Gentleman called attention to the immense expense of inquiry. It might possibly be true, for he had not had an opportunity of examining the subject, that before the Commissioners were appointed upwards of £300,000 had been spent in various Commissions of Inquiry. But these Commissions were appointed for the purpose of inquiring how many charities there were, and the facts relating to them. They had nothing to do with the administration of the charities. But, said the hon. Gentleman, the Commissioners commenced with an expenditure of £5,000 or £6,000 a year, and they have reached £18,000. True; but the ordinary business of the Board had increased enormously, new branches of business, entirely unlooked for when the Commission was established, had arisen or been created by Act of Parliament; and the amount of work done, when compared with the expense, was not threefold, but tenfold. In 1837 the number of charities was stated to be 28,000. By the lapse of time and the inquiries of the Commissioners that number had been raised to something like 50,000. At that time no payments by trustees of charities were made to the Commissioners; no accounts were dealt with by them; but gradually, from 1854 to the present time, a sum of nearly £2,000,000 had been paid into their hands in no less than 3,000 separate accounts, the keeping of which required a large staff of clerks and that accountant, of whom the hon. Gentleman had made such strong complaints. But there were other strong facts connected with the case. Since 1855, when the Treasury inquired into the constitution of the Board, and fixed their numbers and salaries, the business had increased enormously, but there had been no increase in the number of officers, or in the amount of their salaries, except that ordinary increment to which every person who entered the Civil Service was entitled. But he would say broadly that, while some £2,000,000 had been dealt with by those gentlemen, while their business had vastly increased and their powers had been greatly enlarged, neither their numbers nor their salaries had been increased. For himself he was only too glad that he had supported the passing of the Act of 1860, and he envied his right hon. Friend and predecessor (Mr. Lowe) the credit which he deserved for having introduced it. The effect of the Act was this—that whereas before the Commissioners had no judicial power, but only the power of inquiry and of preventing improper litigation, they then obtained powers which were previously exercised by the County Courts and the Court of Chancery. Whenever a majority of the trustees applied to the Commissioners they were armed by the Act with the same powers as the Court of Chancery possessed; but their immediate and absolute powers extended only to charities which did not exceed £50 a year. In addition to their labours in other respects the Commissioners had, during the three years since the passing of the Act of 1860, inquired judicially into no less than 838 cases, which was an average of one a day. They had done all that work which before was thrown into the County Courts and the Court of Chancery. In reply to the complaint of the hon. Gentleman of the expensiveness of this tribunal, he would meet it with a flat denial, and affirm that there was no expense incurred by charities coming before those Commissioners; they paid no fees or other charges, except the unavoidable expense of the journey that might have to be made to attend the Commission. But what was the case before that power had been given to the Commissioners? Many hon. Gentlemen had heard of the Ludlow Charity suit, in which the expenses had amounted to £20,229; and there were other cases in which enormous costs had been incurred, in the Court of Chancery, the only Court then competent to deal with them, but which might have been decided by the Commissioners without any expense whatever. The best proof of that might be found in what had taken place within a short period. A pamphlet had been sent to him by Mr. Falconer, a County Court Judge, much respected in the district from which he (Mr. Bruce) came. It appeared there had been an inquiry into a charity at Usk, upon the result of which Mr. Falconer delivered an address at the grammar school. The House would remember that Mr. Offley Martin was one of the gentlemen who had been so bitterly attacked by the hon. Gentleman. Of that gentleman and the mode of conducting the inquiry Mr. Falconer said—

> "Mr. Offley Martin was sent down as an Inspector. He had evidence publicly given him of the state of the charity, and himself visited the almshouses and inspected part of the estates. Any person who desired to say anything to him was fully heard. Finally a scheme was passed, and this scheme, and all the proceedings connected with it, did not cost the charity one single farthing. If we had been compelled, as we certainly should have been but for the existence of this Board, to go into the Court of Chancery, the cost would have been very great, and the income of the charities would have been greatly crippled. Many of those persons whose opinions it was so satisfactory to us all to hear, and who were heard by the Inspector without interruption, would have been excluded from a hearing in the Court of Chancery. They had themselves the same advantage as if they had been parties to a cause. Every person was content to know that nothing which could instruct or inform the Commissioners was excluded. The decision finally arrived at was made with the advantage of that skill and knowledge which the administration of charities had given to the Commissioners."

As to this case, Mr. Falconer spoke from his own experience. With respect to the power exercised by the Charity Commissioners, with whom, as he was informed, Mr. Falconer had no acquaintance whatever, he said—

> "Those who attack the Board and call its proceedings secret can know little of its acts. Every scheme it proposes is fully made known and published, and full opportunity is given to object to any part of it before it is established. We had meetings at Usk to criticize our proposed scheme, and it had been sent down to be made publicly known and for the purpose of inviting objections to it. If the scheme had been in the Court of Chancery it would have been kept in chambers, and who could have been heard against it, or by whom would the costs of an opposition have been payable? There is far more publicity and efficient responsibility attached to the proceedings of the Board of Charity Commissioners than can by any possibility be connected with proceedings in the Court of Chancery. Any person who will, even unfairly, undertake to examine the subject, will be compelled to conclude that the institution of the Board was the most important, useful, and economical measure to secure the preservation and due administration of charity funds, and for the supervision of Trustees which could have been devised. Its aid and assistance are sought for on all sides. Was the aid of the Court of Chancery ever so sought after? It cannot be imagined that the extravagant, improvident, and —remembering the good which might have been done—the almost wicked schemes relating to certain great charities sanctioned by the Court of Chancery, and mentioned by Mr. Cumin in the fourth volume of the Education Commission Report, 1861, would have been listened to by the Board of Charity Commissioners."

That was the best answer to the allegation that there was no publicity. How could there possibly be more publicity than was secured by the local inquiry made by the Commissioner after due notice, after inviting the evidence of all parties interested, and all competent witnesses, without any strict regard to their *locus standi?* He was so satisfied that an inquiry would only redound to the honour of the Commissioners, and lead to the extension of the powers which they exercised so advantageously for the charities, that he should have been glad to assent to the Motion, had it been made with common decency or with the smallest sense of justice. But when imputations were so lavishly cast upon the characters of honourable men without giving them an opportunity of meeting them, he thought it only consistent with a sense of right and justice and the respect due to the House to refuse to accede to a Motion which, however right in itself, had been made under circumstances such as he had described. He hoped, then, the House would reject the Motion, and by so doing pass a censure upon the manner in which the hon. Gentleman sought to obtain what ought to be a judicial inquiry.

Mr. MONTAGUE SMITH said, it was no part of his duty to defend a Whig Government, or the appointments which in the natural order of things may have been made of gentlemen of Whig politics, but knowing the Commissioners whose characters had been so freely assailed by his hon. Friend, he felt bound to rise and declare his belief that the charges made against them were utterly unfounded. The noble Lord, who was at the head of the Government when the Commissioners were appointed, made the appointments, he believed, only in reference to the ability and integrity of those who were selected. As far as Mr. Erle, the Chief Commissioner, whom he had known for many years, was concerned, he was satisfied that a more honourable, just, and conscientious man did not exist. If he had any politics at all, they were of the mildest character, and he certainly would not allow any tinge of political feelings to enter into his decisions. His hon. Friend, who made the present Motion, had spoken of the inundation of anonymous letters he had received containing complaints against the Commissioners. It should be borne in mind that the Commissioners in the exercise of their jurisdiction must disappoint a great number of persons, against whom decisions were given. They had to consider most delicate questions, involving matters of great personal feeling, and it was natural that those against whom they decided should feel some disappointment, and no doubt his hon. Friend had been the recipient of the expression of their disappointment. There was, however, one fact which weighed more in his mind than a thousand letters of complaints which his hon. Friend might have received. A very great alteration in the duties and addition to the labours of the Commissioners had been caused by the Act of 1860, prior to which all they could do was to suggest schemes for the Court of Chancery, but they had no power to make orders that the schemes should be carried into effect. In 1860, however, power was conferred on them to make orders and frame new schemes for the regulation of charities. Ample opportunity for appeal was given to any persons dissatisfied with the schemes, and yet since 1860, though the Commissioners had made 900 orders to establish new schemes for the regulation of charities, not a single appeal had been lodged against them. Could there be a more cogent fact, or one showing in a stronger light the admirable manner in which the Commissioners performed their business? In respect of what court of justice, either of law or equity, would such an event have occurred? His hon. Friend complained of some delay on the part of the Commissioners, but the fact was that they were overwhelmed with work, and since the Act of 1860 the public had gone to them in such numbers that their hands were full. A Return which had been laid before the House showed that, whereas the Court of Chancery in each of the years since 1860 had scarcely made any orders at all to establish schemes for the regulation of charities, the Commissioners had made a vast number. In 1861 the Court of Chancery made 18 orders, the County Courts 7, and these maligned Commissioners 207. In 1862 the Court of Chancery made 32 orders, the County Courts 1, and the Commissioners 281. In 1863 the Court of Chancery made 30, the County Courts 1, and the Commissioners 351. All that business was in addition to the very important matters which they had to transact and determine before. They had also had the important and delicate duty to discharge of appointing new trustees; and in the borough he had the honour to represent they settled a list only a short time ago, which was as free from party and political feeling as possible, and which gave satisfaction to all persons in the town, of all shades of political opinion. With these great and new duties to perform, how was it possible that the Commissioners could avoid allowing some cases to get in arrear? His hon. Friend, in speaking of the Commissioners, allowed that they possessed the attributes of gentlemen; but he (Mr.

M. Smith) could not understand how, at the same time that he made that avowal, his hon. Friend could charge them with gross dereliction of duty, for, as gentlemen and men of honour, they were bound to discharge their duties to the best of their ability. Certainly, he believed no man could bring greater attention and knowledge of his profession to bear upon his duties than Mr. Erle. On the part of Mr. Erle he would not have the least objection to agree to the appointment of the Select Committee, if it had been moved for in a proper spirit; but it was intolerable, when a man had devoted his best energies to the public service, that not only his merit should not be recognized, but that he should be attacked in the manner Mr. Erle had been. He could not vote for a Committee moved for in so hostile a spirit, implying censure on honourable men, which, in his conscience, he believed to be wholly undeserved.

MR. BERNAL OSBORNE: Sir, however much I may regret the highly-coloured, if not exaggerated statement made by the hon. Gentleman the Member for Devonport, in bringing this Motion before the House, still I cannot help regretting the manner in which it has been met by Her Majesty's Government. When a Member of Parliament, on his own responsibility, comes down to this House with an imposing array of papers and a collection of oranges, and makes a speech of one hour and a half long, containing the gravest charges it is possible to make against gentlemen in a public office, I do not think it is becoming in the Government to resist the Committee so moved for. If the charges brought forward are found not to be founded on fact, they will rebound on the hon. Member [Mr. FERRAND: Hear, hear!] and he will never be able—I will not say to show his face, for he is a man of great bravery — but, such charges not having been fully proved, again to bring forward a charge in this House. [Mr. FERRAND: Hear, hear!] The hon. and learned Gentleman who has just resumed his seat has fallen into a mistake, as I do not understand that his hon. Friend the Member for Devonport (whom he is not on this occasion about to favour with his vote) made any attack on the three Commissioners. No, he did not fly at such high game, as, of course, there will always be found men in this House to defend those in high position. I rise, therefore, to defend men in a much more humble position, and the only defence I have to offer is, to urge that the Committee should be granted in order that statements so lavishly made by the hon. Member may be brought to the proof, and that men who occupy subordinate situations as compared with the Commissioners may not have their character damned, or be suffered to remain under these reproaches. The House will recollect that the hon. Member poured the whole vials, not of his wrath but of his charges, on the heads of these three gentlemen:—Mr. Offley Martin, Mr. Boase, and last, not least, the real Simon Pure, Mr. Simons. If the Committee is not to be granted, let me state the case with respect to Mr. Offley Martin. Some years ago, when the hon. Member for Devonport made serious charges against the Bingley Grammar School and the Sutherland Trust Estate, Mr. Offley Martin was sent down to inquire into those charges, and the inquiry took place in April, 1856. [Mr. FERRAND: In 1857.] The inquiry was in 1857. Well, Mr. Martin, for the first day, conducted the inquiry entirely to the satisfaction of the hon. Member for Devonport. I do not know Mr. Martin even by sight; but it appears that the hon. Member was highly satisfied at the conduct of Mr. Offley Martin, who now, for the first time, I hear is a Whig. He has not the appearance or the manners of a Whig, but is a most affable and pleasing gentleman. On the second day the hon. Member for Devonport came forward, and made a most serious charge against the Rev. James Cheadle, that charge being no less than felony. It was a charge made against the rev. gentleman in respect to certain trust estates, that he had appropriated to himself the sum of £2 12*s.* 6*d.* out of the funds of the Sutherland Trust Estate. Mr. Martin examined into the matter, and told the hon. Gentleman he could not substantiate his charge. The Rev. Mr. Cheadle, however, employed a lawyer to conduct his case, and while the cross-examination was going on, Mr. Martin, fearing to enter into a parochial squabble, said, "I put my finger on this examination;" and in the interest of the hon. Member, who now abuses him for it, stopped the case. The Rev. J. Cheadle, who, so far from being a Whig, is a Conservative of the deepest dye, was so ungrateful to his party that he brought an action against the hon. Member for Devonport for libel and defamation of character. There was, as might be supposed, a great fluttering among the Conservatives in that quarter, when they found their favourite Member attacked in that way; but the affair was settled by the hon. Member withdrawing the charge he had made—the only charge, by the way, he has ever been known to retract—and paying over some £300 or £350 to the rev. gentleman. [Mr. FERRAND: You are quite wrong.] Well, let the House grant the Committee, and I will prove the fact; and if the Rev. James Cheadle be alive, I will undertake to produce him as a witness. I now come to the case which has been very lightly touched upon, and which concerns Mr. Boase, one of the additional Inspectors. I know Mr. Boase, but I know nothing of the circumstances of his appointment. This, however, I can say, that what the hon. Gentleman has stated on the authority of some anonymous county baronet, is altogether a misconception. Mr. Boase was never the agent at any time of my hon. Friend the present Member for Tavistock, and has never betrayed that hon. Gentleman in any way. The fact is, that Mr. Boase was the political opponent of the hon. Gentleman and the personal friend of his antagonist. The hon. Member for Devonport brought a charge against Mr. Boase, and declared that because he has had only 8*s*. a week allowed him as travelling expenses he is not fit for his post. Now, if we have a Committee, I can prove that Mr. Boase, in the opinion of his employers and of all who know him, except, perhaps, a few high Conservatives at Totnes, as a man of business and as a gentleman, stands as high as any one in his profession. As to Mr. John Simons, whom the hon. Gentleman described as a coal dealer and potato merchant, I confess I know nothing. But is a man to be thus hunted down because he was, perhaps, in early life connected with commercial pursuits? There are some of the most respected men in this House connected with the coal interest; and as to Mr. Simons being a potato merchant, I am inclined to believe that the hon. Member put the potato into his sling in order to strike him with its additional weight. I understand, however, that every one acquainted with Mr. Simons is willing to bear testimony to his honourable conduct at all times, both as a private gentleman and an efficient public officer. But if the hon. Member says he can prove that this gentleman's appointment was an improper one, I am ready to support him in his demand for a Committee, in order to afford him the opportunity of doing so. The hon. Member spares nobody in his attacks but the three Commissioners. He says the whole office was a nest of Whigs. Well, all I can say is, that if that be really the case, I have no doubt but that the business is badly conducted. But how far is that assertion true? I know of my own knowledge that it is not the case. The hon. Member has fallen into several errors in the course of his speech. For instance, Mr. Erle's son has not been First Clerk for three or four years. So distinguished were the services of this gentleman as First Clerk that he was appointed to some office in connection with the Court of Chancery.

MR. MALINS: No! Common Pleas.

MR. FERRAND: I said he had retired.

MR. BERNAL OSBORNE: I own the hon. Gentleman had a pretty loud voice, but I did not hear him make that remark. With respect to Mr. Good, I can say that a better man, a more excellent public servant, or a more intense Conservative does not exist. He is a resident in Bucks, and one of the firmest supporters of the right hon. Gentleman the Chancellor of the Exchequer. [A VOICE: Ex!] I beg pardon, the ex-Chancellor, but he may be back again before long. When the hon. Member for Devonport brings forward such charges as he has done, he ought to be more careful as to his facts. Yet when a Member in his position makes such a speech as the hon. Member for Devonport has just made, I cannot resist the conclusion that his application for a Committee of Inquiry ought to be granted in order to clear the character of the gentlemen whose characters have been so seriously attacked, and to place them in a proper position before the country. I shall, therefore, support the Motion.

MR. FERRAND: I wish to explain. ["Order!"] I may, perhaps, be allowed to make a statement. The hon. Member for Liskeard has said—

MR. SPEAKER: The hon. Member can only explain an observation of his own which has been misunderstood. He cannot reply to the remarks of any one else.

MR. FERRAND: I pray the House to allow me to make an explanation in respect to some statements which the hon. Gentleman has made. ["Order!"]

MR. ADDERLEY said, he should be exceedingly sorry to give any vote which would appear in the slightest degree to reflect upon the Charity Commissioners or upon the Commission, for he firmly believed that a more able set of public servants, or a more useful public office, did not exist in the country. At the same time, a Motion had been made which he thought ought to be followed by an inquiry. The accusation was directed, not against the individual Charity Commissioners, for the only imputation he had heard made upon them was that they were Whigs, but against the administration and service of the office, and against the Government for the appointment of unfit Inspectors. He thought the Government would do ill if they shirked inquiry into that accusation, or if they believed they could rebut it by merely taking exception to the tone, temper, and manner in which it had been brought forward. They ought, when such a charge had been made, to be the very first to demand an investigation. The right hon. Gentleman who spoke for the Government said, singularly enough, he thought there ought to be an inquiry into the Commission, but not into the particular accusations that had been made. He took just the contrary view. There was no necessity, in his opinion, for a Committee on the Commission, but if he were a Member of the Government, he should deem it essential to their character to have a full and complete inquiry into the charges which had been brought forward against them.

MR. LOWE: Sir, I have been an unpaid Charity Commissioner for five years, and I cannot, therefore, allow the debate to close without bearing my most earnest testimony in favour of the gentlemen who conduct the office, and those who work under them, and the manner in which they perform the heavy duties intrusted to them. As I have said before, I believe that more industrious, able, and useful public servants there are not than those in this office. I have been called on to explain several things by the hon. Member for Devonport, but I do not think it is necessary for me to do so. Indeed, had I not felt it my duty to bear public testimony to the character of the gentlemen in this Department, I should not have risen at all. What I may have said in conversation with the hon. Member for Leeds some years ago I do not know, but if the hon. Gentleman repeated, as he may have done, what I said, he did not do so, I am sure, with the intention that it should be published in this House. As to the case of Giggleswick School, which has been mentioned, the facts are very simple. There was an old quarrel between the master and the usher, into which Mr. Martin very prudently refused to enter, seeing that the parties had since been reconciled. The Commissioners, however, finding that the trust was not satisfactorily conducted, instead of going into bygone grievances, introduced a scheme by which the Trustees were chosen, not simply within the parish of Giggleswick, but within a radius of twenty miles. This change has met with general approval, and has put an end to all difficulties. I cannot agree with my hon. Friend the Member for Liskeard, or my hon. Friend opposite, that an inquiry is necessary. Because an hon. Member chooses to get up—without the slightest deference to the feelings of people unable to defend themselves and unable to give notice to those who would gladly defend them, as I myself would have done if they had intrusted me with the duty—and to scatter his accusations, broadcast, without regard to the fact that all we say is printed and circulated, and that thereby a stain may be affixed to the character of people who may have no public opportunity of wiping it off, because a gentleman who —and I speak of it with reserve—has special reasons connected with his past career in this House for being particularly cautious in the exercise of that right of freedom of speech which we all possess and all glory in, and which, therefore, we are bound to use with dignity, moderation, and care for the feelings of others—I say I do not think that when under such circumstances an hon. Gentleman thinks fit to make such charges there is necessarily thrown upon the House, because through want of notice no answer can at the moment be given to them, the duty of sending them to a Select Committee for investigation. My hon. Friend the Member for Liskeard did what he seldom does—he fell into an inconsistency, because he demanded a Committee on the ground that the hon. Gentleman's charges ought to be inquired into, and then he set himself to prove, in a most admirable manner, that many of them were, within his own knowledge, destitute of foundation. He showed, for instance, that Mr. Martin was quite above using the sort of language imputed to him. The hon. Member has shown in the same way that both Mr. Boase and Mr. Good are not the kind of gentlemen they have been represented by the hon. Member for Devonport. He has also shown how unfair are the hon. Member's representations about the Bingley case, which was actually made the subject of inquiry in a court of law, where I have heard upon good authority the hon. Gentleman had to pay a large sum on account of those very charges which he is so angry with Mr. Martin for not choosing to investigate. I should have thought that under these circumstances my hon. Friend's logical mind would hardly have deemed the appointment of a Select Committee necessary. I differ from the opinion that the hon. Gentleman cast no aspersions upon Mr. Erle. The hon. Member repeated over and over again the most offensive insinuations about Mr. Fearon being connected by marriage with Mr. Erle, and these insinuations could only have been made for the purpose of conveying the impression that the Commissioner and his relative were in a sort of league to extract money out of the pockets of the suitors. I can show the House, also, what I consider to be a conclusive reason why the charges made by the hon. Gentleman should be entirely disregarded. When the hon. Gentleman moved for papers upon this subject, he asserted that the Charity Commissioners had extracted—for that was the word he employed—£78,000 from the money of the charities, and he pledged himself to prove the statement if an opportunity were afforded him for doing so. [Mr. FERRAND: No, no!] What does the hon. Member say upon the subject now? Why, that, although the Charity Commissioners transacted gratuitously the business of the charities at Bedford, they had contracted bills with the town clerk and other solicitors to the amount of £500. And this is all the evidence he brings before the House in support of such an accusation, evidence that does not even call for examination. There is not the slightest proof to connect those attorneys' bills with anything unbecoming; and I ask whether the House, with this sample of the hon. Gentleman's statements before them, is prepared to sanction an investigation into the character of every man in the office, from the first Commissioner down to the record-keeper or the clerk who manages the accounts, and to go into all the decisions given by these gentlemen in the course of their duties all over the country? We know that there must be many persons discontented with the mode of distributing these charities, which form oftentimes in boroughs the arena for political strife. I feel sure that the recklessness of assertion and vehemence of charge displayed by the hon. Gentleman in the statements which he has made this evening will satisfy the House that no Parliamentary inquiry is needed.

MR. FERRAND said, he wished to explain. When he quoted the £78,000 referred to by the right hon. Member for Calne, he distinctly stated that he had taken the figures from a Return made by Mr. Apsley Pellatt in that House. The right hon. Gentleman had alluded to an action brought against him with reference to what had occurred while Mr. Martin was at Bingley. ["Order!"]

MR. J. A. SMITH: Sir, being connected with one of the persons whom the hon. Member has thought fit to charge with offensive and disgraceful conduct, I hope the House will permit me to make a few observations. Mr. Grey is charged with having paid his attorney's bill through the appointment of Mr. Boase, which he had solicited and procured. Now, if the hon. Member had shown me the courtesy of giving me notice of his intention to make this charge, I should have been prepared with ample evidence to meet a charge so utterly and gratuitously false. I must confess, however, I am perfectly easy under the charges he has made, and I cannot believe that any Gentleman in this House is justified in attaching much importance to accusations brought forward by the hon. Member in so wild, so careless, and so reckless a manner. Under ordinary circumstances I should be inclined to concur with the hon. Member for Liskeard in the opinion that it was desirable to grant a Committee of Inquiry in the face of charges of so grave a character; but I do think and feel that the hon. Member for Devonport has lost the right of calling for an inquiry of this kind. The grounds upon which I make that assertion, and upon which I shall vote against the Motion, are to be found in the Journals of this House. I find the following statement on the Journals of the House. On the 10th of April, 1844, the House agreed to the following Resolution:—

> "That the said Sir James Graham and James Weir Hogg, esq., having in their places denied the imputations cast upon them, and William Bushfield Ferrand, esq., having avowed that he had used the said expressions, and having declined to substantiate the truth of them, this House is of opinion that the imputations conveyed in the said expressions are wholly unfounded and calumnious, and that they do not affect in the slightest degree the honour and the character of the Members to whom they were applied."

I now also say that the charges which the hon. Gentleman has brought against Mr. Grey are not only in the same manner unfounded and without even a shadow of foundation, but that he has forfeited his right to expect any consideration to be given to any charges he may bring; and I take the liberty of saying to him that the accusations he has made to-night against Mr. Grey do not in the slightest degree affect the honour or character of that gentleman, nor will they permit me to vote for the Committee which the hon. Gentleman has moved for.

MR. MALINS said, if there was the slightest ground for supposing that the Commissioners had not faithfully discharged their duty, he should have voted for the inquiry. But when he found the hon. Member casting imputations upon so many highly respectable and honourable gentlemen, and against a Commission that was working admirably, he could not avoid raising his voice in condemnation of such a course, and declaring that he would be no party to the appointment of any such Committee as he had asked for. Although the hon. Member for Devonport sat upon his (Mr. Malins's) side of the House, he must say that he had listened with much pain and regret to his speech. He should have wished that he had brought forward his Motion with greater moderation of language and with greater delicacy for the feelings of others. He (Mr. Malins) could not on this occasion, nor would he on any other, be a party to attacks of such a personal nature. He regretted that he could not concur with many of those hon. Members around him in voting for this Committee of Inquiry.

VISCOUNT GALWAY said, there was one point on which he wished for information before he determined on which side he should vote. On this point he was already determined—that the Board of Commissioners was at any rate preferable to the Court of Chancery. Anything worse than the Court of Chancery, as superintendent of charities, was impossible. He wished to know whether, if the inquiry were granted, the question of costs would be considered, as, if so, he certainly should vote for it? He did not wish to say one word against the Charity Commissioners, but he must say that the bills of the solicitors in some cases were exorbitant, and required revision.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 116; Noes 40: Majority 76.

Main Question put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £3,200, to complete the sum for the Civil Establishment, Bermudas.

MR. AUGUSTUS SMITH said, he thought the colonial revenue should be called upon to meet expenditure for colonial purposes. It was true that of late steps in that direction had been taken, but further progress should be made. A colony with a local revenue, which had increased from £11,000 to £17,000 a year, and a population of only 12,000 inhabitants, might well be required to meet its own expenses.

MR. CARDWELL said, he would admit that if the revenue of the colony were able for a series of years to maintain its own expenses, there would be no ground for asking a vote for that purpose from that House; but such was not the case.

Vote *agreed to*.

(2.) £3,213, to complete the sum for the Ecclesiastical Establishment, British North American Provinces.

(3.) £1,000, Indian Department, Canada.

MR. HENNESSY said, he wished to call the attention of the Government to the permission granted by Governor Dallas to Major Hatch, commanding the United States' troops, to cross the frontier and attack the unfortunate Indians, who were gallantly defending themselves against the United States' troops, and who had taken refuge in British territory. The permission, he maintained, was opposed to international law. He had formerly referred to the subject, and he hoped the right hon. Gentleman would be able to explain more fully under what circumstances the permission had been given.

MR. CARDWELL observed, that the subject had no reference whatever to the vote before the Committee. The territory in question was not in Canada or under Canadian authority, but under that of the Hudson's Bay Company. He had stated on a former occasion that permission had been given, and he had the pleasure to add that it had never been acted upon.

MR. WATKIN said, that the Indians who were at war with the United States considered themselves under the dominion of the British Crown. He believed the facts of the case were these. The chief of the tribe, who was called the Little Crow, attended by many of his people, came into Fort Gurry, in the Hudson's Bay territory, and demanded assistance in arms and food. Governor Dallas, while ready to give food, would not give arms, which if used for warfare might create difficulties with a friendly nation, but he undertook to use his friendly offices in order to procure a fair consideration of the claims of these unfortunate Indians. With that view he wrote a very excellent despatch to the Governor of Minnesota, and he received a suitable reply. Being in Canada in July last, he had gone with Governor Dallas to Lord Monck, the Governor General, when the circumstances of the case were fully before him. The reply given was that, when Lord Lyons came to Canada, the circumstances should be stated to him, but that as Governor General of Canada he had nothing to do with the Hudson's Bay territory. Governor Dallas had found himself in a most painful and difficult position when applied to to permit the forces of the United States to cross the frontier. Those Indians who came to him demanding arms and food were all decorated with the British medal, which they received in 1812 as allies of the British nation from "their old father King George;" and when Minnesota was given up they were told, if ever they required assistance, if they would only go to the North, they would always find the red flag flying. When they did apply for assistance, Governor Dallas had no military force to resist the military incursion of the United States' troops, and he very unwisely, but under pressure, permitted Major Hatch to cross the frontier. The right hon. Gentleman said the permission given had not been acted upon, but from the information he had received he believed it had been acted upon. He was sorry to think that these old relations with the Indian tribes, rude as they might be, were being broken up, and under circumstances which must damage the *prestige* of the country. It was another argument for settling the possessions of the Hudson's Bay Company, which if not Anglicized would soon be Americanized.

Mr. HENNESSY said, he wished to ask who Governor Dallas was. Was he in any degree under British authority, and was it the British flag that was flying over the Hudson's Bay port? Was the territory British territory? If not, what territory was it?

Mr. Watkin

Mr. BLAKE said, he believed great injustice had been done in the case of some of these Indians by the Canada Government. It would be remembered that some time since an Indian chief had been introduced by the Duke of Newcastle to Her Majesty, who, after hearing his statement of grievances, promised that when the Duke went to British North America with the Prince of Wales inquiries should be made into the facts of the case. He wished to know whether the Duke had made the promised inquiries, and whether any redress had been obtained for the Indians.

Mr. CHICHESTER FORTESCUE said, he perfectly recollected the case to which the hon. Gentleman referred. The conduct of Indian affairs had been handed over to the Canadian Government, and in consequence of that transfer the Vote had been reduced from many thousands a year to the trifling sum of £1,000, which went in pensions to some old Indians who had served the British Crown in former wars. Under these circumstances, all power and responsibility having been transferred to Canada, we could not undertake to dictate what course the Canadian Government should pursue in their dealings with the Indian tribes as to the sale of their lands or any matter of that kind. And although he knew that the Duke of Newcastle did interest himself in this matter, and did make inquiries regarding it while in Canada, yet officially he did not think it his duty to interfere.

Mr. CARDWELL said, there could be no doubt that the territory in question was British territory, and that the Sovereign of that territory was the Sovereign of Great Britain; but it was also known that it was under the Government of the Hudson's Bay Company. Governor Dallas was a gentleman exceedingly well known, and a most valuable servant of the Hudson's Bay Company.

Mr. ARTHUR MILLS said, that Governor Dallas was nominated by the Hudson's Bay Company, and was not the representative of the Crown. He supposed that the Vote entirely represented pensions, and had nothing to do with the distribution of presents to the Indians, which had an injurious effect, as the presents were often exchanged for ardent spirits.

Mr. CHICHESTER FORTESCUE said, the Vote was strictly for expiring life-pensions paid to Indians who were formerly in our service.

Vote *agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £21,278, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies."

MR. ADDERLEY wished to repeat a question relative to a matter on which he had previously sought information. He wished to know whether certain ecclesiastical payments in the West Indies were to continue to be voted by Parliament.

MR. CHICHESTER FORTESCUE said, that those payments were charged by Act of Parliament upon the Consolidated Fund, and had never appeared on the Votes.

SIR COLMAN O'LOGHLEN complained that the salary of the Governor of Western Australia was paid out of the Imperial Treasury, while all the other Australian Colonies paid their own Governors.

MR. CHICHESTER FORTESCUE said, that the distinction made in the case of Western Australia arose from the circumstances of its being to a great extent a penal colony to which the mother country sent her convicts.

MR. ARTHUR MILLS said, he wished to ask for an explanation of the item of £1,000 for the High Commissioner of British Caffraria; and also to inquire whether any measures had been taken to annex British Caffraria to the Cape Colony, as had been in contemplation a few years ago.

MR. CHICHESTER FORTESCUE said, that the allowance of £1,000 to the Governor of the Cape, as High Commissioner of British Caffraria, was paid to him not solely in his character of Governor of the Cape Colony, but rather in his diplomatic character as administrator of Foreign affairs in connection with our South African settlements. In answer to the hon. Member's second question, he had to state that no arrangement had yet been made for annexing British Caffraria to the Cape of Good Hope, and that it still continued a separate settlement.

MR. AUGUSTUS SMITH complained that in the case of these West India Islands the expenditure in almost every case exceeded the revenue.

MR. BLAKE said, he thought that in the case of the Governors of these small islands the office should be held for a longer period than five years.

MR. CAVE said, he did not agree with the hon. Gentleman. He thought Governors were retained very often only too long; and when they failed in one Government were punished by being sent to a better. He suggested that it would be well if these small colonies were governed by persons sent from the permanent staff of the Colonial Office, so that if they failed, they might be recalled and resume their work at home instead of being re-appointed to Colonial Governorships out of a feeling of compassion, there being no other resource for them.

MR. HENNESSY said, he observed that one of the items in the Vote was £450 for "residing magistrate of Anguilla." That colony was an island sixteen miles in length and one and a half in breadth. It had scarcely any trade, although it was formerly of more importance, as it was the spot from which Sea Island cotton was originally brought, though it no longer flourished there. The population consisted of 100 whites and 2,400 blacks, and there was a local body which levied taxes and seemed to regulate the charges which the House was called upon to pay. The revenue of the island, according to the last Return, was £414. He did not propose to touch the sum heretofore allowed for the official staff there, but the £450 was an increase of the amount usually voted for Anguilla, and the Committee would bear in mind that it was an increase which exceeded the whole revenue of the colony. He, therefore, moved the reduction of the Vote by a sum of £450.

MR. W. WILLIAMS said, he should support the reduction.

Whereupon, Motion made, and Question proposed,

"That the Item of £450, for the Presiding Magistrate of Anguilla, be omitted from the proposed Vote."—(*Mr. Hennessy.*)

MR. CHICHESTER FORTESCUE thought the hon. Member for the King's County had treated the House with an original argument in stating that because the colony was poor and its revenue was only £414 it should not be assisted in providing for the support of a magistrate. It was simply because the island was so poor that the House was asked to pay the salary of a stipendiary magistrate.

MR. ADDERLEY said, he could not perceive any inconsistency in the argument of the hon. Member for the King's County. According to the principle laid down by the right hon. Gentleman, a barren rock would be best entitled to a grant of public money. Again, the smallnesso' the revenue of the colony might proceed, not from poverty, but from the lightness of its taxation, and it would be unfair to tax the British taxpayer to enable the colonists to escape from a burden which they ought more properly to bear. He certainly should support the Amendment.

Mr. HENNESSY observed, that the official Report of the Governor stated that the people generally were indolent, and that that indolence arose partly from their having no incentive to continuous labour, and having been fostered by grants of public money from the Treasury. To give these people an incentive to industry he should press his Motion to a division.

Mr. CARDWELL said, the island was sixty miles from St. Kitt's, that the resident magistrate had died last year, and that it was deemed necessary to appoint some one who would see that justice was administered and order maintained among its 2,500 inhabitants.

Mr. AUGUSTUS SMITH said, there was an allowance to the Chief Justice of St. Kitt's, and that Anguilla was a mere dependency. Last year the Chief Justice was called Chief Justice of Anguilla.

Mr. W. WILLIAMS said, he wished to know what were the duties of the Chief Justice of St. Kitt's with regard to Anguilla.

Mr. CARDWELL replied, that the Chief Justice visited the island in the discharge of his judicial duties, but he did not act as a magistrate.

Mr. DILLWYN said, he wished to ask on what principle the Government proceeded in making those appointments. What was the minimum number of inhabitants for which a resident magistrate was deemed necessary?

Mr. CARDWELL: I believe this is the minimum.

Mr. ARTHUR MILLS said, his objection to the payment was, it tended to make the island unproductive and the people indolent. If grants of that kind were continued, no effort would be made to raise a larger revenue. He should support the reduction on the simple principle that the colonies, which we wished to make self-supporting, ought to do something to support themselves.

Mr. CAVE said, he did not think that the proposition of depriving the island of a stipendiary magistrate would have the effect of inducing the people to work. The cause which had interfered with the prosperity of the West India Islands was the legislation of this country, from the effect of which they had not yet recovered, and this formed the real justification of the assistance afforded by us in regard to these charges.

Mr. ARTHUR MILLS said, he would remind the hon. Member that Parliament had granted compensation to those islands to the extent of £20,000,000.

Question put.

The Committee *divided*:— Ayes 34; Noes 45: Majority 11.

Original Question put, and *agreed to.*

(5.) £6,200, to complete the sum for Justices, West Indies.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £14,355, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Civil Establishments on the Western Coast of Africa."

Sir JOHN HAY said, he found that the sum of £2,000 was set down in the Vote for the expenses of the Ashantee war. He believed that war had cost more than £200,000, and he had also to observe that when the hon. and gallant Member for Portarlington had moved for a statement of the cost of the war, the return made by the Colonial Office was that they had not yet received any information upon the subject. Under those circumstances he wished to know why only the charge of £2,000 appeared in the Vote, when it was notorious that £200,000 was nearer the mark.

Mr. W. WILLIAMS said, that it was a misnomer to speak of that as a war expenditure. Although many men had been lost by the climate, he believed that not a shot had been fired.

Mr. CARDWELL said, that when the Estimate was framed, the Colonial Office had received an intimation from the Governor that he had drawn £1,900 for raising levies of troops. That being the only information in the possession of the Office, it was thought right to ask for a Vote of £2,000. He had received no information which would enable him to lay any other Estimate before the House.

Mr. WALPOLE said, that he noticed in the papers which had been produced by the Colonial Office, that the despatches of the right hon. Gentleman's excellent predecessor, the Duke of Newcastle, referred to some despatches which had not been printed, but which were the most important of all. Perhaps his right hon. Friend would say whether he would lay on the table those despatches which induced the Duke of Newcastle to express a strong opinion upon the conduct of a certain officer with respect to the war.

MR. CHICHESTER FORTESCUE said, that the despatches to which the right hon. Gentleman referred were not included in the papers which had been laid before Parliament—first, because they did not come within the terms of the Motion of the hon. and gallant Gentleman, and, in the next place, because it did not appear to those who prepared the papers that they would throw any additional light upon the subject. If, however, the right hon. Gentleman and the House wished to know more of the differences of opinion which occurred as to the conduct last year of the war in defence of the protected territories, and of the part which was taken by the then commanding officer, Major Cochrane, he knew no reason why those despatches should not be produced. He would endeavour to lay them on the table to-morrow.

SIR JOHN TRELAWNY said, he had read the papers referred to, and had been struck by the same circumstance which the right hon. Gentleman had noticed. It seemed suspicious on the face of it that if there were good reasons for embarking in that war, and for jeopardizing our forces in the same foolish way that we had done in New Zealand, they should not be stated. Let the House be informed what they were, and then they would see whether they could feel confidence in the conduct of affairs by Her Majesty's Government. The House at present knew very little of the matter, and with the object of enabling them to gain the requisite information he would move that the Chairman report Progress.

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir John Trelawny.*)

SIR JOHN HAY said, he hoped the Secretary of State would also lay on the table the despatch issued by the right hon. Gentleman who conducted the affairs of the Colonial Office during the lamented illness of the Duke of Newcastle, and the despatch containing a remonstrance from Commander Wilmot.

SIR JAMES ELPHINSTONE remarked that the Vote ought to be postponed until the whole of our relations with the Coast of Africa ought to be discussed and revised, and that the time had come when we ought to select the points necessary for controlling the trade and advancing the civilization of the country, with a view to concentrating our establishments and reducing expenditure as much as possible.

MR. CARDWELL said, he was anxious to give the fullest information to the House at the earliest moment, and if a desire existed to postpone the Vote he should be happy to consult the convenience of the House. The Return produced had been prepared in accordance with the terms of the Motion, but further papers should be forthcoming if desired.

SIR JOHN TRELAWNY said, he approved the course taken by the right hon. Gentleman. As it indicated a reversal of the policy pursued for the last few years, it was evident the Department was beginning to draw in its horns. After the statement of the right hon. Gentleman however he should not press his Motion.

Motion, and Original Question, by leave, *withdrawn.*

(6.) £2,924, to complete the sum for St. Helena.

(7.) £700, Orange River Territory (Cape of Good Hope).

(8.) £960, Heligoland.

MR. ADDERLEY said, the Vote provided for the service of one clergyman at £50 and two magistrates at £30 each. He wished to ask for some explanation.

MR. CHICHESTER FORTESCUE explained that the community was exceedingly primitive in its character. He was unable to say whether those Gentlemen received any additional income from local revenues.

Vote *agreed to.*

(9.) £3,608, to complete the sum for the Falkland Islands.

(10.) £3,825, to complete the sum for Labuan.

(11.) £300, Pitcairn Islanders, Norfolk Island.

MR. BLAKE said, the whole amount appeared to be devoted to the salary of a schoolmaster.

MR. CHICHESTER FORTESCUE said, the Committee could hardly form an idea of the simplicity and childlike character of these people, who really needed some intelligent, clever Englishman to look after affairs in general for them. The schoolmaster not only instructed the children, but kept all the public accounts, and rendered invaluable assistance to the community.

Vote *agreed to.*

(12.) £7,720, to complete the sum for Emigration.

Mr. ADDERLEY said, he wished to know what was done by that body, having its offices in an obscure back street, and with no public funds at its disposal beyond the salaries of its members. It appeared that some of the colonies had emigration agents of their own in this country, while other colonies had their emigration business conducted by that Board. He believed that but for that business the Board would have very little work of any kind to perform.

Mr. W. WILLIAMS complained of the staff of six clerks as altogether too large. One had been added since the previous year.

Sir HARRY VERNEY said, he hoped some assurance would be given to the Committee, that if a State Emigration Department were maintained, no vessels except those which were seaworthy would be allowed in future to leave with emigrants.

Mr. ARTHUR MILLS said, he would remind hon. Members that a large proportion of the emigration was conducted at the instance of the colonies, which provided the necessary means. He should lament any diminution of the usefulness of the Emigration Board, which consisted of very efficient men.

Mr. Alderman ROSE said, that the Lancashire City Relief Fund had set apart a portion of its funds for the purpose of assisting emigration, but they had met with so little success that the sum thus set aside had been re-transferred to the main fund. The difficulties interposed were the more extraordinary, as he had been assured the other day by a member of the Legislature of Sydney, that the Australian Colonies could receive any amount of emigration. There appeared to be something defective in the emigration machinery under such circumstances.

Colonel DUNNE said, he would be glad to know what sort of supervision was exercised by the Board, and what were its duties?

Mr. CHICHESTER FORTESCUE said, that the Emigration Board was one of the most effective of our public departments, with important and onerous duties to perform. The Board, by the desire of the colonies in question, superintended the emigration to Victoria, Western Australia, and Port Natal. The Board chartered the ships, appointed the surgeons, and looked after the emigration depôts. Another important branch of its duties was to superintend and work the Passenger Act. No doubt breaches of that Act occasionally occurred, but they would be still more numerous if the Board did not exist. The Emigration Board had also to superintend the great system of Coolie emigration from the East Indies and China to the West Indian colonies and the Mauritius. That necessitated frequent communication with the Colonial and Indian Offices. The Board chartered the ships and advised the Secretary of State for the Colonies on all matters relating to emigration, and also on questions affecting the management and disposal of the Crown lands in all colonies where they had not been made over to the local Government. It was also called upon to report upon every despatch from the West Indian Colonies, the Mauritius, and Natal, relative to emigration in all its branches. The Colonial Office was thus brought into constant communication with the Emigration Board, and derived the most valuable assistance from the long experience and ability of the Emigration Commissioners. The Board likewise embodied in its Colonization Circular advice relative to the wages, demand for labour, and means of reaching the colonies.

Mr. ARTHUR MILLS inquired whether Victoria and all the provinces of New Zealand did not take up their own ships and manage their own emigration?

Mr. CHICHESTER FORTESCUE said, that was not the case with regard to Victoria. He believed it was true of New Zealand.

Mr. Alderman ROSE said, he wished to know the number of emigrants sent out by this costly machinery?

Mr. CHICHESTER FORTESCUE said, the number could be given, but it would only represent one portion of the duties of the Board.

Mr. W. WILLIAMS said, he wished to know why there were six officers at

Liverpool that year, against five officers in the last year, for the superintendence of emigration.

MR. CARDWELL observed, that the House, knowing the largely increased emigration from Liverpool that year, would not be surprised that an additional officer had been found necessary.

In answer to Mr. ADDERLEY,

MR. CHICHESTER FORTESCUE said, that the Secretary to the Board (Mr. Walcott) had been appointed Second Commissioner as well as Secretary.

MR. ADDERLEY said, he had attacked that Vote for many years. When he first began there were three Commissioners. By perseverance he got the number reduced to two, and he believed that if they were further reduced to a single Commissioner he would be quite sufficient for all the duties of the Board.

MR. CHICHESTER FORTESCUE said, there was, in fact, only one Commissioner now. There were certain duties which were required by law to be performed by two Commissioners, and for the purpose of enabling that to be done the Secretary had received powers to perform those duties.

CAPTAIN JERVIS observed, that among the other duties of the emigration officers was this—they were not only to assist emigration from this country but to see that the people went to a fair field for their labour on leaving this country. He wanted to know if they had taken any trouble with respect to those emigrants who were leaving Ireland and going to the United States for the purpose of being murdered at so many dollars a head. That was an important question. It was their duty to see that these unfortunate people, leaving their country under false pretences, were protected, and had a fair field to go to for the exercise of their labour.

MR. CHICHESTER FORTESCUE replied, that it was not for the Emigration Commissioners, or any Department of the Government, to undertake the paternal duty of persuading emigrants to go to one country rather than another. With respect to unassisted emigrants, their duty simply was to carry out the provisions of the Passengers Act. With respect to assisted emigrants, they chartered the vessels, appointed officers, and exercised a very strict control.

MR. MONSELL said, the observations of the hon. Under Secretary might be true, but there ought to be some British authority in New York and Boston to see that the emigrants were not unfairly dealt with. The number of men who enlisted in Ireland for the United States' army was very small compared with those who were laid hold of when they went abroad. In the present exigency it would be desirable that either the Foreign Office or the Emigration Commissioners should take some steps for the protection of those poor people against the arts that were used to entrap them.

COLONEL DUNNE said, an immense number of unfortunate people from Ireland went over to America without the slightest intention of enlisting, and get entrapped there. He knew an instance of a man who on arriving at the other side of the water fell in with people who gave him drink, and when he awoke he found himself in the uniform of the United States' army, and was told that he had enlisted, and if he refused to serve he should be shot. He was sent to the scene of war, fought for six months, and, luckily for himself, got ague. They then sent him into hospital, and after a time he made his escape at the risk of being shot, and got home to Ireland. The same thing had happened to several. Why should not the Government call upon the Consular authorities in the United States to put a stop to doings of that kind? At that moment a great number of our soldiers were about to be discharged after their ten years' service, and he had reason to believe that there were Federal agents in this country for the purpose of catching them, to become non-commissioned officers in the Federal army if it was in existence, as he hoped it was not at the present moment.

MR. DILLWYN remarked, that it would be dangerous for the Government to give paternal advice to our emigrants.

MR. MOOR inquired how the Commissioners sitting in Park Street could possibly regulate the coolie emigration between China and the West Indies when they were not upon the spot where the emigration was going on.

MR. CHICHESTER FORTESCUE said, of course, the emigration must in a great measure be regulated on the spot. But then it was absolutely necessary that the Government at home should superintend the whole process, which was conducted under the strictest rules for the protection of the emigrants. Those rules were framed by the Colonial Office, with the advice of the Land and Emigration Commissioners.

MR. CAVE said, that as allusion had been made to coolie emigration, it was but just that he should bear testimony to the efficiency of the Commissioners. Nothing could be more stringent than the rules laid down and enforced by the Board in Park Lane. The people of the West Indies, indeed, complained that the regulations were much too strict. He did not concur in this, and, as far as his experience went, no Department of the Government was more efficiently conducted than the Emigration Board.

CAPTAIN JERVIS said, it was all very well for the hon. Member for Swansea to talk of the Government not interfering with the emigrants. But it was generally believed that they had encouraged the emigration of Irishmen to North America, and allowed the North American authorities to enlist men in Ireland for the purpose of recruiting their armies, while the same privilege was not given to the Southern States. The object of spending money on emigration was to open fresh labour markets; but the Government certainly ought to explain how it was that emigration was made the means of enlistments which were not only contrary to our own laws, but those of the United States.

MR. CARDWELL said, he had heard a good many strange things in his time, but he had never heard anything more astonishing than the allegation that the Government and the Emigration Commissioners had encouraged these enlistments. It was not the duty of the Emigration Commissioners to tell the people where to go, but they provided them with information as to various colonies. The anecdotes told by the hon. and gallant Gentleman opposite showed how blameless the Emigration Commissioners were in that matter, for the men of whom he spoke never intended to enlist at all. He could not sit down without bearing his testimony to the valuable, praiseworthy, and conscientious services of the Emigration Commissioners.

MR. CHICHESTER FORTESCUE said, the Emigration Commissioners had assured him that there was no reason to believe that those enlistments had actually been the cause of any considerable increase of emigration. The number of able-bodied single men emigrating had but little increased.

MR. HIBBERT said, there were at that moment agents engaged in the country in tempting the Lancashire operatives to emigrate to work in mills in America. That was done openly, and though he regretted that these people should go, it would be unfair to them if the Government were to interfere.

Vote *agreed to.*

(13.) £32,550, to complete the sum for the Treasury Chest.

MR. DAWSON asked for an explanation of the item of £29,550 to make good a loss on transactions of the Treasury Chest?

MR. PEEL said, that the transactions of the Treasury resulted in a profit everywhere except in China. The profit this year amounted to over £10,000 a year, but the loss in China was caused by the difference between the army rate of the dollar and the price at which it was purchased. The rate at which the dollar was entered in the army accounts was 4*s.* 2*d.*, but the price at which the dollar had to be purchased during 1862-3 varied from 4*s.* 6*d.* to 4*s.* 7*d.* It was proposed to raise the army rate, but this was postponed for the present pending the erection of a mint at Hong Kong.

MR. WALPOLE remarked, that the explanation only referred to one item of the account. There was an item of £32,000 for discount on bills. How did that occur?

MR. PEEL said, the same explanation applied to all the items. The money was paid in dollars, but bills had to be purchased for those dollars at the rate of 4*s.* 6*d.* per dollar.

Vote *agreed to.*

(14.) £12,500, for the Zambesi Expedition.

MR. WALPOLE asked, what was the present state of affairs in the Zambesi district, and whether the expedition was to be continued on the existing footing, or were the Englishmen who had been sent there to remain?

MR. LAYARD said, he regretted to say that the expedition had failed. Dr. Livingstone had left the country, and was on his route home by way of India. The expedition would be given up altogether, and this, therefore, would be the last Vote asked for.

MR. WALPOLE said, he wished to know whether the Englishmen stationed there were to come home?

MR. LAYARD said, they could come home.

Mr. F. S. POWELL observed, that all classes in this country, especially in religious and scientific circles, took a great interest in the expedition, and he thought it was the duty of Her Majesty's Government to give more information than was contained in the jaunty explanation they had just heard.

Mr. LAYARD said, that until Dr. Livingstone returned to England it would be impossible to give a full explanation to the House. Dr. Livingstone would return to this country, and Government did not think it right to spend any further money for the prosecution of the expedition.

Mr. HADFIELD inquired, whether the failure of the expedition was to be attributed to the unfriendly feeling of the Portuguese Government?

Mr. LAYARD replied, that he could not say that it was owing to unfriendly feeling on the part of the Portuguese Government, but he believed that the slave-trading operations carried on by Portuguese colonists in a great measure tended to produce the result.

Mr. PAULL asked, whether, as the expedition had failed, that was the last Vote that would be proposed on account of the expedition?

Mr. LAYARD said, he could not say but that there might be some small balance yet to be made up.

Vote *agreed to.*

(15.) £2,000, for the Niger Expedition.

Mr. LAYARD stated, that the Niger Expedition, so far from being a failure, had been attended with a great success, and there was a strong feeling in favour of the Vote among mercantile men.

Mr. HORSFALL said, he begged to dissent from the observation that the mercantile community were in favour of the Vote, for mercantile men were afraid that the expedition would not be attended with any practical result.

Mr. LAYARD said, he was aware that some persons thought so, but a large number were of a contrary opinion.

Vote *agreed to.*

(16.) £55,000, to complete the sum for Captured Negroes, Bounties on Slaves, &c.

Mr. CAVE called attention to a great piece of extravagance—namely, the payment of £5,500 expenses and compensation in the case of the *Bushair*, captured and destroyed by H. M. S. *Sidon*, the seizure having been illegal. He adverted to other instances of large sums spent in payment of compensation to vessels which had been captured as slavers, but were not really so. It appeared that the *Iola* and *Castilia*, bearing the Spanish flag, on being captured were sent to Jamaica, to the Vice Admiralty Court, instead of being taken before the mixed Commission Court at Havanah; and when the mistake about jurisdiction was found out the sum of £3,044 was paid for compensation in one case, and £3,100 in the other, the chief part of which arose from demurrage. In the case of the *Laura*, Captain Hillier complained of delay in the Vice Admiralty Courts of Antigua, and there seemed to be good ground for his so doing. He (Mr. Cave) thought it right to call the attention of the Government to this subject, in order that the system necessary for repressing the slave trade might not fall into disrepute.

Mr. LAYARD said, that when vessels were captured with colours and papers they were taken to the Mixed Commission Courts, which alone could deal efficiently with the cases, but when there were no papers or colours the matter went before Vice Admiralty Courts. With regard to the *Castilia*, it was an unfortunate mistake. The owner proceeded for compensation, and, after a full investigation, a sum was awarded, which the Government had no alternative but to pay. There were of course instructions to commanders of cruisers to be as careful as possible.

Mr. CAVE asked for an explanation of how it was that demurrage for so long a period as 230 days had been incurred.

Mr. C. P. BERKELEY said, that the reason was that the *Barracouta*, which had captured the vessel, was suddenly ordered to sea in consequence of having the yellow fever on board, and getting short of coal she came to England to replenish. That caused delay in adjudicating on the captured vessel, but the conduct of the captain in coming to England was approved by the Admiralty.

Mr. CAVE said, he thought that no answer.

Vote *agreed to.*

(17.) £7,650, to complete the sum for Commissions for Suppression of Slave Trade.

Mr. CAVE observed, that there was now a Mixed Commission Court at New York under the new treaty, but it was hardly likely that any slaver would be taken in there. In other Mixed Commission

Courts also, there was but little to do in consequence of slavers without colours or papers going before Vice Admiralty Courts. He stated facts to prove how few cases were taken before these courts, and though admitting that some were necessary, he said it was a question whether some others might not be dispensed with.

Mr. TORRENS said, he saw no necessity for an arbitrator at the Cape of Good Hope. Not a single case had yet been tried in the Mixed Commission Court at New York. Again, at Havannah, there were only two cases of slavers captured, though 8,000 slaves had been landed in the island. It was very gratifying to hear of the great exertions which were being made by the Captain General of Cuba to put down the slave trade, but he hoped that the Government would take into consideration the circumstance that the Mixed Commission Courts had proved quite a failure, and he thought the expenditure upon them might be considerably diminished. It might not be possible for our Government at once to put an end to them without previous negotiations with Foreign Powers, but many of the appointments were unnecessary and ought to be done away with.

Mr. LAYARD stated that the Mixed Commission Courts had jurisdiction in cases which could not be dealt with by the Vice Admiralty Courts. Where there were neither flags nor papers the Vice Admiralty Courts might condemn the vessels, but could not touch the captains and owners, whereas the Mixed Commission Courts could do both. The consequence was, that when a vessel was chased, the flags and papers were thrown overboard to avoid being taken before the Mixed Commission. If they abolished the Mixed Commission these vessels would retain their flags and papers, and the persons connected with them would escape with impunity. On the coast of Africa the Mixed Commission Courts were found very effective in the suppression of the slave trade; and, besides, they were bound by treaty to keep them up. An arbitrator had been appointed at the Cape of Good Hope, out of courtesy to the American Government; but elsewhere the post of arbitrator and registrar had not been filled up, and he hoped that in course of time they might make arrangements by which those officers might be still further reduced in number.

Vote *agreed to.*

Mr. Cave

(18.) Motion made, and Question proposed,

"That a sum, not exceeding £124,503, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1865, for the Consular Establishments abroad."

Mr. CAVE observed, that there were two Consuls and one Vice Consul in Cuba charged in the Estimates, but besides these there were several consular agents. He inquired by whom they were appointed? He asked the question because he had heard, but he could not vouch for the fact, that the authorities there, both Spanish and English, were hampered in putting down the slave trade in consequence of want of information from remote parts of the island, a circumstance easily accounted for, if it were true as reported, that some of the consular agents were slave owners. He hoped that special care was taken to appoint proper persons for consular agents in Cuba.

Mr. LAYARD replied that the officers in question were appointed by the Foreign Office on the nomination of Consul General Crawford, who had, perhaps, done more for the suppression of the slave trade than any other man living, and who would not recommend any one in whom he had not entire confidence.

Mr. W. WILLIAMS observed, that the Consular Staff at Venice, Warsaw, and Morocco, among other places, was unnecessarily large.

Mr. AUGUSTUS SMITH asked for information as to the increase of salaries to Consuls. They had increased from £135,000 to £138,000, and he should like to know why there were so many consulships in which the fees were not credited. If the fees were part of the salary, that ought to be stated. He thought that many Consulships, at Venice, Leipsic, Warsaw, were excessive. As for the Consulate at Réunion, to which he had always objected, he thought the expense of it should be defrayed out of the funds of our East Indian territories.

Mr. LAYARD said, that the cases to which the hon. Member for Lambeth (Mr. Williams) had referred were exceptional, for the Consuls General at Venice, Warsaw, and Morocco had to discharge important diplomatic functions. He took credit to the Foreign Office for the reductions which had already been effected in that branch, while at the same time the recommendations of the Committee as to the increase of salary had been carried out in the case of some Consuls who before were underpaid. In a short time he hoped that all the Consuls would receive fixed salaries, and would make a return of fees to the Government, but the arrangement could not be accomplished all at once. An official memorandum gave the following explanation of the consular accounts:—

> "The check placed in 1861 upon consular expenditure by the new system of keeping and managing the consular accounts continues to answer admirably. We now know, which no one did before, what money will really be required, and what sum is actually used. In 1863-4, the expenditure was less than the sum voted by £11,273, and in the three years just ended we have spent less than the sum voted by £34,844. This surplus, which is created by our going on the safe principle of asking for rather more than we think absolutely necessary, reverts, under a modern financial scheme, to the Exchequer, and is re-voted as revenue. The fees levied on Government account ought also to be carried to the credit of the consular services, and the demand upon the public for the payment of those services would then be reduced to the sum which would really show the actual charge to the country. For instance, the sum paid for consular services in 1863-4 was £155,269 19*s.* 1*d.*, but we collected fees amounting to £15,206 6*s.* 3*d.*; and accordingly the net charge to the public was only £140,063 12*s.* 10*d.* On the other hand, the sum voted was £166,543; and Parliament, the public, and the country have, therefore, to a certain extent, been misled into thinking the consular service for 1863-4 has cost more than it really did by £26,479 7*s.* 2*d.*"

In reply to Mr. DODSON,

MR. LAYARD said, that the Governor of Labuan was also Consul General.

MR. AYRTON observed, that under the head of "United States" it was proposed to vote a sum for Consuls at Richmond, Charleston, Savannah, and Mobile. From correspondence on the table it appeared that the President of the Confederate States was extremely anxious that the Consuls who were originally appointed to the United States should remain at their posts in the Confederate States. And Lord Lyons urged very strongly upon the Foreign Office the desirableness of acceding to the view of President Davis, and he also cautioned Her Majesty's Government against taking any step that would necessarily give offence to the Government of the Confederate States. The Foreign Office, nevertheless, seemed to have gone out of its way to place these Consuls in a very invidious position, and President Davis was compelled to call upon them to leave the Confederate States. But as their salaries were to be continued till 1865, he should be glad to hear from the Under Secretary that some arrangement had been made whereby these Consuls might stay at their post to watch over British interests, and that as far as possible the differences that had arisen had been cleared up. It was important that Her Majesty's Government should reciprocate the conciliatory spirit of the Confederate Government.

MR. CAVENDISH BENTINCK said, he wished to know whether a Consul General was not bound to perform the duties of an ordinary Consul, and whether the Consul General at Venice was instructed to act independently of the mission at Vienna?

MR. LAYARD said, that the Consul General had commercial as well as diplomatic duties to perform. The Consul General at Venice was not independent of the embassy at Vienna.

MR. CORBALLY said, he wished to call attention to the inconvenience sustained at Rome by British subjects, who were compelled to get their passports *viséd* by the British Consul and to pay fees, while the Americans were under no such necessity.

MR. LAYARD said, he had written to Rome to make inquiries on the subject. He could not understand why English travellers should be put to more trouble than French and American travellers as to the *viséing* of passports at Rome. But as to the fees paid to the British Consul, he insisted that there was no extortion in the matter. The British Consul at Rome was kept there simply for the convenience of English travellers, and he did not see why they should object to the payment of a small fee towards supporting the Consul.

MR. AYRTON said, his experience led him to believe that English Consuls abroad rather encouraged the police to insist on travellers getting their passports *viséd*, whereas their duty ought to be in the contrary direction. In fact there was a combination between the Consuls and the police to get money out of British subjects abroad, who were consequently put to a great deal of trouble. He wished to know from the hon. Gentleman whether it was intended to re-appoint the British Consuls dismissed from the Confederate States, their salaries still appearing in the Estimate?

MR. LAYARD said, he could not allow the unjustifiable observations of the hon. Gentleman to pass unnoticed. Such an accusation as that made by the hon. Member against a body of English gentlemen was almost unexampled. He had accused the English Consuls—men whose character stood unimpeached—of combining with the police to obtain fees. He repudiated the accusation with indignation. It was wholly unfounded. [*A laugh.*] He did not see what there was to excite the laughter of the hon. Member for Dundalk. Such accusations would go abroad, and would give great pain to a body of gentlemen of high honour. If the hon. Member for the Tower Hamlets made such an accusation, he was bound to give the particulars of any case he might know, so that he might institute an inquiry into it. But he did not hesitate to say that there was not a word of truth in the accusation. With regard to the Consuls who had been appointed to the Confederate States, he regretted they had been compelled to quit their posts. They had interfered to prevent British subjects from being forced to serve in the Confederate army, and for that offence had been compelled to quit the Confederate States. No arrangement had been made for their re-appointment, but meanwhile it would be unfair to stop their salaries for no fault of their own. In course of time they would no doubt receive appointments of some sort.

Sir GEORGE BOWYER said, the burst of red-tape indignation to which the House had listened was really enough to take away one's breath, and illustrated the saying that there was only a step from the sublime to the ridiculous. As to the Consul at Rome, what use was he? He was not there for the purpose of trade, because we had no trade with Rome, and Rome was not a manufacturing or commercial city. The fact was, that the duty of the British Consul at Rome was to foment discontent among the few persons who were still discontented with the Romish Government. He said this advisedly, because the people of Rome began to find that they were paying rather less than one-tenth of the taxes paid by the population around them, while those who had placed themselves under the King of Sardinia bitterly regretted what they had done. The Consul at Rome was perfectly unnecessary; the sooner he was suppressed the better; and the British political agent there might go along with him. He compelled travellers to come to him to have their passports *viséd*, so that he was not only unnecessary, but mischievous.

Mr. WHALLEY said, he would support the hon. Member for Dundalk if that Gentleman would follow up his remarks by moving the discontinuance of all communication with Rome.

Mr. CORBALLY said, he must disclaim the desire to make any charge against the consul or other British officials at Rome; he only complained of the system under which such heavy fees were charged for the inspection of passports.

Mr. HENRY SEYMOUR said, he could not agree in the propriety of keeping a consul at Rome for the mere convenience of British travellers, as the Under Secretary for Foreign Affairs assigned that as the only reason for that official's presence there. It was well known that the English Government had a diplomatic representative at Rome, in the person of Mr. Odo Russell, whose services would be quite sufficient for all purposes. The presence of a consul was chiefly for commercial purposes, but as we carried on no commerce with Rome he considered that such an officer was useless there. He should, therefore, move that the Vote be reduced by the sum of £400, the salary allowed him.

Whereupon Motion made, and Question proposed,

"That the Item of £400, for the Salary of the Consul at Rome, be omitted from the proposed Vote,"—(*Mr. Henry Seymour,*)

Mr. LAYARD said, that as soon as there was a good Government in Rome there would no longer be any necessity for a British Consul in the city. It was perfectly true that Mr. Odo Russell resided at Rome, but it should be remembered that that gentleman was precluded by Act of Parliament from bearing any recognized relation to the Papal Government, and that consequently no official communication could be conveyed through him. The passports were purely a police arrangement. He would inform himself of the regulations of the Government at Rome, and if they proved to be vexatious he would do his best to remedy them.

Mr. HARVEY LEWIS said, he had been at Rome, and he did not see any advantage to be obtained by our having a consul there. There was a British vice consul at Civita Vecchia, who was paid £250 a year. He thought that the latter official might appoint an agent at Rome at a salary of £100 a year, which would be paid by English travellers, and that arrangement would meet all the wants to be satisfied by such an officer.

Mr. NEWDEGATE said, he was anxious to express the reasons why he thought it important that England should have a consul at Rome. This country had decided that for all commercial purposes the relations of the people of the Papal States and this country should be maintained. The Act also guarded against the admission of any ecclesiastic as an accredited agent of Rome in this country. He was most anxious to maintain relations with the people of Rome upon the sole footing of diplomatic relations. He thought it would be most unwise to make any change in that respect. He would therefore support the entire Vote.

Mr. CAVENDISH BENTINCK said, there were £400 in the Vote for the salary of the Consul, and £100 for his office expenses. Against that Vote he saw £290. He wished to know whether it was the difference between those two items that was now asked for.

Mr. LAYARD said, the £290 was, of course, paid into the Exchequer, and the amount of the salary would be reduced by so much.

Mr. WHALLEY said, he wished to ask what the hon. Member for North Warwickshire meant by saying that the relations between the English people and the Roman people ought to be maintained. He submitted that in the appointment of a Consul at Rome, we knew nothing of the Roman people.

Mr. NEWDEGATE said, he wished to maintain the salary of our Consul within the dominions of the Sovereign of the Roman States. That, he believed, was the term used in diplomatic language.

Mr. WHALLEY said, he thought that the existence of a Consul at any place should be the evidence of some trade or commercial relations, but he believed the Roman Government, whether at Rome or in any other part of the world, to be inimical to all commercial interests.

Mr. WHITESIDE desired to know the principle which actuated the Foreign Office in their retention of consulships. The hon. Gentleman the Under Secretary of State for Foreign Affairs had said that if the Roman Government were a good one there would be no Consul at Rome. He would like to know whether the Foreign Office decided upon maintaining the consulships of this country in accordance with the views which might be taken by the hon. Gentleman the Under Secretary of State for Foreign Affairs of the excellence of the Governments of the different countries abroad.

Sir GEORGE BOWYER said, he would beg leave to remind the noble Lord at the head of the Government of the injunction — *Caveat consul ne quid respublica detrimenti capiat.*

Mr. THOMSON HANKEY said, that the consulate only cost this country about £210 a year, the remainder being met by the fees received from British residents in Rome, and tourists for services rendered to them. It would be most unwise to deprive our countrymen of the advantage of having a Consul at Rome. Whatever the hon. Gentleman the Under Secretary of State for Foreign Affairs might have said about political duties, he apprehended that the hon. Gentleman's remark was more said by way of joke than anything else.

Sir STAFFORD NORTHCOTE said, he did not think that a matter of that kind ought to be allowed to pass with a joke from the Treasury Bench, but that sufficient reason ought to be shown for the maintenance of a Consul at Rome.

Viscount PALMERSTON: I think my hon. Friend the Under Secretary has given very good reason for the appointment of a Consul at Rome. As to the Government being accused of passing this matter off with a joke, I think that the House has been in a greater humour for merriment than the Members sitting on the Treasury Bench. The hon. Baronet the Member for Dundalk has favoured us with his reading of the duty of a Consul. It would be hard on the Consul to apply to him practically the line, *Solventur risu tabulæ; tu missus abibis,* and to dismiss him as if it was a practical joke. What has been said by my hon. Friend is perfectly true. There are a great number of British residents at Rome, and a large number of British travellers who pass periodically through that city. Rome is a great capital. Whether it is well governed or not is a question into which I will not now enter. It is quite impossible that there should be a great European capital, frequented by British subjects, without some recognized British authority in connection with the Government of the place. Our subjects residing at Rome or visiting that capital for the purposes of instruction or pleasure, would in the absence of a Consul be exposed to great inconvenience, which I am sure this House would be sorry to be the means of inflicting upon a large number of our fellow-countrymen.

Captain JERVIS said, he wished to know what were Mr. Odo Russell's duties at Rome, because both he and a Consul were not wanted there. He thought the Under Secretary was throwing a shield over the British Consul that he did not require. He wished also to know what was Mr. Odo Russell's salary?

Mr. ESMONDE said, that having suffered from the inconvenience of having to apply to the Consul at Rome, he wanted to know whether it was necessary that such application should be required before obtaining the police permission to leave Rome? He understood that the proceeding upon which a small fee was paid, was not necessary as regards French and Americans. The reason why the discussion had wandered into the question of our diplomatic relations with Rome was because the Under Secretary for Foreign Affairs had lost his temper. He thought the question might be narrowed to the necessity for a Consul which at present occasioned to travellers a delay in leaving Rome. He also wished to know if the fees were included in the salary of £290. Mr. Odo Russell held an anomalous position in Rome, and he might illustrate it by repeating a rumour that had reached him, that Mr. Odo Russell had declined to preside at a Shakesperian festival in Rome, on account of his anomalous position, he having no *locus standi* there.

Sir GEORGE BOWYER said, the noble Viscount at the head of the Government was technically correct in saying that the British Consul at Rome was necessary because we had no diplomatic relations with that Court, but substantially he was in error. Mr. Odo Russell lived at Rome, had audiences with the Pope, and was in communication with Cardinal Antonelli and other authorities. If a Consul was necessary for the protection of British subjects, of what use was Mr. Odo Russell? Was that gentleman retained at Rome to make political capital—to write despatches of which the Government at home could make political capital in that or the other House of Parliament? Either Mr. Odo Russell or a Consul was unnecessary at Rome.

Mr. MONSELL said, it appeared to him it was unnecessary to discuss Mr. Odo Russell's position. He certainly was in the position that he was not recognized by the Romish Government, and could not discharge the duties of a British Consul. He could not but believe that it would be a great advantage if they had a recognized Minister at Rome, and an acknowledged representative of the Romish Court in this country. The question, however, was, whether they could get rid of a person who occupied no official position there, like Mr. Odo Russell.

Mr. DARBY GRIFFITH said, that a Liberal Government ought not to defend the system, which was one of the most irregular that could be conceived. The great reason why he was disposed to join in the Amendment was in the requisition made for fees. A great deal of virtuous indignation had been expressed on the Treasury Benches in the diplomatic way to which they were all accustomed, but he would say—

> "O fortunatam natam me consule Romam."

Mr. LAYARD said, he must remind hon. Members it was not a question of the interests of the Consul. The fees were not received for his own benefit, as they were paid into the Treasury. The Select Committee on the consular system recommended the payment of the fees. The *visas* were matters of police arrangements, and he was unable to say how far they were enforced. He had sent to Rome for information.

Mr. WHITESIDE asked the hon. Gentleman to state what were Mr. Odo Russell's functions.

Captain JERVIS said, he had asked a plain question of the Under Secretary for Foreign Affairs, and he wished for an answer, namely, what were Mr. Odo Russell's duties, and what was his salary? He had not asked for the information for the purpose of opposing the Vote but for information. He wished to know how it was he was required there as well as a Consul?

Mr. LAYARD said, he believed every hon. Member was well aware what Mr. Odo Russell's functions were. ["No!"] If they did not, he scarcely knew how to explain them. Mr. Odo Russell's position had been described as anomalous, and to a certain extent it was so; and because under an Act of Parliament this country could not maintain a diplomatic agent at Rome, Mr. Odo Russell held a position in the Italian embassy, but with not a very large salary. His duties were quite distinct from those of the Consul. There were, for instance, duties connected with the wills and property of British subjects which required the attention and signature of an official who was recognized by the Roman Government. These duties, which could not be performed by Mr. Odo Russell, were discharged by Mr. Severn.

Mr. AYRTON observed, that the *visa*

had been abolished in the case of American subjects, he believed also in the case of the French, and he did not understand why it should be insisted on by the English Consul. After the extraordinary explanation which had been given by the hon. Under Secretary, who commenced by saying that every one knew the position of Mr. Odo Russell, and then confessed he could not describe his functions, they had no alternative but to divide against the Vote. The real question was, whether the Consul at Rome should not also be intrusted with the functions of Mr. Odo Russell? They had no description of what Mr. Odo Russell's duties were. The explanations from the Treasury Bench had led to so much confusion that there had been a long debate on a very small matter. If the hon. Under Secretary had given a clear and intelligible statement the debate would have ended long ago. The hon. Gentleman had been entirely carried away, if not by temper, by a very ardent imagination.

VISCOUNT PALMERSTON: With regard to Mr. Odo Russell, by law as it formerly stood we were precluded from having any diplomatic relations with the Court of Rome. Some years ago the House thought it desirable that the Crown should have diplomatic relations with the Court of Rome, and an Act of Parliament was passed authorizing the Crown to have those diplomatic relations. In the course of that Bill through Parliament a clause was introduced providing that no ecclesiastic should be received in this country as a diplomatic representative of the Pope. The Court of Rome took offence at that clause, and said that if they were not allowed to be represented here by an ecclesiastic, they would not be represented at all. We were obliged to submit to that decision, and, therefore, as they would not be represented here, so they said also they would not receive at Rome any accredited Minister from the Crown of England. Well, it appeared to the Government that it was almost childish that diplomatic intercourse with the Sovereign of Rome should be prevented by that question of etiquette, and accordingly the Secretary of Legation at Florence was stationed at Rome, with the consent of the Roman Government, to be the official organ of the Government with the Court of Rome; but of late years Mr. Odo Russell has been acting in that capacity. He is, unofficially I may say, the diplomatic agent of the Crown of England at Rome. He is, as has been stated by the hon. Baronet opposite, cordially received by the Pope, to whom he has free access, and with whom he is on the best possible personal terms. Mr. Odo Russell is at Rome for these general purposes, and it is quite a mistake to suppose that he is there for any political intrigues. He is there to give us that general information which diplomatic agents do give at the Courts where they are stationed, and to carry on those communications which from time to time it is expedient to carry on with the Roman Government, but these functions are totally distinct from those performed by a Consul. The Consul could not perform the functions of Mr. Odo Russell, and Mr. Odo Russell could not perform the functions of the Consul.

SIR MINTO FARQUHAR said, that after the full explanation of the noble Viscount he could not conceive that the Amendment could be pressed. It was as clear as possible that the distinction between the post of Mr. Odo Russell and the Consul was great. The Court of Rome did not choose to have a representative from England unless he was an ecclesiastic; but, that the Government should know politically what was going on at Rome, the Court of Rome permitted a gentleman attached to the embassy to another State to fill the post. There were those who would have no diplomatic arrangements with the Pope; there were others who were satisfied at having agents at Rome to let us know what political intrigues were going on there. He thought it desirable that we should have a person like Mr. Odo Russell at Rome. On the other hand, he thought there ought to be a Consul at Rome to assist the travellers passing through the country. The Vote was on the question of salary. A Committee of which he was a member reported in favour of a Consul, with a salary, but without fees; and he hoped the Committee would affirm their opinion. If the consular functionary elsewhere were paid by salary, why not at Rome also.

MR. J. R. ORMSBY GORE said, he wished to repeat the question which had been put, but to which no answer had been given—what was the salary received by Mr. Odo Russell?

MR. HENRY SEYMOUR asked, if there was a Consul at Florence, why his name was not inserted in the Vote?

MR. LAYARD said, it was because he was not paid.

Mr. HENRY SEYMOUR said, if that were the case he would ask, why should the Consul at Rome be paid?

Question put, and *negatived.*

Original Question again proposed.

Mr. CLAY asked for some explanation with respect to the state of the Russia Company.

Mr. MONSELL said, there was a distinct understanding that no Vote should be taken after eleven o'clock.

Mr. LAYARD said, he hoped the Committee would allow the Vote to pass. He would inquire as to the state of the Russia Company.

Captain JERVIS understood that the question to report Progress had been raised.

Mr. HENRY SEYMOUR said, he should move that the Chairman report Progress.

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Henry Seymour.*)

Viscount PALMERSTON said, he really hoped that as they had discussed the Vote for two hours, the Committee would come to a decision upon it. It was not proposed that they should, after that one, take any more Votes that night.

Mr. HENRY SEYMOUR said, there were many important points still to be raised on that Vote, and among others the small amount of the fees received by the Government since the Consuls had to pay them over to the Treasury. He did not see how they were to keep down the Estimates if they did not look into these small items. The patronage connected with the Consular Department was believed to have been much abused; and a few years ago they had the case of one Consul at the Dardanelles making off with a very large sum of the public money.

Mr. LAYARD said, that if the hon. Member would look at the Estimates, he would find that the amount of the consular fees had been annually increasing since 1860.

Question put.

The Committee *divided:*— Ayes 40; Noes 111: Majority 71.

Original Question again proposed,

Mr. DARBY GRIFFITH said, he thought it unworthy of the country to take back in fees £250 of the £500 paid to the Consul at Rome. He wished to know what the sentiments of the noble Lord at the head of the Government were on the subject; and he begged to move that the Chairman leave the chair.

Whereupon Motion made, and Question, "That the Chairman do now leave the Chair."—(*Mr. Darby Griffith.*)

Viscount PALMERSTON observed, that at one time the salaries of Consuls were entirely defrayed out of fees levied on shipping. These fees were abolished, and only notarine fees left, the distribution was very unequal, the amount in some cases being too large, and in other cases insufficient. The Committee which sat on the subject recommended, in order to equalize the payments, that the fees be paid to the public, and Consuls be paid by fixed salaries. If fees should be abolished altogether, the public would lose the benefit of the amount. He did not see why individuals who had offices performed for them should not make some small payment for the services which they received.

Sir MINTO FARQUHAR said, his hon. Friend (Mr. Griffith) seemed to fancy that the only duty of a Consul was to take fees. Now, the duties of these officials were almost endless; and he could not understand why a small fee should not be paid by those who received the benefit of their services. If everything of that kind was to be done for nothing, the British public would be some £15,000 a year out of pocket.

Question put, and *negatived.*

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

SUPPLY—CIVIL SERVICE ESTIMATES. REPORT.

Report [14th June]—Postponed Resolutions *considered.*

Seventh Resolution read 2°.

Mr. BUTT said, he would take that occasion to call attention to the inadequate remuneration of the Special Commissioners of Irish Fisheries, especially the legal Commissioner, and to move that the Vote be reduced by the sum of £1,455, the salaries and expenses of the Commissioners for Ireland. He took the course of moving the reduction, because it was only by doing so that he could raise the question which he wished to bring under the notice of the House.

Amendment proposed, to leave out "£26,647," and insert "£25,202,"—*Mr. Butt,*)—instead thereof.

Question proposed, "That '£26,647' stand part of the Resolution."

Sir ROBERT PEEL said, he must admit that the salary of the legal Commissioner was not so high as to be likely to induce a man in first-rate practice to accept the appointment. The reason of Mr. Morris's resignation was that there was an unsatisfactory feeling between him and the other two Commissioners, and he (Sir Robert Peel) put it to him that under those circumstances the commission could not work satisfactorily.

Mr. ESMONDE said, in many cases the Commission had done great injustice.

Mr. WHITESIDE said, the House was in some respects responsible. There were three Commissioners who had £300 a year each, and they had jurisdiction over property amounting to £300,000 a year. He was only surprised that a member of the bar would accept such a salary for such services.

Colonel DUNNE said, that the Commissioners had decided no case under the Act of last Session. All that they had done had been under a previously existing Act.

Lord JOHN MANNERS said, he wished to call attention to the insufficiency of the salaries paid to the sub-Inspectors of factories. The scheme for their increase which had been proposed by the Government had not given satisfaction, and he hoped that the Home Secretary would reconsider the matter, and would next year propose some further increase of their pay.

Mr. BASS said, he entirely concurred with the noble Lord. The travelling expenses allowed to these gentlemen were much too small.

Sir COLMAN O'LOGHLEN said, that reverting to the question of the Irish Fisheries Commission, he wished to ask whether the salary of the legal member was to be increased?

Sir GEORGE GREY said, that no increase was proposed in the Vote, and none could be made without the sanction of that House.

Amendment, by leave, *withdrawn.*

Resolution *agreed to.*

Ninth Resolution *agreed to.*

Twelfth Resolution *further postponed* till *To-morrow.*

Seventy-fifth Resolution *agreed to.*

ELECTION PETITIONS BILL.

[BILL 17.] COMMITTEE.

Sir FRANCIS GOLDSMID said, that he, with the hon. Member for Peterborough, had previously made one or two attempts ineffectually to catch the Speaker's eye. Objecting very strongly to the Election Petitions Bill, which was the next order on the paper, he begged to move the adjournment of the House.

Motion made, and Question put, "That this House do now adjourn."—(*Sir Francis Goldsmid*)

The House *divided:*—Ayes 19; Noes 28: Majority 9.

Adjourned Debate on Amendment on going into Committee [1st June] *further adjourned* till *Tuesday,* 28th June.

ARMY.

SANITARY MEASURES (CAMPS, &c.).

SELECT COMMITTEE MOVED FOR.

Sir JOHN TRELAWNY said, he rose to move for a Select Committee to inquire, Whether it was possible, by sanitary or other measures, to mitigate some of the evils to which soldiers and sailors quartered in permanent camps, or in garrison or seaport towns, were peculiarly exposed?

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire whether it be possible, by sanitary or other measures, to mitigate some of the evils to which Soldiers and Sailors quartered in permanent Camps or in Garrison or Seaport Towns are peculiarly exposed, and which, impairing the efficiency and increasing the cost of the services, are known to exercise a no less injurious influence upon the health, strength, and character of the nation."—(*Sir John Trelawny.*)

Lord CLARENCE PAGET said, it was his intention on Monday next to bring in a Bill for the prevention of certain contagious diseases in certain naval and military stations. He proposed to ask the House to read the Bill a second time, and then refer it to a Select Committee. He should be glad if hon. Members who took an interest in the subject would serve on the Committee.

Sir JOHN TRELAWNY said, that after the intimation of the noble Lord he would not press the Motion.

Motion, by leave, *withdrawn.*

LOCAL GOVERNMENT ACT (1858) AMENDMENT BILL.

On Motion of Mr. Neate, Bill to amend the Local Government Act of 1858, so far as it applies to Oxford, *ordered* to be brought in by Mr. Neate and Sir William Heathcote.

Bill *presented*, and read 1°. [Bill 155.]

CRANBOURNE STREET BILL.

On Motion of Mr. Cowper, Bill to transfer certain Houses in and near Cranbourne Street, in the City of Westminster, from the Commissioners of Her Majesty's Works to Her Majesty, for the considerations therein mentioned, *ordered* to be brought in by Mr. Cowper and Mr. Peel.

Bill *presented*, and read 1°. [Bill 154.]

COUNTESS OF ELGIN AND KINCARDINE'S ANNUITY BILL.

Bill to settle an Annuity upon the Countess of Elgin and Kincardine in consideration of the eminent Services of the late Earl of Elgin and Kincardine; *presented*, and read 1°. [Bill 156.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 17, 1864.

MINUTES.— *Sat First in Parliament* — The Lord Oriel, after the Death of his Father.

Public Bills—*First Reading*—Public and Refreshment Houses (Metropolis, &c.)* (No. 135).

Second Reading—Church Services (Apocrypha) (No. 125) [H.L.], Order for 2R. *discharged.*

Report—Penal Servitude Acts Amendment (No. 118); Union Assessment Committee Act Amendment * (No. 131); Ecclesiastical Courts and Registries (Ireland)* (No. 132); Improvement of Land Act, 1864 * (No. 130).

Withdrawn—County Courts Acts Amendment * (No. 70) [H.L.]; Church Services (Apocrypha) (No. 125); Turnpike Roads * (No. 24).

COUNTESS OF ELGIN AND KINCARDINE.

Message from The Queen respecting The Countess of Elgin and Kincardine—The Queen's Answer to the Address of Monday last on said Message, *reported.*

SIR ROWLAND HILL, K.C.B.

Message from The Queen respecting Sir Rowland Hill, K.C.B.—The Queen's Answer to the Address of Tuesday last on said Message, *reported.*

WEST RIDING ASSIZES—HER MAJESTY'S ANSWER TO THE ADDRESS.

"I have received your Address, praying that the late Decision of the Privy Council ordering the Removal of the West Riding Assizes from York to Leeds instead of to Wakefield may be reconsidered."

"I have to inform you, that in pursuance of the Provisions of an Act passed in the Third and Fourth Years of His late Majesty King William the Fourth, intituled 'An Act for the Appointment of convenient Places for the Holding of Assizes in England and Wales,' an Order was made by Me, with the Advice of My Privy Council, on the 10th Instant, ordering and directing that Assizes for the West Riding of Yorkshire shall be held at Leeds, and the 6th Day of August next has been since fixed by My Judges of Assize for the Midland Circuit for holding the next Assizes for the West Riding in that Town."

"I have directed that a Copy of this Order shall be laid before you. If it should hereafter appear, that with a view to the more cheap, speedy, and effectual Administration of Justice, it may be expedient to appoint some other Place for holding an Assize in the West Riding, the Subject shall again be referred for the Consideration and Advice of My Privy Council."

THE COUNTY COURTS AMENDMENT BILL.

The LORD CHANCELLOR: My Lords, I wish to claim your Lordships' attention while I speak to you a few words conveying the reasons which have induced me to request you to postpone all further consideration of the County Courts Amendment Bill, which I have had the honour to submit to you. It has been represented to me that if the Bill were now to go down to the other House of Parliament it would be impossible to pass it during the present Session, not only from the state of business — which possibly I might get over — but from the circumstance that a Committee is sitting there on the state of the bankruptcy law, with which this Bill is in a great measure connected. That is by no means the argument which has had most weight with me. I am not at all insensible to the opposition which this Bill has met with. Many representations have been made to me from various quarters; and, on the whole, I am desirous of weighing these representations and of re-considering the matter that I may endeavour, if I can, to introduce a Bill, next Session if I live, which will remove many of the objections which have been raised against this Bill. With a measure of this real importance it is hardly to be expected that it can pass through Parliament on its first introduction. It is very desirable to agitate the subject—to let the country express its opinions, to weigh those opinions, and then after mature consideration to legislate at a future time. That will be my earnest desire, and I shall therefore relieve your Lordships of any further consideration of this Bill at present.

LORD BROUGHAM expressed his satisfaction at the withdrawal of the Bill, which he thought would not only not have passed this House, but would not have passed the other. He was perfectly confident that imprisonment for debt, which was the main feature of the Bill, and the shutting up of the County Courts, which would have been the immediate consequence, would never be endured by their Lordships or the country.

THE MARQUESS OF CLANRICARDE hoped that the withdrawal of the Bill would have no effect on the progress of the Irish County Courts Bill, and that some of the indisputably good provisions of this Bill would be introduced into the Irish Bill.

DENMARK AND GERMANY.

QUESTION.

THE EARL OF ELLENBOROUGH said, as the Conference meets to-morrow, and the suspension of arms will terminate in nine days unless a final arrangement is made, this probably is the last opportunity on which it may be possible, with any chance of producing the least good, to bring under your consideration the actual position of the Danish Question. I prefer to consider great questions before any final decision is taken by the Government with respect to them, rather than to wait till that decision has been made, and then, in the event of not approving that decision, to concur in a vote of censure. I had much rather endeavour to do good, and prevent rather than punish evil. Before I put the question, of which I have given notice, to the noble Earl, I hope I may be permitted very shortly to state what is the actual position of the Danish Question and our own. The Treaty of 1852 is not the basis of the arrangement which, as we are told, it is proposed to make. It is but three years since Prince Gortschakoff, unless I am greatly mistaken, considered that treaty—agreed to by almost all the Powers of Europe—to be in the nature of a guarantee of the integrity of the Danish dominions, and, because it was assented to by so large a number of the European Powers, to be more valuable than a particular guarantee by a certain number of Powers, as was proposed by the noble Earl. That treaty was entered into for the purpose of establishing the succession to the throne of Denmark, and with it, and through it, the integrity of the Danish dominions. It was declared in that treaty that it was of the highest importance to the interests of the balance of power in Europe and the peace of Europe that the integrity of the Danish dominions should be maintained. Are there any new views with respect to the balance of power in Europe which have induced those Powers to retire from the obligations of that treaty? My Lords, it appears to me to be a matter of ominous import that a treaty agreed to only twelve years ago should, upon a futile pretence that circumstances have changed, be abandoned now by every one of the Powers by whom it was signed. Are other treaties of more ancient date, where circumstances have indeed altered, to be maintained in their integrity if this recent treaty, where circumstances have not been changed, is to be abandoned? Where is to be the security of the obligations of any treaty if so recent a treaty is to be broken? The circumstances have not changed. Then, as now, the people of Schleswig and Holstein were led by the press of Germany to believe that they would be in a better position if united with Germany; and, through the intrigues of Prussia, they rose in rebellion against their Sovereign. The same circumstances exist now. The people have not gone beyond what they did in 1848, yet the circumstances of the present dispute are relied on as a reason for depriving Denmark of Schleswig and Holstein. What effect must this have on the security of the small States of Europe? If the great Powers unite to dismember a State by taking from it that which is declared by treaty to be a permanent portion of it, what occurs to-day with respect to Denmark may occur to-morrow with respect to Sweden, with respect to Holland, with respect to Belgium, and with respect to Switzerland, but still more with respect to those mediæval curiosities the small States of Germany, which, if this innovation be carried out, probably, will be the very first States to suffer from its further application. My Lords, I expect that when we read the papers which have passed in this Conference we shall find on the part of the noble Earl a very able statement of the reasons why this course should not be adopted. We have all read with a feeling of sympathy that paper which appeared a few days ago stating the views of Denmark with respect to the proposals made at the Conference. Denmark bows to the opinion of the Powers, and consents to adopt the proposal of the noble Earl with respect to the line of demarcation, but with the conditions that her diminished territory shall be preserved to her in independence and autonomy, and that the people whom it is proposed to separate from Denmark shall have the opportunity of expressing their own opinions as to their future government. Now, what are the different lines of demarcation proposed? The German Powers proposed a line from Apenrade to Tondern, which would leave the Danes only a very small portion of Schleswig. It is also stated, though not on strictly official authority, that a second line was proposed by Prussia—one from Flensburg to Tondern. This latter would leave the Danes in possession of Alsen, which the Prussians and Austrians have not hitherto been able to take. The first line would take Alsen away from Denmark; but there is this to be observed with respect to both lines — that they would deprive Denmark of every port in the North Sea, and by doing so they would cut off her communication with the other States of Europe in winter, when the Sound cannot be passed. I believe that France as little as England could consent to such an arrangement as that. The noble Earl proposes a different line. He proposes a line that would leave Denmark the Dannewerke, and I believe all the neutral Powers have accepted and supported the noble Earl's proposition. I hold, then, that the noble Earl on the part of this country and the neutral Powers, by the support they have given to his propositions, have practically pledged themselves in honour to maintain that frontier line, and not consent to any other which may be proposed. When, by means of this proposition, they replace the flag of Denmark on the line of the Dannewerke, they incur an obligation in honour to maintain it there. And they could not have selected a frontier more agreeable to good policy. To take from Denmark anything above the Dannewerke would have this effect—that in any future war between Germany and Russia, or between France and Germany, France or Russia would be sure to have the cordial support of Denmark against Germany, and troops could be brought to bear on the right of the German army in a manner that would be well calculated to insure success against Germany. We ought to look to the settlement now proposed as a final one, and no settlement can be final which is not at the same time just and honourable. I can hardly think it possible that Austria can hesitate about accepting the noble Earl's proposition. She must surely admit that the position she has lately taken up of subordinate co-operation with Prussia is one not worthy of the place which she has hitherto occupied in Europe. She must feel that the objects which Prussia has in view are not German, but purely Prussian objects, and, therefore, that they are not her own objects. She must see that Prussia is adopting principles which are entirely incompatible with the integrity of any of the States of Europe. And may we not hope that Russia will give her strenuous support to the noble Earl's proposition—Russia, which for ninety years has honourably and generously supported Denmark? It is surely to be expected that, looking back on that long series of years, Russia will not, in the moment of her weakness and difficulty, desert Denmark, whom she has so long supported. And what should be the course of France? Denmark through her long and faithful connection and alliance with France during the revolutionary war, lost Norway. Is it possible to believe France can stand by and see Denmark, her ancient friend and ally, dismembered and disabled by that very State on which she trampled at Jena? Must France not feel that a treaty concluded by her consent which would dismember and destroy Denmark would bring upon herself a dishonor greater than that of the defeat at Rosbach, which at Jena she had redeemed. Then, what are the rights which the German Powers claim in this case? The right of conquest. The conqueror has no right of conquest in an unjust war. He has as little as the house-breaker who enters a dwelling at night to despoil it. But the conqueror in an unjust war, though he cannot acquire a right can confer one. He confers upon all States the right of intervention to redress a wrong and re-establish rightful possession. Again, my Lords, will any one maintain the broad doctrine that every man who speaks German is to be under a German Sovereign?

Why, that is a principle which would dismember every State in Europe. There is no country, including our own, in which there are not thousands of men who speak a language different from that of the Government under which they live. I do not ask, under present circumstances, what England intends to do; but I infer that at least the Government will go to this extent, that they will not permit an Austrian fleet to enter the Baltic. I think they will interfere to protect Denmark in the possession of her Islands. But what greater right have the inhabitants of those Islands to be protected from Prussian barbarity than have the people of the north of Schleswig and Jutland? Depend upon it, the Prussians would prefer an arrangement of this kind to any peace; they would prefer to be kept out of the Islands if they were allowed to remain in Schleswig and Jutland; and they would remain and barbarously despoil the inhabitants of those provinces. But is that consistent with the honour of this country and with the honour of the other States of Europe? There is only one way to make Prussia give up its hold on Jutland and North Schleswig, and that is by distinctly intimating that the British Government will not only protect the Islands but will protect Jutland and Schleswig — that they will give the assistance of a British force to blockade the ports of Germany in order to protect Schleswig and Jutland. I certainly have always maintained the opinion that there is no material difference between the moral obligations of a State and those of an individual. I cannot understand how that which confers reputation on a man can bring discredit and injury upon a country. I think that no country can greatly err in following the dictates of generosity and of honour in making timely preparations against a great and coming danger, and least of all when innocence and weakness clasp its knees imploringly, in raising its hand to restrain and to strike down the aggressor. It now only remains for me to ask the noble Earl whether measures have been taken by Her Majesty's Government to re-inforce the fleet, so as to make it equal at once to the blockade of the German ports and the defence of the Danish Islands.

EARL RUSSELL: My Lords, before I reply to the Question of the noble Earl, I must beg leave to make a very few remarks upon the statement which he has just addressed to your Lordships. Of course, I am not going to enter into anything that has taken place in the Conference or into the state of the negotiations at the present moment; but as the noble Earl has referred to the Treaty of 1852, as he is perfectly aware of the nature of that treaty, and as he has had before him the papers which have been laid upon the table of both Houses of Parliament, I must call his attention to some of the circumstances connected with that treaty. My Lords, the Treaty of 1852 was not a treaty of guarantee. I believe it was stated expressly at the time, and this I know from one who negotiated the treaty, that it was then a matter of discussion whether there should be a treaty of guarantee, or only a treaty recognizing the right of the King of Denmark to regulate the succession to the throne, and stating the reasons why the Powers of Europe should agree to the mode proposed by the King of Denmark for regulating that succession. That treaty bound, I think, all the Powers who signed it, to recognize the present Sovereign of Denmark, King Christian IX., both as successor to the throne of Denmark and to that of the Duchies, and thereby he became, at the death of the late King, Duke of Holstein, Duke of Schleswig, and Duke of Lauenburg, as much as he became King of Denmark. That was the obligation of the treaty; but it did not do more than that which I have stated; it did not bind any of the Powers who signed it to guarantee its execution. It was no more than those Treaties of 1815, one of which provided for the union of Belgium with Holland, and another for the possession of Lombardy by the House of Austria. The noble Earl will probably recollect that at the commencement of this discussion in the present year the French Government, in a State paper—which was at all events contained in the newspapers, and which, I think, was laid before Parliament—referred to the Treaty of 1815 with respect to Belgium, as showing that this country, though it did agree to that treaty, and though it might be unwilling to see it disturbed, yet concurred in arrangements differing from that which was provided in 1815. In a similar manner, when there was a question of war for the purpose, among other things, of separating Lombardy from Austria, no person was more emphatic than the noble Earl opposite (the Earl of Malmesbury), who then held the office of Foreign Secretary, in advising Austria not to incur the perils of war, and in declaring that this country intended to be neutral in such a contest, and would not feel herself bound to support Austria in the maintenance of her Italian possessions. There are many more papers than those presented to Parliament, all to the same effect. I think they do the greatest honour to the noble Earl, and that they are conceived in a spirit of wise policy. The noble Earl who introduced this subject (the Earl of Ellenborough) must be aware of the sentiments both of France and Russia with respect to the maintenance of the Treaty of 1852—how explicitly France has stated her determination not to go to war for the purpose of maintaining that treaty, and how, though not so explicitly, Russia clearly let it be perceived that it was not her intention to take up arms to enforce that treaty. Whether that be any justification for the course which the Government of this country has pursued is another question, and it is a question upon which I may hereafter have to address your Lordships. I can assure your Lordships that it is a great inconvenience, as well as a great disadvantage to Her Majesty's Government, that they have not been able hitherto to lay before Parliament an explanation of the course of their policy; and no one will more rejoice than I shall when I am able to lay the protocols of the Conference upon the table of this House, and to explain to your Lordships the course which Her Majesty's Government have pursued. In the meantime, in order to show the sort of misrepresentations which are current with respect to the course pursued by the Government, I may mention that in an article which, I believe, was first contained in a German journal, but which I saw translated into a French paper, and there commented upon, it was stated that Her Majesty's Government had declared that the Duchy of Holstein and any part of Schleswig that might be separated from Denmark ought not to be disposed of without the consent of the British Plenipotentiary and the Government of Great Britain. Now, the declaration really was that, whatever might happen, the future destinies of the two countries should not be disposed of without their own consent; and as I suppose that was a very fair and just proposal, those who wish to malign England on every occasion thought it well to pervert the meaning of this expression, and turn the consent of the Duchies themselves into the consent of the British Plenipotentiary. I will not enter any further into this question, but nothing will be more agreeable to the Government than to give a full explanation of the whole course of their policy upon this matter. With regard to the Question asked by the noble Earl, I must say that during a period of negotiation, and while the Conference still continues, it has rather the air of drawing from me a statement as to our preparations for war. I will, therefore, only state, disclaiming any intention of uttering a threat of any kind, that Her Majesty's fleet is fully prepared for any service which it may be called upon to render.

THE EARL OF DERBY: My Lords, concurring, as I do, with a great portion of the observations which have been made by my noble Friend (the Earl of Ellenborough), and made with his usual force and eloquence, I cannot but say with great respect that I certainly dissent, in some degree, from a proposition which he laid down in commencing his speech, and which appears to me to involve a considerable constitutional error. My noble Friend stated that his object was—and there could be no doubt what his object must be—to prevent evil being done and assist in promoting beneficial results rather than to allow matters to take their own course, and then censure those who are responsible. Now, if you could be perfectly certain that the interference of Parliament upon all occasions during the progress of negotiations and during the communications which are passing between various countries would have the effect of preventing evil, of promoting good, and of giving to Her Majesty's Government the support which they may need under the circumstances of the case, I should say that such intervention by Parliament, although exceptional, might at the same time be justified. But, as a general rule, I lay down a doctrine entirely different from that propounded by my noble Friend. I conceive the true principle to be, that while matters are in progress—while the Government are engaged in negotiation—it is not the duty of Parliament, with imperfect information, to interfere by advice or by vote. I am of opinion that with Her Majesty's Government in all matters of this kind must be left the exclusive responsibility for the course and issue of negotiation; and I hope I may take this opportunity of expressing my earnest anxiety, that if I have refrained during the whole of this Session—as I have refrained—from passing any opinion, from putting any question, from raising any partial discussion—a course which I thought greatly to be deprecated—that abstinence on my part will not be supposed to arise from indifference, still less from approval, of the course pursued by the Government. My Lords, whatever temptations I may have felt to enter upon partial discussions of that state of Europe—more especially as connected with the Danish Question—which keeps this country in feverish anxiety from day to day, I have laid down for myself a rule from which I have not shrunk and will not shrink—namely, that while matters are in their present state, I will not afford the slightest excuse for any man to allege that by anything I have said or done I have in the least degree embarrassed or impeded the action of the Government. I will leave to them, according, as I apprehend, to the constitutional duty of Parliament, the whole and undivided responsibility for the course which they have pursued, and the condition to which they have brought the honour of the country. But, my Lords, I must at the same time say that the time is approaching when this transition state of things cannot long continue—that a few days must decide whether the Conference is to succeed in promoting a peace, and, above all, an honourable peace, for this country. Dearly as I love peace I love honour more, and the time must come when we shall see whether that happy effect is to be produced by the negotiations carried on by Her Majesty's Government, or whether, in the course of a few days, the hopes of Europe will be dashed to the ground, the war recommenced, the negotiations ended, and the whole question left open, as it was previous to the assembling of the Conference. Should that be the case, I say it will not only be the right but the duty of Parliament, without an hour's delay, to call upon the Government for a distinct and specific statement of the policy which they have pursued and the course which they mean to pursue. Nay, more—I say it will be the right and the duty of Parliament, upon hearing such a statement, to pronounce judgment, "Aye" or "No," upon the policy of the Government and the position in which they have placed the country. We are now advancing to a very late period of the Session, and I think it is of the utmost importance that Parliament should not separate without having an opportunity of expressing its opinions before this Conference has come to a determination as to the course which is to be pursued, be it for peace or for war. And notwithstanding what I have said as to not interfering with the course of Her Majesty's Government while negotiations are in progress, I may say that I think Parliament would not—indeed, I think Parliament ought not—patiently to sit by and watch protracted negotiations delayed by postponements and adjournments day after day and week after week, until a time of the year shall arrive when Parliament will not be able to pronounce effectively any opinion of a judicial character upon the conduct of Her Majesty's Ministers. Therefore, while I earnestly hope that by a speedy settlement of this question one way or the other, the lips of Parliament will be opened, and Parliament will be permitted to express its opinion, I think it my duty at the same time to say that if, contrary to my hopes and belief, negotiations should be carried on from week to week, and from month to month, without leading to any definite issue, that circumstance will entirely alter our position, and it will be competent and justifiable—nay more, it will be necessary—that Parliament should take some course to prevent its voice from being entirely stifled in respect to the great affairs of Europe.

THE MARQUESS OF **CLANRICARDE** said, he could not remain silent when he heard such constitutional doctrine as this laid down by the noble Earl. He agreed that it would be indiscreet at the present time, when a Conference was sitting to consider affairs so important, that Parliament should interpose any opinion upon the great questions at issue; but he denied that because negotiations were going on it was necessarily incompetent or injudicious, on the part of Parliament, to seek for information. Such was not the doctrine laid down and acted upon by high authorities upon constitutional procedure, which the noble Earl the Foreign Secretary surely would not hesitate to acknowledge. Had not Earl Grey, Mr. Fox, and others, over and over again moved Resolutions and Addresses to the Throne while negotiations were going on? It was often only when negotiations had commenced that Parliament became aware that questions of peace or war were pending. He maintained that since Parliament had assembled there had been many opportunities when Parliament, without any risk of doing harm and with great prospect of doing good, might have considered the course which the honour and interests of this country required to be pursued at the present time. They had been told in the Speech from the Throne, that the Treaty of 1852 was to be upheld. What had become of that treaty now? No one speaks of it, and it is entirely put on one side. Without saying whether that was right or not, he would ask their Lordships to remark how it had been justified by his noble Friend in reply to the frequent remarks of the noble Earl opposite (the Earl of Ellenborough). The noble Earl the Foreign Secretary referred to other treaties which had been set aside, and alluded to them not as exceptional instances, but rather as examples, implying that as so many treaties had been disregarded there would be no harm in breaking one or two more. The observations of the noble Earl opposite (the Earl of Ellenborough) were, he thought, most wise and well deserving of their Lordships' consideration; but the question which he had put, and which perhaps it was as well had not been answered, seemed to be founded upon a misconception. The noble Earl had jumped at the conclusion, that under some circumstances the Government would be inclined to go to war upon the question. It was hard to see what grounds the noble Earl had for thinking that, happen what might, the present Government would ever be induced to take up arms in the cause of Denmark. It was a matter of notoriety that propositions for partitioning the kingdom of Denmark had been entertained by our Ministers, and no one could doubt that events were tending towards a total extinction of the kingdom of Denmark. He would not say whether such a result was desirable or not for this country, but there could be no doubt that there was a great probability that within a few years Denmark would either become a part of the German Empire, or a portion of a Scandinavian kingdom. These things had been going on, and we had not stirred in the matter, and therefore it was difficult to understand how it was that the noble Earl assumed that in any case we should go to war for Denmark. If a Vote of Censure were proposed, and Parliament was left without information, it would be difficult to say in what manner their Lordships would vote. He believed that if Parliament had interfered in 1853 there would have been no Russian war, and he had always regretted that he had not at that time brought forward a Motion which would have enabled Parliament by an expression of its opinion to relieve the country from the misfortunes of that war.

EARL RUSSELL: My Lords, in reply to the noble Earl opposite (the Earl of Derby) I must render my tribute of thanks to him for the course he has pursued in this matter—a course which is entirely constitutional, fair to the Government, and creditable to himself. With respect to the noble Earl's remarks as to the silence of the Government, I may say that I think that in a very few days either arrangements will have been made for preliminaries of peace, or the negotiations will have been totally broken off, and the war will then of course be resumed.

THE BURIAL SERVICE.—QUESTION.

LORD EBURY, in rising to put the Question of which he had given notice as to the probability of legislation this Session upon the compulsory use of the Burial Service, said, he did not intend to enter upon any discussion of this subject at present. He called the attention of the House last year to the Question, and proposed to address Her Majesty for the issue of a Royal Commission to inquire into the evils which were stated to arise from the compulsory and indiscriminate use of the Burial Service. In support of the Motion he referred the House to a petition signed by about 4,000 ministers of the Church of England, and addressed to the heads of the Church, praying that some relief might be afforded to their consciences by removing the grievous scandals caused by the present state of the law. Upon that occasion the most rev. Primate urged him to withdraw the Motion in order that the representatives of the Church might further consider the subject. He did accordingly withdraw his Motion. Before doing so, however, his most rev. Friend the Primate undertook for himself and his right rev. Brethren that they would give their serious attention to the subject, and ascertain, if possible, the views and feelings of the clergy in reference to it, and, if possible, devise some means of remedying an admitted grievance. At the same time he stated that he would not pledge himself—indeed, he did not think it practicable to do so during that Session. Before the Session terminated he asked his most rev.

Friend whether anything had been done; and the most rev. Primate stated on that occasion that he had already taken some steps in the matter, but that he would require more time in order to ascertain what were the sentiments of the clergy on the subject. Since that time the greatest part of a year had elapsed. The present Session was now fast drawing to a close, and he hoped he should not be considered as manifesting any improper impatience if he ventured to ask his most rev. Friend, Whether it was likely that any Legislation will take place this Session to remedy the evils complained of from the compulsory and indiscriminate use of the Burial Service? Should the answer be in the negative, it was his intention on this day fortnight to bring the whole Question again under the notice of the House.

THE ARCHBISHOP OF CANTERBURY said, his noble Friend had stated very accurately what passed during the last Session of Parliament on the question of the Burial Service. It was quite true that he (the Archbishop of Canterbury) undertook to endeavour to devise some measure which should remedy the grievance which he acknowleged to exist; but before doing so he stated that he ought to ascertain what were the views of his right rev. Brethren, and the views of the clergy of the United Church of England and Ireland. He thought he might say that the majority of his right rev. Brethren were averse to any change in the Burial Service. He had taken great pains to ascertain the views of the clergy on the subject, and the preponderating majority, amounting to at least three-fourths—perhaps four-fifths—were also averse to any change in that service. Their feeling was that the remedy would be worse than the disease, and that it would be better to submit to present evil than run the greater risks that might follow from any change. That being the case, he certainly did not feel himself at all prepared to propose any such remedy for the grievance complained of. He should not be justified in doing so contrary, he believed, to the views of the majority of his right rev. Brethren, certainly to the opinion of an immense preponderance of the clergy. His noble Friend had not touched on the merits of the Question, and he should not, therefore, enter upon it on this occasion, but he should be prepared to meet him when he renewed his Motion.

LORD EBURY then gave notice that on this day fortnight he would renew the Motion he made upon this subject last Session.

CHURCH SERVICES (APOCRYPHA) BILL—(No. 125.)

SECOND READING. BILL WITHDRAWN.

Order of the Day for the Second Reading read.

VISCOUNT GAGE moved the second reading of the Bill, the object of which was to permit clergymen to substitute for the lessons from the Apocrypha, now used on certain days in the Church service, lessons from the canonical books of the Bible. This might seem a slight boon, but slight as it was, it would be no small relief to many clergymen whose consciences revolted at reading the books to which the Bill referred. As to the Books of the Apocrypha, they had never been received in the Church previous to the Council of Trent, and then only because they were found in the Bible.

Moved, That the Bill be now read 2^a.—(*Viscount Gage.*)

THE ARCHBISHOP OF CANTERBURY was certainly not prepared to accept the Bill his noble Friend proposed to read a second time. He thought it extremely objectionable—unwelcome to the laity and unacceptable to the Church—that it should be left to the option of any clergyman to read what lessons he pleased. He therefore moved as an Amendment that the Bill be read a second time this day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months").

EARL STANHOPE said, he would point out to his noble Friend the fact that while the object of the Bill was to take care that no part of the Apocrypha should form part of the service of the Church of England, and while permission was given to substitute canonical lessons for those taken from the Apocrypha, the Bill would not be effectual for its purpose, because there were other portions of the service—the Offertory, for instance—in which portions of the Apocrypha were used.

LORD EBURY observed, that the Bill only proposed that violence should not be done to the consciences of those clergymen who were compelled to read lessons from the Aprocrypha fixed for particular days. There were portions of the Apocrypha—such as the story of *Susannah and* *the Elders* and *Bel and the Dragon*—which were totally unfit, he would not say to be read in church, but to form any part of Christian worship. A clergyman had informed him that he would as soon read the story of *Jack and the Bean Stalk* as that of *Bel and the Dragon.* Many clergymen did substitute other lessons, but unless the law was altered clergymen would still be compelled by law to read these unseemly stories. All that the Bill proposed was, that clergymen might be allowed, without violation of the law, to select lessons out of the Canonical Scriptures, instead of reading those taken from the Apocrypha. It was not to be supposed that any layman would object to that. The laity, he was persuaded, would rather hail it with satisfaction. The first thing which Dissenters and unbelievers charged against the Church of England was, that it sanctioned the public reading of these objectionable lessons; and that practice had done more harm to the Church than almost anything else in her ordinances. If their Lordships were true friends to that Church of which they were almost all members, they would vote unanimously in favour of the noble Viscount's Motion.

THE BISHOP OF LONDON said, he was afraid there was some danger of the right rev. Bench being misunderstood in that matter. By his own vote he would be exceedingly sorry to be supposed to express an opinion either in favour of the use of the Apocrypha or against it, or an opinion either in favour of the abstract proposition of the noble Viscount, that the clergy should have this liberty, or that they should not have it. What he wished to be understood as saying by the vote he meant to give was, that he thought this grievance, if it was a grievance which required to be remedied, had better be remedied in some other way. The noble Lord (Lord Ebury) had intimated that he would call their Lordships' attention to the subject of the Burial Service a fortnight hence. Now, even with regard to that subject he was disposed to think it was not the wisest course to have discussions in that House till such time as they were able to settle other important questions with which they were at present engaged. The Government had issued a Commission of Inquiry into a very important ecclesiastical matter—namely, the subscriptions of the clergy at their ordination and their institution to benefices; and he thought he should not be guilty of any breach of confidence in saying that that Commission had been sitting since April last for many hours in each week. And, as the right rev. Prelates who were members of that Commission, and who, he supposed, would also be members of the other Commission, had many important duties to perform, it was perhaps better to take one thing at a time. When the question of clerical subscription had been dealt with in the proper and constitutional way, they might be able to consider any further improvements which noble Lords had to suggest. As to the Apocrypha, he did not think that everything which might be disliked in the lessons read in Church was contained in the Apocryphal lessons. Some of their greatest divines had prized the Apocrypha. If his memory served him rightly, Bishop Butler's use of the Book of *Jesus the Son of Sirach* showed certainly that the Apocrypha, as a whole, had not been correctly designated by the noble Lord. But however this might be, it was better to adopt such a course as the Church generally approved for removing any blemishes which might exist in our ecclesiastical system.

THE BISHOP OF OXFORD desired to back up what had been said by his right rev. Brother. Without expressing any opinion on the general proposition of the noble Viscount, he submitted that the Bill ought not to be read the second time, because it was, at all events, a wrong mode of doing what the noble Lord proposed to do. Following all the precedents of the Constitution, the proper mode of attempting such a step as this would be by moving an Address to the Crown, calling on the Crown either by Commission to inquire into it, or by addressing the Crown to bring the matter by its prerogative before the Houses of Convocation; and, the matter having been first considered in a Convocation of the clergy, it might then be proposed that it should be brought before Parliament. That had hitherto been the course adopted, and he thought it would be full of the gravest inconvenience in many ways if that old constitutional method were rudely interfered with by individual Members of the Legislature attempting piecemeal to reform what they might deem little blemishes in the Church services. Another objection to this proposal was, that if this subject were to be considered at all, the question should be, not whether the Apocryphal lessons could be amended, but whether the lectionary of the Church service could be amended. He ventured to join his own protest to what had fallen from his right rev. Brother as to the exceeding inappositeness of the general and strong censure pronounced by his noble Friend on the Apocryphal Books. He admitted that there were blemishes to be found in them, and parts that were not the best adapted for reading in our churches; but if, instead of listening to clerical correspondents, who were occasionally not very clerical in their language, the noble Lord would read *The Wise Sayings of Jesus the Son of Sirach,* the noble Lord would perhaps not be a sadder, but, by his own confession, would certainly be a wiser man.

Lord EBURY explained that he had referred to such books as *Susannah and the Elders* and *Bel and the Dragon.*

Lord LYTTELTON objected to dealing in the fragmentary manner now proposed with the English Prayer Book without due inquiry, conducted in the regular methods. So far, however, from objecting to the principle in itself of the noble Viscount's Bill, he thought it might be carried a great deal further. No case could be mentioned of more flagrant faults of omission and commission than that of the lectionary of the English Church, whether they looked to the Sunday lessons or to the calendar for the weekly services. When the noble Lord spoke of things in the Apocrypha which it was painful to read in the presence of ladies, it should be remembered that a similar objection might be made to some parts of the canonical books of the Old Testament.

Earl GRANVILLE ventured to suggest to the noble Viscount (Viscount Gage) that he should not divide the House on that occasion. It was quite clear, from what had just taken place, that the House was not prepared to assent to the second reading of the Bill; and he hoped the Motion would not be pressed, as, at the same time, it might be disagreeable to many of their Lordships to vote against it.

Viscount GAGE said, the discussion had convinced him that the proper mode of dealing with the subject was by the appointment of a Commission, and he would not press the second reading of the Bill.

Amendment, and original Motion (by Leave of the House), *withdrawn;* and Order of the Day for the Second Reading *discharged.*

PENAL SERVITUDE ACTS AMENDMENT BILL—(No. 66.)—REPORT.

Amendments *reported* (according to Order).

The Earl of AIRLIE said, he desired to call attention to the manner in which the Bill was likely to effect the voluntary emigration of convicts released on licence. As regarded this question there were two points of very great interest and importance, which came out strongly in the evidence before the Commissioners—first, the extent to which the emigration of ticket-of-leave men had up to the present time been carried; and secondly, the beneficial results which had attended it. Sir Walter Crofton stated, that upwards of 20 per cent of those convicts who were released on licence in Ireland during the six years ending in 1861, had emigrated. But those figures, large as they were, did not represent the whole numbers, because Sir Walter Crofton could only speak with respect to those persons whose movements he had traced. The information with regard to England was not so good, but there could be no doubt that considerable numbers of convicts had emigrated from this country as well as from Ireland. According to the secretary of the Discharged Prisoners' Aid Society that institution, since it came into existence, had assisted about 900 released convicts to emigrate, and that a still larger number would have been assisted had the society's funds permitted; and the same authority stated that a very general disposition to leave this country had been found among ticket-of-leave men. As to the beneficial effects of the emigration there was a concurrence of testimony on the part of all who had given evidence before the Commissioners. Sir Walter Crofton was of opinion that any well-directed system of prison discipline must involve a large voluntary emigration of released convicts; and Mr. Organ declared that the main object of his lectures had been to induce ticket-of-leave men to emigrate. Looking indeed to the large extent to which emigration had gone from Ireland, and looking to the great importance that had been attached to the Irish system, it was not too much to say that the good working of the Irish system might be attributed, in great measure, to the voluntary emigration of convicts released on licence. With regard to transportation the Commissioners were sensible of the difficulties of the question, and to meet those difficulties they recommended a large increase in the emigration to Western Australia—as large a number as the colony could accommodate. Captain Henderson stated the number at 1,000 a year; the Commissioners in their Report estimated the number somewhat larger; but it was known that the average of those transported during the last two years had been between 500 and 600 each year. This was not the time to discuss the question whether the Government were acting rightly or not. He thought they were acting rightly. They had now pledged themselves that no greater number of convicts should be transported to Australia than between 500 and 600, and that pledge, he thought, could not be revoked. What was to be done with the remainder? It appeared to him that it would be acting more in the spirit of the recommendation of the Commission, if they could not carry out those recommendations to the letter, not to throw obstacles in the way of voluntary emigration of convicts who had been released from prison. Now, what would be the position of the Government if the Bill passed in its present form? The Bill provided for a stringent supervision of ticket-of-leave men, who were to report themselves once a month, besides intimating every change of residence. These reports would be sent in the first instance to the directors of convict prisons, and would then be transmitted by them to the Government, who would thus be made responsible for the movements and conduct of all convicts released on licence. It was also important to note what had been the action of other countries, especially of those towards which the tide of emigration usually tended—the United States of America and our Australian colonies. The State of New York had framed a most stringent regulation for the purpose of preventing persons whose term of punishment had not expired from being landed on its shores. They made the shipowner responsible—they visited him with severe penalties if he allowed any of these men to land. Of course, the Government would not deny the right of the United States to make such a regulation a cause of grievance. But in the case of our own colonies it was still stronger. After the concessions which the Government had made to the colonies, he could not believe that they would be so wanting in self-respect as to attempt to smuggle convicts into the colonies. If the Bill were passed as it

stood, it would hamper the Government very greatly in dealing with a large class of our convicts. No doubt the Government might deal in this way with the class of convicts whose term of imprisonment having expired, and who having had a chance of gaining honest employment offered to them here or elsewhere, could be shown to have declined availing themselves of such a chance; but if an impression should ever prevail in the public mind that these men were the victims of a system that would give rise to a most dangerous state of feeling — sympathy with the convict class. He had shown that a very considerable emigration of criminals had taken place, that it had been beneficial, and that this Bill would put a stop to it. He hoped the Government, therefore, would consider whether the Bill could not be so modified as to give the Secretary of State power to release convicts, if he thought fit, without imposing any conditions of supervision.

Earl GRANVILLE admitted that there was an inconsistency between the Bill and the Report of the Commissioners—that the Commissioners had stated that Western Australia was capable of receiving 1,000 convicts a year, whereas the Government were only permitted to send 500 or 600.

Earl GREY said, it was impossible to overstate the importance of enabling convicts to leave this country, and he entirely concurred with his noble Friend (the Earl of Airlie), that while it was most desirable that convicts should be enabled to leave the country, it certainly was not desirable that we should send them away in an underhand and stealthy manner. The noble Earl had pointed out that several foreign countries and some of our colonies had passed laws to prevent the immigration of such a class, and he could not help fearing that if Her Majesty's Government pursued their present policy on this subject we should get into serious difficulties, both with our colonies and foreign countries. At present convicts sent to Western Australia had very little chance of making their way to the other Australian colonies; but he had no hesitation in saying that if convicts were released here with tickets-of-leave, but under no conditions which would prevent them making their way to the colonies, the Australian colonies would get a larger importation of this class than if we had continued to send them to Western Australia. He dissented altogether from the assertion of the noble Lord that the Government having decided on not sending more than 500 or 600 convicts to Western Australia in each year, this decision of the Government was irrevocable. He never would admit that an unwise decision was to be binding on the wisdom of Parliament to all future time, and he hoped no long time would elapse before Parliament overruled this unwise and hasty measure.

EARL GRANVILLE said, Her Majesty's Government were quite alive to the complaints which our colonies and foreign Governments would have against us if we deluged them with our convict classes.

Clause 4 (Forfeiture of Licence).

THE EARL OF LICHFIELD rose to move an Amendment the effect of which was to relieve the ticket-of-leave men from the obligation of reporting themselves once a month to the police, unless they were required so to do by the conditions of their licence. The mere fact of a man calling upon the police once a month would not give them any further check upon him than the ordinary supervision which they ought under all circumstances to exercise. He contended that it would be impracticable to carry out the clause as it stood, and that it would be hard to deprive the few men who were inclined to earn an honest living from a fair opportunity of doing so, especially as there was nothing to show that the public would be better protected under such a system.

Amendment *moved*, after ("subsequently") to leave out ("once in each month") and insert ("if required to do so by the Conditions of his License").

THE EARL OF CARNARVON said, that every argument that had been urged by the noble Earl had been urged over and over again on a former evening. If the Amendment was agreed to it would completely reverse the deliberate decision arrived at by their Lordships after a full discussion. The objection to supervision was its hardship upon the ticket-of-leave holder. He was willing to assent to the introduction of a proviso that the personal attendance of the ticket-of-leave holder should not be required after the first occasion, but that a certificate or letter from the Discharged Prisoners' Aid Society, or a clergyman, or an employer, should be received as evidence of the man's continuance in honest courses.

EARL GRANVILLE observed, that nothing had been said to show that a monthly reporting would insure a greater amount of supervision on the part of the police, than reporting upon first arrival and upon each change of residence.

Question proposed, That the Words proposed to be left out stand part of the Clause, their Lordships *divided*:—Contents 36; Not-Contents 44: Majority 8.

Resolved in the *Affirmative.*

CONTENTS.

Richmond, D.

Salisbury, M.

Bandon, E.
Carnarvon, E. [*Teller.*]
Chesterfield, E.
Manvers, E.
Mayo, E.
Nelson, E.
Orkney, E.
Powis, E.
Romney, E.
Tankerville, E.
Wilton, E.

Hawarden, V.
Hereford, V.

Blantyre, L.

Bolton, L.
Chelmsford, L.
Churston, L.
Colchester, L.
Colville of Culross, L.
Conyers, L.
Dinevor, L.
Dunsany, L.
Egerton, L.
Inchiquin, L.
Lyveden, L.
Polwarth, L.
Raglan, L.
Silchester, L. (*E. Longford*).
Templemore, L.
Tenterden, L.
Thurlow, L.
Tredegar, L.
Wynford, L. [*Teller.*]

NOT-CONTENTS.

Westbury, L. (*L. Chancellor*).

Armagh, Archbp.

Devonshire, D.
Saint Albans, D.
Somerset, D.

Airlie, E.
Belmore, E.
Caithness, E.
Cathcart, E.
Chichester, E.
De Grey, E.
Devon, E.
Ducie, E.
Granville, E.
Grey, E.
Lichfield, E. [*Teller.*]
Russell, E.
Saint Germans, E.
Shaftesbury, E.
Shrewsbury, E.

Eversley, V.
Falmouth, V.
Sydney, V.

Torrington, V.

Down, &c., Bp.

Camoys, L.
Cranworth, L.
Dartrey, L. (*L. Cremorne*).
De Tabley, L.
Foley, L. [*Teller.*]
Houghton, L.
Hunsdon, L. (*V. Falkland*).
Leigh, L.
Lyttelton, L.
Methuen, L.
Mostyn, L.
Ponsonby, L. (*E. Bessborough*).
Portman, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll*).
Talbot de Malahide, L.
Truro, L.
Wenlock, L.
Wodehouse, L.

House adjourned at Eight o'clock, to Tuesday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 17, 1864.

MINUTES.] — Select Committee — *Report*— Case of Mr. Bewicke, Committee [P. P. No. 395].

Supply—*considered in Committee* — Committee R.P.

Resolutions [June 14] *reported.*

Public Bills—*Resolutions in Committee*—Sheriffs Substitute (Scotland) [Salaries].

Ordered — Inland Revenue (Stamp Duties)*; Herring Fisheries (Scotland) Acts Amendment*.

First Reading—Inland Revenue (Stamp Duties)* [Bill 159]; Divorce and Matrimonial Causes (Amendment)* [*Lords*] [Bill 162]; Scottish Episcopal Clergy Disabilities Removal* [*Lords*] [Bill 161].

Second Reading — Greek Loan* [Bill 144]; Chimney Sweepers Regulation* [*Lords*] [Bill 148]; Game (Ireland) (No. 2)* [Bill 140], *postponed.*

Committee—Factory Acts Extension [Bill 55]; Superannuations (Union Officers)* [Bill 133]; Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland)* [Bill 125].

Report — Judgments, &c. Law Amendment* [Bill 160]; Superannuations (Union Officers)* [Bill 133]; Coventry Free Grammar School* [Bill 124]; Sale of Gas (Scotland)* [Bill 125].

Considered as amended—Servants Hiring (Scotland)* [Bill 108].

Third Reading—Valuation of Rateable Property (Ireland)* [Bill 141]; County Constabulary Superannuation* [Bill 136].

FACTORY ACTS EXTENSION BILL.

[BILL 55.] COMMITTEE.

Order for Committee read.

Mr. BAGWELL said, he wished to bring under the notice of the House the condition of the needlewomen and tailors of the metropolis. Last year the community were startled by the case of an unfortunate needlewoman who met her death in London. She had been in the employment of Madame Elise, one of the fashionable dressmakers of the metropolis, and her death was accelerated by working in an ill-ventilated room. At the time of the occurrence the Secretary of State for the Home Department, in reply to a question asked in the House, said he should be glad if something could be done by Parliament in reference to the ventilation of these buildings and workrooms. Twelve months had elapsed since the unfortunate occurrence to which he alluded, and nothing had yet been done. He (Mr. Bagwell), therefore, thought the Government ought to state what were their intentions. If they were not prepared to introduce a Bill that Session, one might be introduced early in the next Session. The Act which was passed in the year before the last regulating bakehouses had worked most beneficially, and a similar measure in regard to the ventilation of the workrooms of needlewomen and tailors was highly desirable. In conclusion he would move that the Committee be instructed to take into consideration the propriety of including in the Bill the tailors and needlewomen of the metropolis, and of towns containing more than 5,000 inhabitants by the last census.

Sir GEORGE GREY said, that a Commission had been appointed to examine into the state of those trades, and it would be unadvisable to legislate upon the subject until that Commission had made its Report. He could make no distinct pledge upon the subject, but he hoped his hon. Friend would be satisfied that the Government would give the matter the earliest attention possible.

Mr. SPEAKER said, that the instruction suggested by the hon. Member was not one that could be sent to the Committee, as the hon. Member had not given notice of his Motion. He must, therefore, request the hon Member to withdraw it.

Mr. BAGWELL said, he would withdraw his Motion. He was perfectly satisfied with what had fallen from the right hon. Gentleman the Secretary of State for the Home Department.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to*

Clause 3 (Definitions).

Mr. ADDERLEY said, he regarded the mode of specifying those provisions of the Factory Acts to which the Bill was to extend as not only unadvisable but dangerous. The House should avoid the danger of cobweb legislation as far as possible. The plan was mischievous, as the House itself could not be fully aware of the extent of its legislation.

Mr. H. A. BRUCE said, the provisions of the Factory Acts were perfectly familiar having been administered for many years, and he was satisfied that no practical difficulty would arise from the application of them. He might add that they had received an assurance from the Inspector of the district that he would be able with his sub-Inspectors to carry the measure into effect, but the number of Inspectors would be increased if necessary.

There was no reason why the precaution of fencing machinery adopted in other factories should be dispensed with in this case. He did not intend to ask the House to consider the Report until Monday week with the view of giving ample time for the consideration of the subject.

MR. F. S. POWELL said, he wished to call attention to a recent case which had come before the magistrates. A factory in which the provisions of the Factory Act had been violated, was proved to be situated in two counties. It having been ascertained that the process carried on in the county in which the proceedings had been instituted was not in contravention of the Act, the prosecution failed. He trusted that if the Government contemplated any Consolidation Act, which had been hinted at, the anomaly to which he referred would be provided for.

Clause *agreed to.*

Remaining clauses *agreed to.*

Schedule (Manufactures and Employments to which Act applies).

MR. H. A. BRUCE said, he wished to move the omission of the clause which included in the operation of the Act persons engaged in the employment of finishing, hooking, lapping, making up, or packing. The Government had been guided in framing the clauses by the state of the trade at Manchester. Information, however, from other places had been received, stating that the hours were not excessive, and that no women and children, to whom the clauses of the Act could be applied, were employed in any injurious portion of the businesses. The Government ought not to interfere in such cases unless there was ample cause for such interference, and even in Manchester there appeared to be no pressing call for interference. The state of all those trades, however, should be fully examined into, and all he asked of the Committee was not to force the Government against their sense of justice to legislate without further inquiry.

MR. ROEBUCK said, that the contest was between men who wished to advance the interests of the working classes and those who from selfish motives desired to employ them; a contest which had been carried on in that House for the last forty years. Legislation in favour of the working classes had been opposed at every step by the manufacturers. The first step was taken by his lamented friend Joseph Hume, who required that the power of combination should be granted to the working man, and that step was at last carried in spite of the most virulent opposition on the part of the manufacturers. It was then felt that the children of the manufacturing classes were subject to much ill-treatment, and not until the manufacturers were actually ashamed of their conduct did they cease their opposition to any improvement in that direction. Then came the question as to whether the women ought not also to be protected by law, and in their opposition to any alteration of the existing legislation the manufacturers were aided by many others who said that women were well able to take care of themselves. But that was a great mistake. He himself had opposed that measure, but he had since had ample opportunity of becoming convinced of his error. He had already confessed his mistake, and, after speaking upon the subject in the House, Sir James Graham said to him, "I am glad you have made your recantation. I shall do so too." Well, then, the mines came next, and a blue-book was published on that subject, which furnished one of the most marked instances of the doings of this generation, and a more horrible exhibition was never made before an alarmed, amazed, and an astounded public. Legislation in regard to mines was, however, opposed by the mining proprietors. Now, he appealed to the right hon. Gentleman the Secretary of State for the Home Department, whether any one of those various Acts had produced the least possible injury to trade, notwithstanding that at the time when they were passed they were told that if Parliament limited the time of the factories the manufacturers would be ruined. But the fact was that our manufactories, to use the pompous language of Johnson, "have risen like exhalations" throughout the country. His right hon. Friend ought not to attach much value to memorials signed by workmen and their children, because his right hon. Friend could not help knowing that the workmen were entirely under the control of their masters, and that the children in the same way might be induced to adopt any course which their parents might deem advisable. The right hon. Gentleman's own experience must have shown him that no children were so harshly treated as those who had cruel parents. A child was oftentimes converted into a mere machine for the profit of its idle and dissolute father. Why did his right hon. Friend propose to omit the clause bearing upon the employment of packers? He acknowledged that in Manchester the evil existed, and if he believed that it did not exist at Bradford, where could be the harm in applying the Act? He (Mr. Roebuck) received a letter from Mr. Walker, of Bradford, in consequence of the Government having announced their intention to propose the omission of the shipping warehouses from the Bill, in which the writer stated that these warehouses employed a great number of boys even until midnight, and that they were deliberately included in the Bill when introduced in accordance with the Commissioners' Report. The writer added that no new light had been thrown upon the treatment of those boys in these warehouses, and that it was only a few interested German merchants, who, having a great number of these warehouses in Manchester, Bradford, &c., had induced Mr. Baines and Mr. W. E. Forster to endeavour to induce the Government to omit these warehouses, and the writer concluded by assuring him (Mr. Roebuck) that the public at large would rejoice to find the Bill passed entire as it was laid on the table of the House. After these things had been proved to exist, and after the statement of the hon. Member for Paisley that the evil existed in Manchester, he could not understand the Government, upon an interested memorial of certain persons, turning round and saying, "We are told that the evil does not exist at Bradford, and therefore we will withdraw the only thing in the Bill which really would do good, because we are told there is a possible mischief." They had abundant evidence to warrant their progressing with the Bill in its entirety. He asked the Government whether they would yield to the interested clamour of the manufacturers, who had opposed every reform which had been introduced into the regulation of the factories. The right hon. Gentleman had said that the trades referred to in the clause which he proposed to strike out would be made the subject of inquiry, and that the result of that inquiry would be acted upon next year. The right hon. Gentleman, however, must know that the fewer the people who had a right to complain the less would it be in their power to procure a remedy. A lukewarmness would come over those who were protected by the law, and the same zeal would not be exhibited in freeing the remainder from the tyranny and cruelty to which they were subjected. He would ask the right hon. Gentleman the Secretary of State for the Home Department, whether his opposition in former times to the interested clamour of the manufacturers had not been, on the whole, exceedingly beneficial.

Sir GEORGE GREY said, he should be sorry to revive long forgotten controversies, but he might safely affirm what was a very gratifying fact, that experience had shown the Factory Acts to have been successful in every respect. There was another principle, however, concerned in the present measure, that of legislating without sufficient inquiry. He could not but regard the course which his right hon. Friend proposed to take as correct, because the proposal was simply one of postponement for the purposes of inquiry, and not one of exclusion.

Mr. CRUM-EWING said, that the Bradford people, for the purpose of sparing themselves a little inconvenience, were willing to withhold benefits conferred by the Act from a large number of women and children. He regretted very much the course which the right hon. Gentleman had indicated his intention to pursue. He maintained that there was not only evidence sufficient to show that the clause was needed, but that its necessity was felt by all but those against whose interests it would operate. Petitions had been presented from all the great towns praying for restrictive legislation, and those petitions had in all cases been carried at public meetings and by overwhelming majorities. There were 2,500 boys employed in the warehouses of Manchester alone, and he asked the Committee whether that large number of children was to be left to the tender mercies of their employers. He should support the retention of the words proposed to be omitted.

Sir FRANCIS CROSSLEY said, he believed that his right hon. Friend had not withdrawn the clause on account of any pressure from the manufacturers, but because information had been received from Manchester alone; and it was considered necessary that the state of things in the other great towns should be inquired into. The truth was, that the warehousemen were afraid of the Act in the same way that the manufacturers feared the introduction of the Factory Acts, but he felt certain that their opinion would by-and-bye undergo the same change as that experienced by the manufacturers. He hoped that his right hon. Friend would not hesitate to pass the whole measure through Parliament as the Committee appeared determined to insist upon the retention of the clause.

SIR JOHN OGILVY said, he thought that the postponement proposed by the right hon. Gentleman for the purposes of further inquiry was but reasonable, as so many gentlemen had complained that their business would suffer from unnecessary interference, and that if time were given them they would be able to prove their case.

MR. NEWDEGATE said, he should support the Bill in its original form. He believed that legislation like that before them had done more to draw classes together, and to produce that admirable state of feeling which had been exhibited during the recent Lancashire distress, than anything else in the world. He felt certain that if the Ten Hours Act had not accompanied the introduction of free trade, the latter measure would have been a failure. The Manchester houses were willing to accept the unmutilated Bill, and it was only a few houses in Bradford that selfishly resisted. The pressure which required these unnatural hours of labour only existed for a few months in the year, and might easily be met, either by employing more hands, or by refusing orders above what could be easily executed. He trusted that Her Majesty's Government would not recede from the position which they had originally taken up. Allusion had been made in the course of these discussions to a meeting which had been held in Bradford. His information respecting that meeting was, that resolutions were carried by large majorities in favour of the original Bill, and that when the question of delay was started it met with strong opposition.

MR. BAXTER suggested that an extension of the Bleach Works Act would meet the case of the packers. He was disappointed to hear from the Under Secretary of State that no further legislation was contemplated, but merely inquiry. In his opinion, the inquiry into the state of the trades under discussion would only be a waste of time, for the result must be the same, as legislation could not be avoided. He was himself a calenderer and finisher in Dundee, and for many years had prohibited employment in his factory after six in the evening. His managers had informed him that more and better work was got out of the people in ten hours, than had previously been obtained by prolonged hours of labour. He hoped that if evidence was to be taken upon the subject the Committee would examine working men as well as proprietors.

MR. ROEBUCK said, he would appeal to the right hon. Gentleman, after the statements made that afternoon, and ask him whether he could have the courage to face the feeling upon the subject out of doors as well as in the House?

SIR HUGH CAIRNS said, he did not rise to represent any interest objecting to the curtailment of labour. He thought, however, that the proposal of the right hon. Gentleman was a very fair one to the parties whose interests would be affected by the Bill. A little delay and further inquiry would result in more satisfactory legislation than could be obtained in the present state of their information.

MR. POTTER admitted that he had been opposed to the Factory Acts before their introduction, but that he had become a convert on seeing their beneficial working. He placed most perfect reliance on the conduct and character of the factory Inspectors, and should support the retention of the clauses.

MR. ADDERLEY said, he thought that nothing was less applicable to the question before the Committee than the remarks of the hon. Member for Sheffield (Mr. Roebuck), because the question embraced no contest between humanity and selfishness. The only contest was between the earnest purpose of the Minister to extend the benefits of legislation to overworked women and children, and his enlightened caution which urged him not to overstep the proper boundary. The Committee should remember that, but for the right hon. Gentleman, they would have had no Bill at all.

MR. CRUM-EWING observed, that he had not the slightest objection to the hours and regulations of the Bleaching Act being applied in this case.

MR. BAINES said, a petition had been presented from the Leeds Chamber of Commerce bearing out the idea of the hon. and learned Member for Belfast (Sir Hugh Cairns), who said he had put no pressure upon the Government. He had merely presented a petition from the Leeds Chamber of Commerce in favour of further inquiry. He had communicated with the hon. Member for Bradford, and had received information from him to the effect that he (Mr. W. E. Forster) had received a numerous deputation from the packers themselves, who were perfectly satisfied with the present hours of labours, which were much less oppressive than the factory hours. His belief was that the safe course to take would be for the right hon. Gentleman to act upon the pledge which he had given, especially as the parties to whom that pledge was given were absent from the House. He quite agreed that inasmuch as no inquiry had taken place into the case of the "shipping warehouses," it would not be wise to legislate in regard to them upon mere *exparte* statements made in that House.

Mr. WICKHAM said, the men employed in the warehouses at Bradford had assured him that the hours of labour were not excessive, for that they did not commence work till eight or nine, and sometimes as late as ten o'clock.

Mr. J. A. TURNER said, that the manufacturers of the country did not at all deserve the strictures of the hon. Member for Sheffield, as they were desirous of contributing in every possible way to the comfort and interests of their workpeople. He would express a hope that the right hon. Gentleman would adhere to his resolution to omit the shipping warehouses from the Bill. He entertained a strong opinion that the greatest injury would be inflicted on the young persons and women employed in the warehouses at Manchester if they were included in the provisions of the Bill.

Mr. ROEBUCK repeated his statement that no legislation had been introduced without opposition from the manufacturers.

Mr. H. A. BRUCE said, he entirely disagreed with the hon. and learned Member for Sheffield, that the opposition to improve the condition of the children of the working classes arose, in this instance, from the masters and employers. His experience, on the contrary, had proved to him that the masters themselves were most anxious of having legislation of this kind, because they had no other means of securing the health of their work-people. He believed, from what he had heard during the discussion, that the majority of the Committee was in favour of the retention of the clause, and he could not see that any object would be obtained by going to a division. He believed, however, that a good many hon. Members who would vote against him if he went to a division would not be unfavourable to a modification of the clause. He should, therefore, propose an adjournment of the Committee for ten days, in order that the Government might be able to decide upon some arrangement which would probably accord with the views of hon. Members generally.

Mr. COLLINS said, he thoroughly believed in the advantages which had accrued from factory legislation, and he regarded the measure before the Committee as a step in the right direction.

Mr. H. A. BRUCE moved that the Committee report Progress, stating that he should bring up the Bill again on Monday week.

House *resumed.*

Committee report Progress; to sit again on Monday, 27th June.

INDIA—THE RAJAH OF DHAR.

QUESTION.

Lord STANLEY said, he wished to ask the Secretary of State for India, Whether he has issued, or is about to issue, any fresh Instructions to the Government of India relative to the restoration to the Rajah of Dhar of the Government of that State; and, if so, whether he will lay them upon the Table?

Sir CHARLES WOOD, in reply, said the Government had not issued any recent instructions, because they were in expectation of receiving by every mail a Report relating to the administration of Dhar during the last year. An order had, as the noble Lord was no doubt aware, been issued in 1860 to restore the administration of the district to the Rajah on his becoming of age, but he was found to be so weakly in body and mind as to be incapable of discharging the necessary functions. During the course of the year ending April, 1863, which was the period up to which the last Report gave any account, the resident Minister took the greatest pains in training the Rajah to enable him to perform the duties of his station. They paid visits throughout the country together, and nearly the whole business of the place was intrusted to the Minister of the Rajah, in communication with whom the Rajah himself was placed. He was not, he might add, without hope the Report which was daily expected might state that the entire authority had already been placed in the hands of the Rajah.

INDIA—THE NATIVE PRESS.

QUESTION.

MR. ADAM said, he would also beg to ask the Secretary of State for India, Whether, considering the great importance of our obtaining a better insight into the feelings of the Natives of India, and better information as to their opinions, he will not recommend each of the Governments in India to appoint an officer whose duty it shall be to translate and report to Government all matters of public interest discussed in the Native Press; and whether such an officer has not been already appointed in Bengal, whose labours have proved most useful?

SIR CHARLES WOOD said, in reply, that an officer had been employed in Bengal for the purposes described in the hon. Gentleman's Question. That officer was employed to collect and translate what seemed to be of interest in the Native papers of India, and he had no hesitation in saying that considerable advantage had been derived from the means thus acquired of becoming acquainted with the feelings and opinions of the Native population. He was not quite sure that this was sufficient to warrant him in giving orders that it should be done elsewhere, but he had no doubt the other Governments of India had their eyes upon the subject, and they would find—as he had no doubt they would—that it would be advantageous to pursue the same principle in Madras and Bombay.

INDIA—BRITISH BURMAH.

QUESTION.

SIR ANDREW AGNEW said, he would beg to ask the Secretary of State for India, If he will take into his favourable consideration the wish of many respectable British Merchants and Traders in British Burmah, to have a High Court of Judicature established at Moulmein?

SIR CHARLES WOOD replied, that he was not prepared to incur any considerable expense for the establishment of a Court of that magnitude. The Government had endeavoured to improve the administration of justice there by appointing a barrister; but, upon the whole, they found that the people were not so well satisfied with his administration of justice as they were with the administration of the lieutenant of the Bengal Artillery who did it before.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE ASHANTEE WAR.

RESOLUTION.

SIR JOHN HAY*: Sir, the subject which I am about to introduce to the notice of the House is one which I believe to be of considerable importance to the national honour, and I trust the House will favour me with their kind indulgence should I be obliged to trespass on their attention for some considerable time. I fear that I may have to do so, for I shall hardly be able to state the subject clearly without going into many details. It is now nearly two months ago since I took occasion to address a question to the Colonial Secretary upon the subject of the war with Ashantee, and I do not believe that at the time I did so there were ten Members in the House out of the Cabinet who were aware that war had been commenced with that country. The reason why I have taken upon myself the duty of calling attention to this painful subject is, that I have myself served upon that station, and am personally cognizant of the country to which I am about to refer; and, unfortunately, a near relative of mine has served on this expedition, and in it has lost his life, with many another brave soldier whose loss we must all deplore. And here I may be pardoned for saying that my unfortunate relative was able, discreet, and resolute, as the reports of his superiors testify, and that in him Her Majesty has lost a good and faithful servant.

And now let me say something as to the country which has been the scene of this war. Cape Coast Castle, as is well known, is a settlement about 1,000 miles from Sierra Leone, the only civilized town, if even it deserves that title, in that part of the world. It is an old castle, built originally by the Portuguese, upon a granite rock which projects into the sea. To the eastward of it is a small river, which during the rains is often a flood, but during the greater part of the year is a swamp, and the water of which is not fit for the use either of human beings or of animals. Along the sandy shore between the river and the sea extends the town of Cape

Coast Castle, principally inhabited by a Native population, under the protection of the fort, generally numbering about 10,000 persons. The water for supplying the town is collected in tanks during the rainy season; and the water so collected is supposed to be sufficient to supply the wants of the normal population during the dry portion of the year. The fort of Cape Coast formerly had very large and ample tanks; but many of them are now out of repair, and those that are in good condition are only sufficient to supply with water a force of about 250 men, which is the usual garrison. It is true that since these operations commenced, some six or seven months after the troops were sent there, in the month of January, Her Majesty's Government sent a distilling apparatus to Cape Coast Castle, to supply the troops, but unfortunately that apparatus was not in order until early in May, so that there was no sufficient supply of water for the additional influx of troops until the rainy season had again set in, and the necessity for the distilling apparatus was not so apparent as it had previously been. There are at Cape Coast Castle no animals suitable for the food of man, no sheep or cattle. There is no herbage to feed them, and as soon as cattle are brought to the settlement they are killed. As much of the meat as is required is consumed fresh and the rest is salted for future use. The food supplied to the troops is therefore mainly salt provisions and navy biscuit.

The Colonial officer in charge at Cape Coast Castle is Mr. Richard Pine, and I am sorry to see, from a source which may perhaps be supposed to indicate the opinions of Her Majesty's Government, that there seems to be some intention to throw the blame of these proceedings on Governor Pine. He was formerly Attorney General at the Gambia. He is an able and clever lawyer, and was appointed — in consequence of his knowledge of the affairs of that part of Africa — to be Governor of Cape Coast Castle. He has been very much abused, but the House will forgive me if I endeavour to show that the censure which has been cast upon him is not altogether deserved. The papers of my poor brother who (shortly after his arrival with the troops at Cape Coast Castle) received orders to act in a political capacity under Governor Pine, have come into my hands, and among them are some despatches which throw light upon the policy which the Governor proposed to adopt. In an official letter dated the 15th of December, 1863, and addressed to "Lieutenant Hay, 4th West India Regiment, Commanding Volunteer Corps," Governor Pine says—

"Sir,—Upon your Report, at the request of Afarka and Bosoomfra, and mainly at your suggestion, I have embodied a corps of Volunteers, who have become virtually soldiers, and which you have volunteered to command, under the sanction of Colonel Conran. The objects I have in view in this undertaking are so well known to you that I shall encumber you with few instructions. The chiefs to whose support you proceed, against a threatened attack of King Amantifou, I consider deserve the countenance, and, if necessary, the armed assistance, of this Government; at the same time, I cannot impress upon your mind my extreme anxiety, and the almost necessity which exists for hostilities not being adopted on our part if they can be avoided. Your duty will be rather to conciliate the dissenting party, and I doubt not that your appearance with your little force will have the effect of preventing bloodshed, so soon as it is known that Afarka and Bosoomfra are under British protection; but you will be justified in using your force in resisting an attack upon the chiefs, if the sole cause of quarrel be their resistance of the passage of munitions of war and stores to the Ashantee country. It is possible that the French authorities, as you are aware, will indirectly attempt to uphold the tribes unfriendly to us, but I most urgently call upon you to avoid collision with the French authorities, or a breach of international law. In case of danger of such collision being imminent, you will, if possible, make amicable arrangements, or refer the question to this Government; but I do not fear direct interference so much as clandestine influence, against which you will be prepared. You will be good enough to present the accompanying letter to the Governor of Elmina, and obtain his permission before marching through his territory; and such march, I trust, will be effected throughout in the least ostentatious manner, defiance not being the object of your mission, but an effort to preserve peace. In full reliance on your discretion,

"I have the honour to be, Sir,
"Your most obedient servant,
"Rich. Pine, Governor."

This letter seems to me to show that, so far from having any bloodthirsty intention, Governor Pine's wish was to be as humane as possible, and the only strong suggestions of war were embodied in a despatch from the Colonial Office, which threw blame upon Major Cochrane, the former commandant, and offered stimulants and suggestions of aggressive measures to his successor. I have thought it but fair to an officer who is absent from this country, and in a most difficult and responsible position, to give him the benefit of the defence which this letter affords him, and which contrasts favourably with those which Her Majesty's Government has selected to produce to the House.

Extending from Cape Coast Castle almost 100 miles into the interior is the Fantee territory, inhabited by Native tribes which claim our protection. Beyond this is the kingdom of Ashantee, and less than 200 miles from Cape Coast Castle is the town of Kumasi, which is the capital of that kingdom. With the King of Ashantee we have, as the papers partially show, certain political arrangements. If a slave escapes from Ashantee and touches the British or protected territory he becomes free. It is not the custom of the authorities of Cape Coast Castle to give up such slaves, nor does the King of Ashantee usually demand them. We have also an agreement in the nature of a treaty of extradition with Ashantee, according to which criminals are to be given up by Ashantee to us, when proved guilty, and *vice versâ.* In 1862, a subject of the King of Ashantee, a slave who was working in the gold mines, escaped and crossed over into the Fantee territory, taking with him a portion of the gold. This being the property of the monarch, the King of Ashantee, after some preliminary correspondence with the Governor of the Gold Coast, claimed the slave as a thief; but the Governor, rightly or wrongly, thought he was not justified in giving him up, believing that the major of his being an escaped slave included the minor of his being a thief. The King of Ashantee replied that if the slave were innocent he should not have claimed him, but, being a thief, he could not admit that the fact of his being a slave ought to save him from punishment. He accordingly sent some men across the frontier to endeavour to seize him in one of the Fantee villages in which he believed him to be concealed. They failed to accomplish their purpose, but burned the village, and committed some acts of destruction, which, I have been assured, could not be supposed to exceed £400 in value. The matter was represented to the Colonial Office, which decided upon war, and took measures accordingly.

The Returns in the hands of Members are very imperfect, but it appears from them that on the 1st of July last, in time of peace, 686 men and 18 officers, about the strength intended to be maintained permanently on the coast, were already on the spot. Three officers, Major Heyrick, Captain Barnard, and my brother, then serving at the Cape of Good Hope, were ordered home in the spring of last year, with a view of proceeding to the West Indies, there to join a newly raised regiment for service on the west coast of Africa. They were exceedingly astonished when they received those orders, but in obedience to them returned to this country, and my brother was with me in this country last June. I mention this fact because a statement has been put forth, that at that time no intention of war was entertained, whereas when my brother was with me in England he had orders to go to the coast of Africa by the West Indies, and I gave him letters of introduction to Commodore Wilmot and others on the coast of Africa, which I would not have done unless I had known he was going there. Of those three officers two are now dead, and one is in such a condition that it is feared he may never recover. Fortunately, however, he has reached this country, and I trust Captain Barnard may again serve the Queen. I am not now about to question the policy which Her Majesty's Government has thought proper to adopt in commencing this war, but, as they decided to carry on war upon the Gold Coast, I am entitled to inquire how they have conducted it. I have seen something of military and naval operations in most parts of the world, and have been personally engaged in most of the wars in which we have been involved for the last thirty years. I may be supposed, therefore, to have some experience of this matter. One would imagine that every comfort for troops serving in such a deadly climate would have been immediately sent out; and as there is no good water there, and no supplies can be obtained on the spot, one would imagine that roomy and ample transports conveying the expedition would have been moored in the anchorage off Cape Coast Castle to afford a base of operations; that steam transports would have been forthcoming to convey fresh provisions from Sierra Leone, or any other place from which it was thought desirable to draw supplies; and, further, that hospital ships to receive the sick, and steamers to take them away to a position where they might recover from disease or from gunshot wounds, would have been provided. It would also have been desirable that the steam transports should have been employed, as in the Crimea, in distilling water for the use of the troops. With such appliances, the war, though still dangerous and deadly, would not have been as fatal as it has proved; and Her Majesty's Government, having made up their minds to send 1,800 men upon such duty, were bound to supply them with materials other than a distilling apparatus that would not work, brackish water remaining for the use of 200 men, and salt provisions, and single canvas tents for shelter, whilst the thermometer stood at ninety-four in the shade. I do not wish to state the case more strongly than it deserves; I do not wish to make an unjust attack upon any Department. But, as the war is estimated to have cost £14,000 a month, I must say that all which could be necessary for the safety of the troops or the efficient conduct of hostilities ought to have been supplied; and that Her Majesty's Government, which had thought proper to incur this expense without the sanction, and, indeed, without the knowledge of this House, would have done well either to have consulted the House, or else not to have starved the war and killed our men. War to be successful ought to be conducted so as to bring matters to an issue as speedily as possible, but in the present case it seems that this maxim, and, indeed, the dictates of common sense, has been lost sight of. The officer whom I have mentioned sailed in Her Majesty's ship *Megæra* from Plymouth in June for Jamaica, and orders had been previously forwarded for the troops there to be ready to embark for the Gold Coast. The troops were ready on her arrival, and embarked at once, and sailed for Africa. As there are some unaccountable errors in the official Return, I prefer to take the numbers from particulars furnished to me from other sources; and, according to these, one wing of the Fourth West India Regiment, under Colonel Conran, numbering 21 officers and 450 men, embarked in the course of the month of July and sailed immediately for Cape Coast Castle, reaching it on the 14th of August. There is a rumour that Colonel Conran is to be blamed for having committed a mistake; that he, being an officer who had served in hot climates, ought to have attended to the commissariat, and that to his neglect, or that of Governor Pine, is owing what has occurred. Now, Colonel Conran, on arriving at the Gold Coast, was, I am assured, very much astonished at the position in which he found himself. A considerable body of troops, quite sufficient for the existing supplies, were already on the spot, and he was thrown on shore with 450 men and 21 officers additional. Naturally he referred to Governor Pine for instructions as to the duty which he was expected to perform, those which he had himself received being by no means clear, the only thing to be gathered from them being that he was to place himself at the disposal of Governor Pine. The Governor told him his orders were to march to Prahsu, a town on the river Prah, and to occupy Mansu and Shahsu. By the desire of the Government, he had already deposited supplies of salt provisions at certain places on the line of march, and huts for the accommodation of the soldiers would speedily be erected. Colonel Conran, I understand, acted in a manner that was highly creditable to him. I am told he is an officer who has risen from the ranks; but he must be an able soldier or Her Majesty's Government would never have selected him for this special service. He is a hardy, rough British officer, and a proof of this may be found in the fact that officers who have just returned to this country report of Colonel Conran a characteristic declaration that "he was fulfilling and would fulfil the instructions of Her Majesty's Government, though only two white officers were left to follow him." Colonel Conran told the Governor he was ready to obey the orders, though he certainly thought they were not wise; and he was then shown a despatch from the Colonial Office, blaming Major Cochrane, his predecessor, and charging him with inactivity, and a want of military virtues more important even than activity. Like a good soldier, Colonel Conran obeyed orders, and a commissary, Mr. Blanc, having been sent out to endeavour to provide for the troops, he likewise proceeded to do his best to fulfil his duty. He had command of money, but of no other facilities whatever, for it seemed to be forgotten that the scene of action was 1,000 miles from Sierra Leone. Mr. Blanc, however, was highly praised by Governor Pine for what he had done with the slender means at his disposal; and, therefore, it is plain that no blame attaches either to Governor Pine, to Colonel Conran, or to Mr. Blanc the commissary, for the misfortunes which afterwards befel the force. When the *Megæra* landed the expeditionary force, instead of remaining attached to it, she sailed on other duties and disappeared from the scene. Colonel Conran marched his force, as directed, to Mansu, to Prahsu, to Shahsu, and other places; and shortly afterwards a large force of volunteers was raised far away to the west, at Dixcove. To that force no medical man was attached, and Colonel

Conran, writing to the officer in command on the 29th of January, said—

> "Sir,—Under existing circumstances you will, on receipt of this letter, march from where you now are to Akropong, in Denkera, with your detachment of volunteers, and there remain in the defence of the King and his people, as allies of Her Majesty's Government against the Ashantees. The King, who is here and knows me, will house your men. I will in a few days forward a medical officer to your assistance from the Prah, by a road leading thence. The King's son, Quacoe Mame, is my A.D.C., and upon whom you may depend for truthful information. Your letter the Governor and myself received this morning from Gorgie.
>
> "I have the honour to be, Sir,
> "Your most obedient servant,
> "E. CONRAN,
> "Lieutenant Colonel commanding Troops."

That communication was addressed to Lieutenant Hay, commanding the volunteers on the Gold Coast, and is marked "Pressing." The medical officer never reached the force, and the volunteers consequently entered upon the war without any medical aid whatever. This letter shows that the volunteers raised were acting as a combined force for the invasion of Ashantee. Among the papers in my possession is a copy of an official letter, written by my brother to the Governor, after he was almost too ill for exertion of any kind, in the following terms:—

> "Sir,—I have the honour to report, for the information of the officer commanding, the 4th West India Regiment on the 11th of this month with everything correct. The march throughout was good, considering the nature of the country. One day we crossed forty-nine rivers, some by fording and others by large trees, so that long marches cannot be made in a day of even ten hours' march. I had to make two halts on the road, one of one day to rest the men, and another of three days to take medicine for the country fever, of which the men had an attack, but are now nearly all right, except from the weakness incidental to a sharp attack of that sickness."

So that the officers and men on detached expeditions were without any medical advice, the blame of which, however, does not rest with the officers who despatched them. Those officers volunteered for that service, and there were no medical men to send. Her Majesty's Government sent out twelve medical officers. Three are dead, three are invalided, and the remaining six have been described to me as walking skeletons who have been left to do duty at Cape Coast Castle. About that time the commanding officer of one of Her Majesty's ships then at Cape Coast was asked to give two *Excellent* seamen to manage the rocket battery attached to the expedition. Two men were sent up, and both died. Commodore Wilmot, the able naval Commander-in-Chief on the West Coast, whose experience is great, and whose talents are recognized, and who had officially protested against this war, for he well knew the coast, was so angry that he threatened to bring a charge against the captain in command of the detachment for not properly lodging and feeding his men. Doctor Rutherford, the medical officer with the detachment, agreed in this charge, and was about to give evidence in support of it, but he died also, and it was found on inquiry that the seamen were as well lodged and fed as the officers of the army. That official correspondence has not yet appeared, but I suppose it is in the possession of Her Majesty's Government.

Throughout last winter there was great sickness at Cape Coast Castle. I have examined the Return laid on the table, and have endeavoured to ascertain how many have died. The Return now in the hands of Members gives a total of 64 officers and 1,745 men who have been landed since 1st July, 1863, or were present at that date, and it gives 1,348 men and 48 officers as now remaining fit for duty. There must, however, be some mistake here, because the Return gives 35 out of the 64 officers as dead or invalided, in addition to those in hospital in Cape Coast Castle. Out of 1,745 men 1,348 are said to be efficient. That leaves 397 *hors de combat*, whereas the Return of the number of men dead and invalided is 127, which leaves 270 men not accounted for. They are "missing," in military parlance, which means dead or deserted. As it is not likely they have deserted to the King of Ashantee, I come to the other painful conclusion.

On the 9th of April this year H.M.S. *Tamar* landed reinforcements from the West Indies at Cape Coast Castle. She brought 643 men and 27 officers. At that time there were troops at various camps in the interior, but there were many men sick at Cape Coast, and 15 officers also ill in the Castle. The *Tamar* landed her men on the beach of Cape Coast Castle. She brought no provision for the mass of wretchedness there. The troops already there were in Native huts, and those brought by the *Tamar* were marched to the front and put under canvas. Before the *Tamar* left, 120 of the men she brought were down with sickness. The medical officer said he would have given his own life to have had those poor men put on board the *Tamar*. Captain Stirling, an excellent officer, took compassion on a poor lady, and against orders took her to Gibraltar and saved her life. The *Tamar* had no orders to have anything to do with the expedition. With the usual red-tape routine, she was ordered, after landing her troops, immediately to proceed on another service, and to remove a regiment from Gibraltar; and these poor sick men from the ramparts saw her steaming away for the western horizon, and with her the last gleam of hope shrunk within their breasts. They nearly all died. One would have imagined that the Government when sending a steamship to this part of the world, where there was no one to give orders—for the Governor was gone to sea, ill, Colonel Conran was up the country, and the commanding officer at Cape Coast Castle was delirious with fever — would have given orders to the captain of the *Tamar* to bring away with him any men who might have been wounded or suffering from fever. But the captain had positive orders to proceed on another service. The captain was probably not aware of what was going on on shore, and he steamed away in obedience to his orders, leaving these men to die. "The tender mercies of the wicked are cruel." It would be rather too painful to read the names of the officers whose services have been in this manner lost to their country. Some few may have recovered, but I have been told by a medical man that the effect of the fever is so debilitating upon the constitution, that those who died were almost happier than those who lived. When the last mail left there — for the African mail called there every month—there were nine officers and eighty-five men left in the apology for an hospital in Cape Coast Castle, who were living on brackish water and salt beef. The mail steamer was so full that there was no room for any one. Her medical officer was kindness itself to those who embarked on board her; but there was no preparation for invalids: the surgeon himself gave up his cabin to a poor lady who died; and the sick officers, packed in small cabins, were without those comforts so necessary to their recovery. Some died at sea; others were landed at Sierra Leone, and died there.

Now, Sir, I understand the Government propose to send out the *Gladiator* to bring away the troops. I wish to tell the House, and the Secretary of State for the Colonies will bear me out, that I have not wished to keep secret the information I have received. I have not endeavoured to throw it on the House as a surprise for party purposes. I drew up a memorandum, which I showed to many of my friends, and afterwards placed in the hands of the Secretary of State for the Colonies, and I understand the right hon. Gentleman has shown it to the noble Marquess the Under Secretary for War. In the same spirit yesterday morning I called upon my noble Friend the Secretary to the Admiralty to state that I understood no transport had been taken up or sent, and that I was about to put a question in the House in the form which I placed in the noble Lord's hands. In consequence of the noble Lord's answer, I noted down another question, and called on the noble Marquess at the War Office. I told the noble Marquess that I should put that question to him in the House. In consequence of my notice, the Admiralty decided on sending the *Gladiator*. At this time, therefore, although some sailing transport, whose name is not known, is under repair, the only actual and tangible ship is the *Gladiator*. She is to bring away 600 men, which, according to the Government Return, leaves 270 men unaccounted for. The House has been told that it is the intention of the Government to keep 700 or 800 men there, and to bring away 500. Now, the *Gladiator* is to carry these men to Cape Verd. Hon. Gentlemen looking at a map are apt to forget the great distance that separates Cape Coast from Cape Verd. The Cape Verd Islands are nearly 2,000 miles from Cape Coast Castle. It will be necessary to carry these black men, who are debilitated by climate and sickness, upon deck, for the *Gladiator* has little room beyond what is necessary for her own crew. Is it possible that it is proposed to carry 550 sickly men on deck from Cape Coast Castle to Cape Verd—a distance of nearly 2,000 miles? When they get to Cape Verd, which is a sickly place, have Her Majesty's Government obtained permission from the Portuguese Government for these men to disembark? The quarantine law in those Islands is said to be very strict, as I believe is well known. Will the Portuguese Government allow these black troops to break their laws, and, after twelve or fourteen days' voyage, will they allow them to land (if any are then alive) on their shores and await the arrival of a vessel that is not yet ready for sailing? But what sort of a ship is the *Gladiator?* In the Report on the Health of the Navy in 1859 the *Gladiator* is stated to have been built at Woolwich in 1844. Her length of gun-deck is 190 feet; keel for tonnage, 164 feet; extreme breadth, 37½ feet; depth of hold, 23 feet. She is 1,200 tons burden, her draught of water is 7 feet 7 inches forward, and 9 feet 4 inches aft. The *Gladiator* was, I believe, ordered home not long ago, partly from defects and partly from being unhealthy. Her crew were not paid off, but turned over to the *Greyhound.* From the Report of the Health of the Navy, 1859, page 44, it appears that the *Gladiator* had 23 cases of yellow fever at Havannah in October, of which two died. The disease was checked by the ship running out of the tropics to Halifax. Comparing the ratio of non-effectives daily per 1,000 of mean force in the *Indus*, the ship which I then had the honour to command, and the *Gladiator*, the following is the result:—*Indus*, 40·5; *Gladiator*, 78·8. Sent to Hospital — *Indus*, one year, 38; *Gladiator*, three months, 25; *Indus's* complement, 600; *Gladiator's* complement, 255. By the Report of the Health of the Navy, 1860, page 97, the *Gladiator* again shows an unhealthy ratio of sickness:—Number of complement, 160 only (previous Return 255); average number daily of non-effectives, 14·3; ratio per 1,000 of mean force, 79·4; being the fourth ship bearing the greatest proportion of sick, those with a larger number having all been fever ships in 1860. That ship, which will not contain 500 men below, and which is reported as being unhealthy, is the vessel which has suddenly sailed after notice of a question has been given, and is the only chance of life that our officers and men at Cape Coast Castle have. They are to be conveyed by that ship to a Portuguese colony, which may not receive them, there to be put into a ship whose name even is unknown, and which has not yet sailed. The question which I now have to ask the House is, who is to blame? There has been a sort of hushed suggestion that a noble Duke, whose illness I personally regret and which is regretted by all who know him, is to be the scapegoat of the Ministry. I have shown, however, that the Colonial Office is not the Department which is specially to blame. It has been also suggested that the Governor is to blame, but I have pointed out that the Governor has only followed the instructions which have been given him. The Colonial Governor could not order officers from the Cape of Good Hope, nor troops from Jamaica, nor transports nor other ships from England. I have no doubt, if the Governor had the power, the waters of Cape Coast would have been covered with transports. Therefore, the Colonial Governor is not to blame. Well, the Colonial Minister has not the power to declare war — that is a Cabinet question; and, therefore, before 2,000 men can be sent, a great expense incurred, and a disastrous expedition determined upon, there must be some consultation among Her Majesty's Ministers. It appears to me that the Cabinet are responsible for this war; that the War Office is responsible for the ordering of the troops, and for the insufficient commissariat. The Admiralty, in a slight degree, is also to blame for the want of sufficient transports. The Admiralty and Transport Office in those cases act only on requisition from the War Office, but, if no requisition was made, the responsibility for not sending transports, store-ships, and supplies rests especially with the War Department. But that Department cannot act without the Treasury where a large sum of money is required, and, therefore, those two Departments seem to me particularly responsible. I therefore ask this question, "Who is to blame?" and I trust Her Majesty's Government will find an answer. Who is to blame? The men who have betrayed Denmark and truckled to Germany. Who is to blame? The men who have alienated France and irritated Russia. Who is to blame? The men who have convulsed China and devastated Japan; the same men who ten years ago sent a British army to perish of cold, of hunger, and of want of shelter in a Crimean winter, and have now sent British troops to perish of fever, of thirst, and of want of shelter on the burning plains and fetid swamps of Western Africa. These men cling to that front Bench with wonderful tenacity, and they send other men to die with wonderful courage. I appeal to this House to do justice to its soldiers; I pray of them to purge themselves from complicity in this crime. I entreat you to lay the blood of our brethren—which cries to us from the ground —where it is deserved — at the door of Her Majesty's Ministers. I move, Sir, that Her Majesty's Government, in landing forces on the Gold Coast for the purpose of waging war against the King of

Ashantee without making any sufficient provision for preserving the health of the troops to be employed there, have incurred a grave responsibility, and that this House laments the want of foresight which has caused so large a loss of life.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "Her Majesty's Government, in landing Forces on the Gold Coast for the purpose of waging war against the King of Ashantee, without making any sufficient provision for preserving the health of the Troops to be employed there, have incurred a grave responsibility; and that this House laments the want of foresight which has caused so large a loss of life,"—(*Sir John Hay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE MARQUESS OF HARTINGTON said, he was quite sure they all sympathized very deeply with the hon. and gallant Gentleman who had just addressed the House, for the very painful loss which he had sustained—the loss of a distinguished and gallant brother upon the inhospitable shores of Africa. He trusted, however, that, much as the House might sympathize with the hon. and gallant Member, no feeling of that kind would induce them to assent to the Resolution which had just been moved without more careful inquiry into the facts and better evidence for his assertions than the hon. and gallant Gentleman had afforded. He did not propose to follow the hon. and gallant Member through the whole of his speech, or to answer all the allegations which had been made against Her Majesty's Government; but as the weight of the indictment and the greatest number of charges had been brought against the Department which he had the honour to represent in that House, he hoped the House would bear with him while he explained as well and as shortly as he could the arrangements which had been made by that Department, the loss which the country had actually sustained, and the real facts of the case with respect to the operations under notice. The hon. and gallant Member had stated that a considerable number of troops had from time to time been landed on the Gold Coast by order of the Government, with the object of prosecuting hostilities against the King of Ashantee. He must distinctly state that the only troops which had been sent by order of Her Majesty's Government, and had been landed upon the Gold Coast with that object, were the seven companies which landed at Cape Coast Castle from the *Tamar* in the April of this year. The hon. and gallant Gentleman had stated that the troops which arrived under the command of Colonel Conran in the August of last year must have been intended for that purpose. Without fatiguing the House by entering into all the negotiations which had taken place between the War Office and the Colonial Office with respect to the number of troops, he might state that as long ago as 1862 the Colonial Office urged on the Horse Guards that the increased requirements of the service needed an increase of the troops to be permanently maintained on the West Coast of Africa. On account of the difficulty of preparing a considerable number of troops for that purpose, the proposition was at that time resisted by the War Office, and no increase of force was sanctioned; but late in 1862 the Gold Coast Artillery Corps—which up to that time was the only corps permanently stationed there—mutinied and had to be disbanded. In consequence of that mutiny, and also of the continual requisitions of the Colonial Office, it was determined to raise another West India regiment, and until that regiment had been raised, it was decided that the head-quarters and one wing of the 4th West India Regiment, he believed, under the command of Colonel Conran, should proceed to the Gold Coast for the purpose of taking the place of the corps which had mutinied. That proposed arrangement he asserted positively, and he hoped the House would give him its attention, had been commenced before the Government had any notice of a war, and it would have been made equally as well when Major Cochrane was in command, whether the war had taken place or not; nor were the troops under command of Colonel Conran sent with the object of taking part in hostilities against the King of Ashantee. The point was of some importance, because the number of the troops to which the hon. and gallant Member's Motion referred would very much vary with the fact whether the troops landed from the *Megæra* were or were not intended to wage war with the King of the Ashantees.

One of the principal grounds of accusation against Her Majesty's Government appeared to be that sufficient preparation was not made for the troops which were landed from the *Tamar* at Cape Coast Castle in April of the present year; and, though the hon. Member had not mentioned it, the statement had been made that sufficient foresight had not been exercised in regulating the time in which those troops should be disembarked from the *Tamar* on that coast. Now he had a statement of the dates of the different orders and proceedings connected with the conveyance of the troops by the *Tamar*, which would show that no unnecessary delay took place in the despatch of the reinforcements to Colonel Conran. He would leave to his right hon. Friend the Secretary of State for the Colonies the defence of the policy of the Government in assenting, upon the urgent representations of Governor Pine, to send reinforcements to Cape Coast Castle, with the object, if necessary, to prosecute war with the King of the Ashantees. He thought his right hon. Friend could show that that was not an unwise decision, but he (the Marquess of Hartington) did not wish to go into the question of policy, as he only desired to point out what were the arrangements to forward to Colonel Conran these reinforcements. In December last it was decided that they should be sent. No time was then lost in applying to the Admiralty on the subject, and getting a transport to take them, and the *Tamar* was ready to sail from England on the 8th of January. It must not be supposed that it was in the power of the *Tamar* to sail to a certain place in the West Indies in order to take up troops there and at once to convey them to Cape Coast Castle. On the contrary, one of the great difficulties in providing these reinforcements was that of ascertaining at what station in the West Indies they could be taken without inconvenience and without delay. The consequence was that the *Tamar* had to proceed to Barbadoes, Trinidad, and thence to Jamaica. She made her final departure from Honduras on the 3rd of March, and arrived at Cape Coast Castle on the 9th of April. Owing to that circuitous course, and its being uncertain whence the troops could be taken, it was quite impossible that the Government could make an accurate calculation of the time when they would arrive at Cape Coast Castle; and with reference to the statement that proper accommodation was not provided for the troops on their arrival there, he must observe that it was the intention of the Governor, in conjunction with Colonel Conran, who had made all his preparations for the invasion of the Ashantee territory, not to delay twenty-four hours after the arrival of the reinforcements, but immediately to march up the troops landed from the *Tamar* to the River Prah, and after striking a blow against the King of the Ashantees, the colonel hoped to return to the coast within a short period, and before the setting in of the rainy season. The reinforcements would then have been sent back to the West Indies. The *Tamar* did not arrive as soon by about a fortnight as Colonel Conran had expected, and besides there occurred that which he believed the House would find to be the real cause of the ill success of the whole enterprize—the rainy season commenced at least two months or six weeks earlier than had been expected. In fact last year, as appeared from the despatches on the table, very little rain indeed had fallen up to the month of August. The rainy season, as he was informed by the best authorities acquainted with that climate, did not generally commence till the end of April or the beginning of May. In the present year, however, it set in with great severity in the middle of March. He believed that it was known that the seasons were extremely uncertain in tropical climes, but he was informed that the rainy season was rarely known to begin so early as in the present year, and the Correspondence on the table showed that neither Colonel Conran nor Governor Pine anticipated that it would commence before they were able to begin the expedition into the interior of the country. If, however, Colonel Conran had been able to send the troops with the reinforcements into the interior, that circumstance would not have relieved him from the duty of making the necessary accommodation for them on the coast, because it was expected that they would come back there in a short time. In respect to the matter of accommodation for the troops, he had to state that in October last the War Office despatched a very able officer of Engineers, Major Clarke, to the Gold Coast, with the object of making such arrangements as might be found to be necessary for the increased number of troops intended to be maintained on the coast of Africa. His instructions were to report to the War Office what alterations and extensions of existing buildings would be necessary, and he was also authorized, with the sanction of the officer in command of the troops, to expend certain sums on services immediately needed. It was true that Major Clarke, when he arrived at Cape Coast Castle, was not aware that those reinforcements of seven companies had been ordered; but his instructions had reference to a very much larger number of troops than were at Cape Coast Castle at the time. Of course it was impossible for Major Clarke to enter upon any large works at once, because he had not funds at his disposal for extensive works, but he had all the funds which the House of Commons had enabled to be placed at his disposal. Still the labour and the necessary materials were not at hand, and therefore it was necessary that existing buildings should be adapted to the accommodation of troops. Major Clarke found that at Cape Coast Castle, Accra, and other stations, there was an abundance of public buildings and private houses well fitted to accommodate a very large number of troops. He had seen a sketch made by Major Clarke of certain private houses at Accra which he proposed to convert into barracks at a small expense. Unfortunately, however, a short time previously to the arrival of the reinforcements from the West Indies the small-pox broke out very badly in some parts of the town of Cape Coast Castle, and the buildings destined for the accommodation of the troops were on that account unavailable, and it became necessary to place the men under canvas or to take advantage of such other buildings as might be obtained at some distance from the infected part of the town. Some hon. Gentlemen who seem amused at mention of the small-pox might, perhaps, be more amused at the circumstance that at Accra the houses intended by Major Clarke to be converted into temporary barracks were destroyed by an earthquake a short time before the arrival of the *Tamar*. Therefore there was no accommodation for the troops except such as might be provided by tents and some other houses, but he was informed that the troops from the *Tamar* only remained at that station under canvas for two days, and then almost every one was accommodated in houses. He thought that the statement he had made would show that there was no want of forethought on the part of the War Office in providing accommodation for the troops. Under the circumstances regular barracks could not be obtained, but an officer had been specially sent out to provide temporary accommodation. If, from unfortunate circumstances, that accommodation, suddenly and in a very short time before the arrival of the troops became unavailable, he really could not see how the Government could be held responsible for the unfortunate circumstances which had occurred.

The next allegation was that the commissariat arrangements were defective. With regard to those arrangements, it was reported, in August, 1863, after the arrival of the *Megæra*, by the commissariat officer at Cape Coast, that there was considerable difficulty in procuring fresh meat—that it could not be procured oftener than twice a week. Subsequently, and on that representation, large issues of preserved meat were made from this country, and they had been continued up to the present time. In the campaign which took place in the year 1863 the Governor made great complaints against Major Cochrane about his delay and not having prosecuted the war with greater vigour. Major Cochrane represented that the great difficulty was in obtaining transport for the commissariat. In consequence orders were sent in October last to Assistant Commissary General Blanc, who was then serving at the Gambia, to proceed to Cape Coast Castle, in order, should the operations be continued, to organize a transport corps. That officer, who in all these transactions had fully borne out the high opinion previously entertained of him, did organize a transport corps, of between 700 or 800 men, and numbering ultimately 1,000 Natives, by means of which the troops were furnished with supplies, wherever they moved. With reference to the statement that had been made, that the troops lived at that time almost entirely on salt meat, the House would perhaps allow him to read a general order issued by Colonel Conran on the 23rd of January.

> "The rations for the troops in the field will be as follows :—1 lb. biscuit, or 1 lb. flour, or 1¼ lb. rice ; 1 lb. salt meat or 1 lb. fresh meat, or ¾ lb. preserved boiled beef without bone. Fresh meat or preserved meat to be issued every other day. The issue of biscuit, flour, and rice to be varied as often as cirumstances will permit."

It could not be supposed that Colonel Conran would have published that general order to the troops if he had not first assured himself of the fact that there was fresh meat to be issued. He would not have ventured to ridicule the officers and men by holding out such expectations if he had had only salt meat at his disposal. On the 25th of January the officer commanding the troops reported to the Horse Guards that he was satisfied with the exertions of the commissariat, and strongly recommended Commissary General Blanc for promotion. The letters of Colonel Conran and Governor Pine abounded with expressions of their satisfaction with the completeness of the commissariat arrangements. They spoke in the highest terms not only of the personal exertions of Commissary General Blanc, but of the manner in which the commissariat service had generally been conducted. Under these circumstances, he could not see what weight could be attached to the complaints that had been brought forward with respect to the commissariat.

It had also been said that there was a great deficiency of fresh water. Owing to some negligence—on whose part he could not say—the tanks at Cape Coast Castle, which ought to have been sufficient to supply the garrison for some time, failed earlier than they should have done. In December the War Office learnt that the supply of water was not of a proper description, and orders were immediately given to send out a large quantity of filtering stones, and also, as soon as possible, a steam condensing apparatus believed to be capable of supplying 1,200 gallons a day. The condensing apparatus arrived in February, and orders were despatched by the Admiralty to one of the cruisers on the coast to send an engineer to assist in erecting it. The condensing apparatus was set up, but it did not succeed in producing as much fresh water as had been anticipated—it yielded, in fact, only some 500 gallons a day. That was, no doubt, unfortunate; but, at the same time, he did not see what the authorities at home could have done beyond sending out the best means within their knowledge for providing the troops with what was wanted.

It had further been alleged that the medical arrangements were imperfect. The number of troops at the station at no time exceeded 1,400, and there had never been fewer than six surgeons attached to the force; there had for some time been eight, and during the last five months there had been eleven and twelve. The hon. and gallant Member stated that, although twelve had been sent out, three had died, and three were invalided. He could only say that, according to the latest Returns, twelve medical officers were reported to be at Cape Coast Castle, and he had every reason to suppose that they were actually present and effective. For a force never exceeding 1,400 men, even in that unhealthy climate, a staff of twelve medical officers must be deemed amply sufficient. There had been no complaints of any deficiency in the medical or hospital stores or any article of that description required for the men. That there was an adequate supply of these things was proved by the reports, not only of officers on the spot, but of those who had come home to this country. The Returns further showed that medical comforts of all kinds had actually been issued to the sick in the hospitals, and therefore it was quite clear that a sufficient quantity had been provided. So far from there having been any deficiency in that respect, the officer commanding reported to the War Office in September last, that he had issued three general orders in the previous month relative to the formation of a military hospital wherein the sick were to be provided with all necessary comforts, and that the system established was then proving most beneficial to the sick soldier. To show that the troops were not at all so unprovided for as some hon. Members opposite imagined, he would read to the House the list of rations which were served out in the hospital, with the addition of such medical comforts as the surgeon deemed necessary:—Bread, beef or mutton, 1 lb.; or fowl, 12 oz.; or fish, 12 oz.; tea, $\frac{1}{4}$ oz.; or coffee, 1 oz.; sugar, 2 oz.; vegetables, 4 oz.; rice, 3 oz.; pepper, salt, and butter. Since the notice had been placed on the paper, inquiries had been made of Staff Surgeon Schroeder, who had returned to this country, whether there had been at any period a deficiency in any of the medical or hospital stores. His reply was that they had been at one time short of castor oil, but that a supply had been immediately obtained from one of the ships off the coast, and more could have been got from the same source if needed. In fact, if there had been a lack of anything, one or other of the ships in the neighbourhood of the station would have provided it.

The hon. and gallant Member said the Government ought to have established a floating hospital. He had been informed, however, by those who had been at the station, that ships could not lie within three miles of Cape Coast Castle, that in all weathers the landing through the surf was a difficult, not to say dangerous, operation, that communication could not be maintained between the shore and the ships for more than four or five days at a time, and that when the weather was at all bad the surf was such that it would be quite impossible to transport sick or wounded men to a floating hospital. In camp equipments and other stores of that kind there had been no more deficiency than in the articles he had just mentioned. He would not detain the House with an enumeration of the stores, but from December last, bedsteads, blankets, tents, and so on, had been repeatedly sent out in large numbers. Not only had all requisitions been attended to without the slightest delay, but the wants of the troops were even anticipated by the Department at home. Such were the arrangements which had been made by the War Office, and he thought they were sufficient to show that the wants and comforts of the troops had not been neglected. If anything had been omitted to be done, it was quite clear, he thought, that complaints would have been heard on the subject; but although he had looked over a great many despatches which had been received from the Gold Coast he had not seen a single complaint — and he believed no such thing existed — either from the officer in command of the troops, from the Governor at the station, from the officer in charge of the commissariat, who was admitted on all hands to be a most active and energetic man, and who, if anything went wrong would not be likely to hold his tongue, or from the senior medical officer, or, indeed, from anybody else who was responsible to the Government or the War Office for the proper equipment of the troops under their charge. Nor could he imagine, had the Government been guilty of the negligence of which they were accused, that the officers in question would have kept the authorities at home in ignorance on the subject. It was easy for the hon. and gallant Gentleman to come down to the House and to say that such and such things had not been provided; and it was, of course, impossible for him to meet such a statement with a direct denial without a reference to those who were on the spot; but the fact that no complaint was made by those who were responsible for the health and comfort of the men was, he contended, a strong ground for supposing that no deficiency in reality existed. That being so, the War Office could scarcely be much to blame, however much the disastrous loss of life which had taken place was to be deplored.

The hon. and gallant Member had produced a great sensation—and a great sensation had no doubt been produced in the country—by moving for a list of the names of thirteen officers who had died at the station, and he believed it was supposed by many that those thirteen officers had died in consequence of the expedition against the King of Ashantee. Now, that expedition took place—and it was the only expedition against the King of Ashantee which the Government had sanctioned—during the spring. Of the thirteen officers who died in thirteen months—for the Returns extended from the May of last year to May of the present—six died last year. Of these, four died in Major Cochrane's campaign against the Ashantees, the repetition of which campaign was exactly that which it was the object of the Government, of Governor Pine, and of Colonel Conran to prevent. In 1863 no precaution was taken to prevent the Ashantees from entering the country under the protection of England. They did enter that country, destroyed several villages, and indulged, he believed, in great cruelty towards the Natives. It was in the endeavour to expel the King of the Ashantees and his forces from the British Protectorate that the troops under Major Cochrane had suffered so severely. He presumed, however, that if the territory was supposed to be under our protection, it would not be contended that we should allow the troops of the King of Ashantee or any other force to ravage it. [An hon. MEMBER: Denmark.] He was not aware that Denmark was under the British Protectorate; but to return to the list of those officers who had died, he found that one died on the 2nd of October, 1863, just after, he believed, he had landed from the West Indies, and the expedition against the King of Ashantee had nothing to do with his death. Another officer died on the 13th of February. He was civil commandant at a place that was a considerable distance from Cape Coast Castle; he never took any part against the Ashantees, and the expedition had nothing to do with his death. A staff assistant surgeon and two officers died either on the expedition or at sea coming home, having been invalided in consequence of the expedition. Another officer died at Lagos in March, and was never in the expedition. Captain Hay, the lamented brother of the hon. and gallant Gentleman opposite, had not, so far as he could ascertain, ever taken any part in the expedition against the King of Ashantee. He had volunteered to command certain troops in a totally different service at another station on the coast; and although his death might be remotely connected with the hostilities going on against the King of Ashantee, still it could not legitimately be said to have been caused by that expedition, to which, as far as he could make out, the Motion alone pointed. ["No, no!"] Hon. Members might cry "No!" but he apprehended that the maintenance of a certain force on the Gold Coast was not to be made a ground of accusation against the Government because of the pestilential nature of the climate. The occupation of that station had continued for many years, and under other Administrations than the present. But, be that as it might, three officers, and three officers only, had, so far as he could make out, died in consequence of the projected invasion of the Ashantee territory; and when that loss was compared with the frightful rate at which Europeans annually died at the Gold Coast, whether engaged in active operations or not, he did not see—much as the loss was to be deplored—that any sufficient grounds for the impeachment of the Government were furnished. The number of rank and file who had died was stated in a Return which had been laid before the House, but he could not follow the hon. and gallant Gentleman in that part of his speech in which he attempted to prove that a certain extra number was missing. The discrepancy which had been pointed out was, he thought, owing to the fact that the first Return gave the number of troops landed on the Gold Coast, while the other statement related only to the actual number remaining at Cape Coast Castle. At all events, the Returns which he had laid on the table had been procured from the Adjutant General, and he had no reason to doubt their accuracy. He wished he could give the House the actual number of the rank and file who had died during the progress of hostilities. Speaking from memory, however, he might state that the amount of the force at Cape Coast Castle was on the 1st of May 1,299 rank and file, and that out of that force only sixty-four were sick, while only twelve had died within a month. That rate of mortality was no doubt high, but not so high, he thought, compared with that which took place ordinarily in a regiment at home as to justify its being put forward as a reason for an appeal to the House of Commons to pass a Vote of Censure on the Government.

The last charge made against the Government was that there had been unnecessary delay in sending out a transport to bring a certain portion of the troops home, but with that part of the question his noble Friend the Secretary for the Admiralty would be better able to deal. He might, however, state, that although it was no doubt desirable that the troops should be removed as soon as possible, yet the fact of their being compelled to remain at the station for a few days was not, after all, so very terrible a trial, as he had shown that the sanitary state of the rank and file of the black troops was not very bad. As to the officers, he could only say that the mail steamers touched at Cape Coast every month, and that any officer who might not be sufficiently strong to continue there in the performance of his duty was at once sent home; indeed, his superior officer had no power to keep him at the station if the medical officer in charge certified that he was not fit to remain. Whatever delay there might have been in sending the transport, there was none in sending out instructions that the forces should retire from the interior. Those orders went out by the first mail after the announcement which his right hon. Friend made in that House. The Governor and the officer commanding the forces were directed to withdraw the troops from the interior to the comparatively healthy coast; the stores were not even brought away; they were to be distributed among the friendly Natives. There was no delay in sending out those orders. Besides that, the officer commanding the troops, Colonel Conran, knowing that there was no prospect of the resumption of active operations, would have no scruple in allowing any officer whose health had been impaired to retire at once, and therefore he could not think that the officers were at all likely to suffer from the small delay which had occurred in sending out the transport. These were the facts with reference to the arrangements made by the authorities at home for the conduct of the war, and these were the events which had occurred during the expedition. He asked the House whether, upon such a statement as was made by the hon. and gallant Gentleman, so totally unsupported by documents, and so full of vague assertions of which no proof was offered, they were, in the face of such an explanation as he had been able to make, prepared to agree to what amounted to a very severe Vote of Censure upon the Government. Because, although the hon. and gallant Member had, no doubt, in order to secure the votes of some hon. Members who would not have liked to support a Resolution in such extremely strong language, modified the terms of that which he first submitted to the House, he maintained that the Motion before them was as directly a Vote of Censure upon the Departments which were concerned with the business. Nor had the hon. and gallant Member retracted, explained, or modified in any way the assertion which he made the other evening, that he should be able to prove that the deaths of all the thirteen officers, a list of whose names had been laid upon the table, were owing to the criminal incapacity of Her Majesty's Government. He (the Marquess of Hartington) had shown how few of these officers' deaths were in any way owing to the expedition itself, and he could show that the number of officers who died or were invalided annually, even when they were not engaged in active operations, amounted to 50 per cent of the number of Europeans upon the coast. The hon. and gallant Member had not substantiated his statement; he had not attempted to prove the assertion which he had made, and which the facts which he (the Marquess of Hartington) had stated to the House entirely disproved. Although the terms of the Motion had been modified, its purport and tenour remained the same, and he trusted that the House would not only refuse to assent to it, but would negative it by such a majority as would mark its sense of the conduct of the hon. and gallant Member in bringing forward charges of so grave a character in the reckless manner he had done.

Mr. HENRY SEYMOUR said, it was one of the disadvantages of the manner in which the Government had been formed, that the heads of neither the naval nor the military Departments were in that House, and that the noble Lord, whose abilities and industry he did not dispute, but who was not a Cabinet Minister, and who had had nothing to do with the planning of this expedition, and was not responsible for carrying it out, had been called upon to reply to the speech of the hon. and gallant Member opposite. It was not surprising that his explanations had been very unsatisfactory, and afforded no answer to the statement of the hon. and gallant Gentleman. To take up one point, the noble Lord said that he had no official information that any of the medical officers beyond the usual number in the colony had died. If he could show from a letter which he had reason to believe came from a very high authority, in the colony, that nearly half the medical force were either dead or invalided, and that there were at present only two medical men in the colony who were fit for duty, and that those two were coloured men, of what value would the noble Lord's other assertion be? There was often a great difference between authentic information and official information. They might obtain authentic information from private sources, but the official information was sure to be withheld until the time when any such debate as that had passed over. That applied to officials of both parties, and it was a circumstance which was not fair either to the House, to the country, or to the Government. It would be far better to make a clean breast of the matter, and rely upon their general abilities, which would probably induce the country to overlook any *laches* which there had been in the matter. The letter to which he had referred, and which he was assured was written by a gentleman who was high in authority at Cape Coast Castle, was dated "May 12, 1864," and came by the last mail. It contained this passage—

> "The troops arrived at the Prah about the 1st of February, and on the 8th of April, when the *Tamar* anchored in Cape Coast roadstead, there were fourteen officers of the 4th West at the Castle; and such was their state of health, that at the dinner given to *fête* the arrival of the reinforcement, only one was able to leave his bed and meet them, and even he was in a dreadful state of debility. Out of twenty-six officers who left the coast for the field, fifteen, or thereabouts, have been invalided home in a very precarious state, three have died, and four are obliged to keep their bed, though not sufficiently ill to be invalided. Of the soldiers many have died, principally from dysentery. A great many are so weak that, in all probability, they will not be fit for active service in the field for the next twelve months. Of the twelve medical officers on the coast, three have been invalided, one has died, and three are still prostrated with fever."

He was told that that letter came from a gentleman who had special knowledge of the subject. [" Name, name."] He was not permitted to mention the gentleman's name, but it would tell very badly for the Government if the information turned out to be correct. The noble Lord did not deny that the tanks were out of order. There were magnificent tanks sufficient for the supply of all the men that were sent; but they had been allowed to go so entirely out of repair that they were used as the common sewer, and it was not until the second year of the war that the distilling apparatus was sent out. The noble Lord said that the men were supplied with blankets and bedsteads; but he did not deny that they were not supplied with water. He did not deny that the *Tamar* arrived after the rains had begun, nor that there had been a drought at Cape Coast Castle for twenty months, and that the rain this year might have been expected much earlier than usual. He wished to make a few remarks upon the general conduct of the expedition. It was planned by the Cabinet in London. It did not depend upon Governor Pine or any one else in the colony. He sent home his project for an expedition to Ashantee; that was confirmed by the Colonial Minister, who sent it to the War Office, and ought to have consulted the Cabinet upon it. It was to be presumed that he did consult the Ministers of the Departments which would be concerned in carrying it out. A war to be conducted from Cape Coast Castle in the interior of Africa was no slight undertaking, more especially in the case of Ashantee, which had many unpleasant reminiscences for Englishmen. It was only forty years since Sir Charles M'Carthy was routed with 1,000 men, and lost his head, the skull of which was still, he believed, used as a drinking-cup in Ashantee. Before that there had been another great disaster to the English, who had for many years been literally obliged to pay tribute for their possessions along the coast. So that the Government, in sanctioning an expedition against Ashantee, a country full of jungle and impenetrable woods, ought to have been aware that it was no light undertaking. It ought to have been made, if it was not, a Cabinet question, and ought to have been the subject of complete and efficient concert between the different Departments of the Government. Arrangements ought to have been made as to the number of troops which were to be sent, and the time at which they were to be despatched, and the proper officers ought to have been sent to prepare the way for the arrival of these reinforcements. Up to December the reinforcements which arrived were tolerably well provided. Assistant Commissary Blanc, who was sent out, appeared to have been an energetic officer, and he got ready his land transport corps with great ability. Every soldier had a porter to carry his knapsack and provisions. But the case was quite different with the detachments which followed, and a sufficient transport corps could not be got together for them. The noble Marquess said the *Tamar* had to go here and to go there; but if the Government intended to carry out that expedition, it was their duty to know that the transports could bring the troops to that coast, if not by a certain day, by a certain week, and that when they arrived arrangements had been made to receive them. The noble Marquess did not dispute that the expedition was a perfect failure. As far as could be ascertained from other sources than the meagre despatches, he thought the plan of Governor Pine and Colonel Conran, an able soldier, was a good one, and that the only fault was in depending upon the Government for the arrival of the *Tamar*. Colonel Conran advanced to the Prah, but the rains coming on and the *Tamar* not arriving he was obliged to return to the coast. How did all that contrast with the arrangements of a good general, like Napoleon for instance, who took care in planning an expedition that his troops should arrive at the place intended on a certain day, and made the minutest arrangements for their reception, and then success attended his efforts! It was lamentable to see the slovenly way in which the whole thing had been managed, through that very want of organization in the different Government Departments which led to such misfortunes in the Crimean war. He regretted to see no improvement made in that respect, because if that state of things continued, and we should have to send out a much larger and more important expedition than that to Ashantee, as, for example, one to Denmark or the Baltic, further misfortunes might be expected to occur. Surely it was not impossible for the Prime Minister to see that the various Departments did their duty and acted in proper concert. It was no answer to say that a constitutional Government must be placed in a permanent inferiority to a despotic monarchy, and that it could not exhibit the requisite unity of action in these cases. Why could not the Colonial Minister have said, "I approve this war with Ashantee, but I must have certain troops landed by a certain day." And why could not the War and other Departments then have set about making all the necessary arrangements for the landing and comfort of the troops? If that had been done the disaster would not have happened. All the facts had been admitted by the noble Marquess, and considering the swampy marsh on which the troops were located, and the little provision which had been made for them, it was strange that the mortality was not greater. An able Commissioner, Major Ord, was sent out some time ago to inquire into the water at Cape Coast Castle, and he reported that nothing could be easier than to obtain a constant supply; that not only were there the tanks formerly placed there by the Portuguese, and which were out of order, but he recommended that Artesian wells should be bored, and for a small part of the expenditure incurred on the fortifications good water might be brought into Cape Coast Castle. The noble Marquess had overstated the mortality on these stations. The medical Returns given by his own Department stated that in the year 1859-60 the ratio per thousand at Sierra Leone was 579·6 admitted to hospital, and 24·48 deaths. In Gambia the proportions were 831·3 admitted to hospital, and 30·13 deaths; whereas on the Gold Coast the proportion per thousand admitted to hospital was 657·1, and the deaths were only 16·89. Dr. Clarke, who had been twenty years at Sierra Leone and the Gold Coast, stated in his medical report that the climate of the latter might be favourably compared with that of the former. The climate, therefore, was not really so deadly, provided the ordinary appliances necessary for preserving human life, whether in that great city or on the coast of Africa, were duly attended to. He did not look on that as a party question. As a Liberal Member of Parliament he wished to see improvements made in all the Departments of the State. He could not support the Government in all cases, whether right or wrong. When faults were signalized against the Government and not disproved, and when they were likely if repeated hereafter to work detrimentally to the public interests, he had a perfect right to say, in the words of that Motion, that he deeply regretted that better provision was not made for the arrival of the troops on that unhealthy coast, and that there had been a deplorable want of organization in the different Departments. The question affected the lives and interests of many Englishmen, and therefore could not be regarded as a party one. He was sure the country would not view it in that light, and even if some Member of the Cabinet was not able to answer, he would not say the accusations but the observations that had been made on that subject, the carrying of the Motion could not be fairly treated as a censure on the Government generally. If such a censure were intended, the general conduct of the Government and not merely its conduct in that particular instance, ought to be submitted to the consideration of the House. The last accounts were that the troops at Cape Coast Castle were put on an allowance of a pint of brackish water per day, and that there was no shelter for them. According to the Colonial Secretary's admission, there were twice the number of troops there that there was accommodation for, and therefore he had ordered their removal from Cape Coast Castle immediately. That was as good as saying that they ought never to have been sent there at all. In that case there had unquestionably been a fault, and that must rest on the organization of the Departments of the Government. All Governments, however, committed faults, and he did not see why the condemnation of particular *laches* should be viewed as a general expression of want of confidence in the administration of the noble Lord.

MR. BAILLIE COCHRANE said, there had been nothing in the speech of the noble Marquess with which he was more struck than the allegation that when these troops were sent out to Cape Coast Castle there was no intention of carrying on a war. If no such intention existed, what was the good of sending out such a number of troops at all? To a right understanding of the question it was necessary to discover by whose authority the war was entered into, and the date of the orders sent from the Colonial Office empowering Governor Pine to make war in the Ashantee country. The despatches presented to Parliament were very few, and among those of Governor Pine laid on the table were frequent references to documents which had not been produced. The noble Marquess, however, must remember that the state of things existing when Colonel Conran landed was but a continuance of events which occurred in 1863, when Major Cochrane was in command. [Hear!] The noble Lord the First Minister generally made a point of defending his subordinates, and for the honour and credit of his Administration he hoped no attempt would be made in that instance to cast the blame on Governor Pine. ["Hear, hear!" *from the Treasury Bench.*] He was delighted to hear that assurance, and should proceed to refer to such portions of the official correspondence as were in the hands of Members. The first despatch from the Duke of Newcastle entirely approved the Governor's refusal to surrender the fugitive. The next despatch, of the 18th of May, said—

> "Sir, I have received your despatch, No. 33, of the 15th ult., reporting the threatening movements of the Ashantees, and the steps which you have taken to resist an invasion, and I have much pleasure in noticing the calmness and prudence as well as the energy which you have shown in these trying circumstances."

That was an approval of the Governor's policy. The next despatch, of the 22nd of August, was written after Major Cochrane's expedition; and he greatly regretted that the noble Marquess in alluding to that part of the subject should have cast an unworthy reflection upon a gallant officer, who was placed in a position of very great difficulty, without the means of performing the duty he was expected to discharge. Writing to Governor Pine on the 2nd of August, the Duke of Newcastle said—

> "You report the withdrawal of the enemy without molestation, after having inflicted destructive ravages on the territory under British protection. It is much to be feared that this impunity may prove an encouragement to fresh aggressions."

That certainly looked very like an incitement to action. His Grace continued—

> "Your own conduct in this trying emergency appears to have been all that could be desired. You betrayed no undue wish to interpose in military matters, but when accounts reached you from all sides of an inactivity which was injurious to the public interest, you hastened to the scene of action, and there endeavoured to produce more resolution, and provided by your own influence some of the material aids from the Natives which had been represented to be wanting, the whole being done at great risk to yourself from the attendant exposure and anxiety. For such efforts, made in such a spirit, it is my pleasing duty to convey to you my cordial approbation."

That amounted to a distinct approval of all that had been done. ["No, no!"] Right hon. Gentlemen opposite appeared to think that despatch did not convey approval of the Governor's policy. What did they say to the despatch of the 21st of December, 1863, written by Sir F. Rogers, in the absence and by the authority of the Secretary of State?—

> "I transmit for your information an extract of a letter which by my desire has been addressed to the War Office, explaining the grounds on which I have recommended that your application should be complied with, and I have to request that you will guide yourself by the principles therein stated. In case the expected Ashantee invasion takes place, my hope is that you and the officer in command will be able to inflict so severe a punishment upon the invaders as will remove the disastrous impressions caused by their impunity when they lately ravaged the protected territory, and will deter them from any future aggression. But should no opportunity be found of striking such a blow without entering the Ashantee territory, you are not to regard yourself as absolutely prohibited from doing so under any circumstances, and from advancing, as far as the utmost consideration for the safety of the troops would permit, for the purpose of obtaining reparation and securing the peace of the Protectorate."

There was not only approval of what had been already done, but a distinct and positive incitement of Governor Pine, who required no incitement at all, to prosecute this terrible war. In the letter to the Colonial Office, alluded to in that despatch, he found the following passage:—

> "His Grace feels that he cannot refuse to Governor Pine a conditional authority to strike a blow within the Ashantee territory, if such a blow can be struck without making any other or further advance than in his own opinion and that of the officer in command may be consistent with the utmost consideration for the safety of the troops, and provided also he can satisfy himself that the result will be to remove the disastrous impressions caused by the impunity of the Ashantees when they last ravaged the protected territory, and to obtain reparation and secure the peace of the Protectorate."

How, after reading those despatches, the noble Lord could say that these troops did not go out to carry on a war he was at a loss to understand. The despatch from Governor Pine urged as strongly as possible that additional troops should be sent out. Ten weeks elapsed before any notice was taken of that application, and when the troops did arrive they landed two months too late to be of the least use for that season, and six months too soon for any future campaign. Those charged with the interests of the navy must have known the nature of that coast, from which at a particular season vapours arise that are absolutely poisonous, and winds of the most destructive character prevail. Yet it was to that unhealthy coast that men were sent to live in tents unprovided with any commensurate appointments. He characterized this expedition to the Gold Coast as part of the dangerous policy of meddling everywhere pursued by Her Majesty's Government; and as to the allegation that war was not contemplated when these troops were sent out, could it be seriously argued that it was unnecessary to take any precautions affecting their health because they were not meant to embark in hostilities? His noble Friend on the Treasury Bench must know, moreover, that the water on the Gold Coast was so objectionable as to produce what was called the Guinea worm. Therefore, on every ground, whether the troops were sent out for the purposes of war or not, the Government were responsible for the loss of life which had occurred. Adding together the number of officers and men originally at Cape Coast Castle, those landed from the *Megæra* in 1863, and those from the *Tamar* in 1864, the Government Return gave a total of 1,809 officers and men. Of these, but 1,396 were accounted for, and, therefore, on the figures supplied by the Government itself there was a deficiency of 413 officers and men. He could, perhaps, supply the House with a few statistics on that point. Two expeditions went up the country, one of 700 men, of which number 180 were dead within five days; the other, of 400 men, 200 of whom died or were disabled in ten days. The fate of previous expeditions might have warned the Government against entering into such an enterprize. They ought to have known that of 1,000 men who formed M'Carthy's expedition only fifty returned to Cape Coast Castle. They ought also to have known that the Ashantees were most remarkable as a warlike, energetic race. From a statement which he had received it appeared that the Ashantee monarch had a considerable regard for the faith of treaties, and did not commence war without negotiation, and that the Ashantees were the most civilized people on the coast. They would find, from the blue-book, that, instead of conciliating that people, they had done nothing but offend them. In 1829 Sir George Murray established the settlement at Cape Coast Castle, and two Committees —one in 1837, the other in 1842—had strongly recommended conciliatory conduct towards the Natives. It was certainly matter for regret that they should have carried on the war in that quarter so heedlessly, so wantonly, and with so little consideration for the Natives, and even for our troops. Not the smallest information had been given to Parliament that such a war was going on. The whole country was totally ignorant that any war had taken place, and must have heard with regret and indignation of the sacrifice of life that had taken place. The Government had incurred a fearful responsibility, and he trusted the Resolution would be carried, as a protest against perpetual interventions and meddlings which led to nothing but the destruction of human life. At any rate, he trusted it would prove a lesson to the Government to take care not again to embark in conflicts with barbarous tribes in the interior of Africa, without making proper provision for the health and comfort of our troops.

Lord ALFRED CHURCHILL said, he had originally intended to move an Amendment to the Resolution of the hon. Member (Sir John Hay), but he found that he was prevented by the forms of the House from doing so. He would, therefore, briefly state to the House the reasons why he could not approve the Resolution, but he wished first to express his heartfelt sympathy for the bereavement which the hon. Baronet had sustained in the loss of his brother, and also his sympathy with the families of those officers who died in the performance of their duty. He would now endeavour to give a brief summary of what had taken place. The Ashantee King demanded, under an extradition treaty, that a slave who had escaped should be given up to him. The Governor required that evidence should be produced that he had committed the crimes with which he had been charged, and on the King's refusal Governor Pine, in the cause of humanity, declined to accede to the demand. The King of Ashantee threatened to invade British territory, and in the spring of 1863 he invaded the protected territory of the Fantees, a friendly tribe. Major Cochrane was sent with a force of coloured troops, officered by Europeans, to encourage the Fantees in resisting the Ashantees. From some cause or other Major Cochrane failed to come to his post; the Ashantees in consequence overran the Fantee territory, massacred from 3,000 to 5,000 Natives, and then returned to their own territory. To prevent a recurrence of such attacks, Governor Pine submitted to the Duke of Newcastle the necessity of striking a blow. The Duke of Newcastle at first objected to an invasion of Ashantee territory, but in a despatch dated August 22, 1863, he said —

> "You allude to your former despatch, No. 40, of the 12th of May, in which you submitted a plan

of organizing a very large force, to consist of 2,000 disciplined soldiers, followed by upwards of 50,000 Natives, and of making with that army a regular invasion of the territory of Ashantee. I am not insensible of the encouragement which the unfortunate inaction of the troops and Native allies under Major Cochrane's command may afford to fresh aggressions by the Ashantees, but the proposal of a regular invasion to be made upon that nation, and of a march upon their capital, is too serious to admit of my encouraging it. I will merely say at present that I should feel very averse to its adoption, except in case of overruling necessity, and also after the report of some more competent military commander than anyone from whom there has yet been an opportunity of obtaining an opinion at the Gold Coast."

On the receipt of that despatch Governor Pine again wrote to the Secretary of State, urging the organization of a force to attack the Ashantees. The Duke of Newcastle, therefore, wrote a despatch to the War Office expressing his continued adhesion to the principle that all military proceedings on the West Coast of Africa should be measures of defence, and not of aggression. While, however, he gave to Governor Pine a conditional authority to enter the Ashantee territory, he enjoined upon him the utmost consideration for the safety of the troops. The Duke of Newcastle manifested the utmost desire that the troops should be cared for in every possible way. To charge the Government with culpable negligence was, under such circumstances, an accusation that would not hold water for a moment. Preparations were made by the Governor for the arrival of troops, and supplies of biscuit, ball-cartridge, and medical stores were provided. The Governor anticipated the arrival of an additional West India Regiment. He forwarded a portion of the troops up the country, where a depôt of stores was formed. It was intended that the whole of the troops should have gone up and entered the Ashantee territory before the rainy season, in order to teach the King a lesson. The disasters which had occurred were to be attributed to the two facts, that the rainy season had set in one month earlier than was anticipated, and the *Tamar*, which was to convey the troops, arrived a month too late. The delay in the arrival of the vessel was not to be wondered at when it was recollected that the authorities at home had had to forward instructions to the West Indies for the troops to be collected at different spots. They had then to be transported across the Atlantic in the face of the trade winds. There was, therefore, nothing unusual or surprising in the troops arriving one month after the time they were expected. It was said that they were landed on the beach, but where else could they be landed? Cape Coast Castle was said to be a remarkably healthy spot, and, if so, the Government were not very much to be blamed if the men were placed under tents, seeing that there was no accommodation for them otherwise. The principal charge against the Government appeared to be that thirteen officers had died. The West India regiments were officered by Europeans, and every individual, men and officers alike, on such a coast usually passed through the hospital before they became acclimatized. He had seen numbers of Europeans who had been in Africa, and coloured gentlemen also, who had passed through the hospitals, and after that were quite able to bear the climate. It should be remembered that European officers were in the habit of exchanging into West Indian regiments, knowing that the mortality was greater, but with the view of procuring rapid promotion. Many years ago, when he was a subaltern in the army, he applied for an exchange into a West Indian regiment with that object. If that were so, he did not see why people should cry out because those men went to an unhealthy climate, where they had to run their chance. His opinion was, that a number of men who had been acclimatized should be kept in the forts during the rainy season, and in that way the mortality among the troops would be greatly reduced. He could not but say that the Government of the Coast had been very dilatory in making preparations for the transport of troops and opening up the country by roads, which would be useful not only for military purposes, but also for promoting commerce; and it had been practically shown that roads could be constructed there at an expense of only £35 a mile. Another way by which the security of the protected territories might be promoted was by stopping the supplies procured by the Ashantees of arms, ammunition, and salt. There were 150 miles of the Volta navigable, and the Ashantees had been able to procure supplies by means of that river; but it would have been very easy for us to blockade its mouth, and prevent the enemy supplying themselves from that source. There was another source, also, from which the Ashantees procured supplies—namely, from the Dutch settlements, which he believed were free ports. But arrangements might be made by which the transport of arms and ammunition from the Dutch ports might be put a stop to, and he trusted the Colonial Office would endeavour to effect something in that way. With respect to the army surgeons, some ten or twelve had been sent out, two of the most competent of whom were coloured, and they were the only persons who had not been seriously affected by fever, and had not been prevented from performing their duties. That was a most important point, because, if we were to keep troops on that coast it would be essential that we should employ coloured surgeons. There were many other posts also in which coloured persons might be employed as engineers, and for instance, in the making of roads, and thus an opportunity might be found for the development of the intellect of the coloured people. It was much to be regretted that Governor Pine's health had not admitted of his remaining at Cape Coast until the arrival of the troops. Had he been there he would probably have said that the season was too advanced to undertake hostilities, and would have taken upon himself the responsibility of ordering them to a more healthy station. Sierra Leone was unhealthy on the shore, but excellent barracks had been erected on the hills, and since that time there had been little or no sickness among the troops there. Had the troops been sent there they might have escaped without any suffering. Complaints had been made that the *Gladiator* was unable to take all the troops away that ought to be removed. There need be no uneasiness on that head, inasmuch as the *Rattlesnake*, under Commodore Wilmot, was hovering about the coast, and could be made available for the accommodation and conveyance of the troops which the *Gladiator* could not find room for. He trusted that he had succeeded in showing to the House that there had not been any culpable negligence on the part of the Government, as some hon. Gentlemen opposite supposed. It was certainly the intention of the Duke of Newcastle to take every care possible of the health and comfort of the troops. Under all those circumstances, he thought that the House ought to express an opinion which would be satisfactory to the relatives of those who had unfortunately fallen in this expedition, to the effect that Her Majesty's Government had done nothing more than was clearly their duty.

Lord Alfred Churchill

MR. LIDDELL said, he agreed in the opinion which had been expressed by the hon. Member for Poole, that the question involved in the Motion could not and ought not to be made a party question. It appeared to him that the lives of their soldiers were as dear to the Gentlemen sitting upon one side of the House as to those who were sitting ou the other. And because he believed that the lives of the soldiers had been unnecessarily sacrificed by the neglect of the common precautions which the War Department ought to have taken and the insufficiency of the arrangements made for their reception, that he, as a Member of that House, intended to give his vote in favour of the Resolution. When military operations were undertaken, that House ought to be satisfied upon two material points. The first was, that there was a necessity for war; and the second, that if military operations were necessary, proper precautions and safeguards had been made for the safety and protection of the troops which were sent abroad. He repeated they ought to be satisfied upon both those points. Now, if he wanted information as to the opinion of the Government on the necessity of the war, he would find its necessity denied in the despatch written by the Colonial Secretary a few days ago. If he wanted an assurance that proper precautions had not been taken for the safety of the troops, he would find it in the speeches of the noble Lord who represented the War Department in that House. The noble Marquess had told them that the War Office could not be expected to know that there was a scarcity of water at Cape Coast Castle. Now, had that been a fortuitous expedition thrown upon an unknown coast, such an observation might be taken as an excuse, though a bad one. But that was not the case, inasmuch as the country in question was a permanent station which for many years had been in the possession of the British Crown. And yet the noble Lord said that the War Office could not be expected to know that there was a want of water in the place. The noble Lord, to his (Mr. Liddell's) amazement, told the House that it was impossible to provide barracks for the troops sent there upon the emergency. Well, if it were impossible to provide barracks for the troops at that station, those troops should not have been sent to a coast so notorious for its insalubrity. It appeared to him that the noble Lord by those observations had used the strongest argument in support of the Motion of the hon. and gallant Member. He (Mr. Liddell) could not forget that the noble Lord was a Member of the Government, who had a short time ago given a conditional authority to Governor Pine to strike what he called a blow against the Ashantee power. The Governor at that time was engaged in the largest schemes of war and aggrandizement. He was engaged in raising an army of 50,000 Natives, to be supported by 2,000 European troops. That in itself was a gigantic project. It was at this time and under those circumstances the Governor received conditional authority to carry the war into the Ashantee territory. An ominous sentence had fallen from the lips of the noble Lord representing the War Department, when he told the House that a correspondence had recently passed between the Colonial Government and the War Office on the subject of a permanent increase of the troops upon the West Coast of Africa. He (Mr. Liddell) had heard that announcement with great alarm as well as disappointment after the speech the noble Lord had delivered in that House. It was necessary to say a few words with regard to the position of the British at Cape Coast Castle. They had heard that place spoken of as being a military station, but it was more. It was the seat of justice for a vast country in the interior of Africa, and the place of a court of appeal and arbitration for an enormous Native population. Laws were there framed, ordinances were passed, and justice administered by Englishmen, presided over by an English Judge, in concert with a conclave of Native chiefs. When laws were framed in so unusual a manner and justice administered in so peculiar a form, he was reminded of what Earl Grey had written upon this subject only twelve years ago. That distinguished nobleman, among the greatest of our statesmen, said, "Our authority rests entirely on the moral ascendancy of those exercising it, and the willing obedience of the people." But when that willing obedience ceased and our moral ascendancy waned, there was nothing left but to support our authority by the sword. When he heard, then, the noble Under Secretary of the War Department talk of a permanent increase of the troops at the station in question it might, he thought, be taken as a sign that our moral ascendancy was really on the wane, and that the time was not far distant when our authority, which had heretofore rested upon the willing obedience of the people, must be supported by the point of the bayonet. A protectorate, so long as we exercised it with the consent of the people, was a proud title for England, who thus became the civiliser of rude populations and the teacher of Christianity. But the moment he heard that we had become engaged in a war with the people under our care, he felt that all the advantages of that protectorate were passing away, and our moral ascendancy was extinct. He should give his vote for the Motion, because he firmly believed, and he was sure the country would also believe when they read the details of that unhappy expedition, that many valuable lives had been unnecessarily sacrificed. He hoped the House would gravely take into its consideration our position as to the protectorate of a vast Native population. The war had arisen from a neighbouring sovereign, whose power we had learnt to dread, exercising what he believed to be his sovereign rights. He claimed that one of his subjects should be handed over to him, not as a fugitive slave, but as a criminal, according to the laws of Ashantee, and we had gone to war with him in opposition to the exercise of that sovereign right. But they should remember that the climate of the coast of Africa was the worst climate in the world, and our troops in penetrating the interior had to meet with pestilential jungles, dense forests, and a very warlike people. He, therefore, asked the House to pause before they encouraged such proceedings; and, above all, he asked them to mark by their votes their sense of the incompetency and carelessness of the mode in which these troops had been thrown on the shores of the Gold Coast under the direction of the authorities at the War Office.

MR. CHICHESTER FORTESCUE said, he rose to take advantage of the opportunity afforded by the course which the debate had taken, to offer an explanation of the conduct of his noble Friend the Duke of Newcastle in giving his sanction to the measures adopted by the Governor of the Gold Coast for the protection of the people placed under British protection. While he was far from wishing to avoid any responsibility that might justly lie on himself as subordinate to the noble Duke, the late Colonial Secretary, he begged to say that the cautious and qualified sanction extended to the Governor of the Gold Coast was given by the immediate direction of the noble Duke. He made that statement because it was the truth, and because he knew that the noble Duke would be the last man to avoid the responsibility of his acts. Having made that statement as the foundation of what he had to say, he now wished, in justification of Her Majesty's Government, and especially of his noble Friend, to remind the House of the position of the Government in respect to the Gold Coast. Remarks had been made implying that the British Government, in sanctioning these hostilities, small in themselves but lamentable on account of the loss of life, had been guilty of unwarrantable interference in the affairs of some of the Native tribes. Such was not the case. What they had done had been in fulfilment of a recognized obligation undertaken by the British Government. Down to the year 1842, with one short exception, the management of our forts and settlements on the Gold Coast had been for two centuries in the hands of a company of English merchants. In 1824 the British Government assumed for a time the management of the settlements, and undertook to protect the people of the adjacent territories against their cruel and sanguinary oppressor the King of Ashantee. In the course of these operations England had to lament the death of a brave man, Sir Charles M'Carthy, and the loss of many troops. The result, however, was that the King of Ashantee was reduced to terms, and compelled to renounce all claims over the tribes which now remained under the British protectorate. The Imperial Government, having restored peace and tranquillity (which had lasted, strange to say, till last year), after a few years gave back the management of the forts and settlements to the company of merchants. The great object of public policy, then, was to check the slave trade on that coast; but a suspicion arose that the company was not very zealous in promoting that end, and that private interest sometimes thwarted the desires of the public. Dr. Madden was despatched in 1840 to the settlement to institute inquiries, and his Report was submitted to a Committee of the House of Commons in 1842, under the Government of Sir Robert Peel. The first recommendation of that Committee was that the administration of the forts and settlements on the Gold Coast should be resumed by the Imperial Government. That recommendation was carried into effect by Sir Robert Peel and the Earl of Derby, the then Colonial Secretary. Since that time the Imperial Government had managed the settlements and exercised a considerable degree of authority over the people of the protected territories. Immediately after 1842 a Judge was appointed, under the name of Judicial Assessor, who had a most important civil and criminal jurisdiction over a large population, spread over a great extent of country. The people of the protected country were not indeed, in the eye of the law, British subjects, because, if they had been admitted to that position, it would have led to serious difficulties in regard to the domestic slavery which prevailed among them. But the Government interfered in some important respects, according to its own notions of what was right, with their laws and customs. For instance, domestic slavery was placed under regulations. Cruel treatment on the part of masters and the export of slaves were forbidden. Intertribal wars were repressed. Human sacrifices were prohibited. On the other hand, the British Government afforded the tribes protection against their ancient tyrant and oppressor the King of Ashantee. Such protection was implied in the very name—protectorate, and had been recognized as an obligation by successive Governments in this country, by Acts of Parliament, and by ordinances of the Crown. To show how entirely that was acknowledged he would read the observations of a Governor of the Gold Coast and an eminent Colonial Secretary. Sir W. Winniett wrote as follows:—

> "Collectively, these States lend a willing deference to English authority; because, but for the English power, they would fall a prey to the ambition of the King of Ashantee, who is ready to find a pretext for war whenever his own strength warrants it, and the weakness of the Fantee tribes tempts him to the effort to extend his dominion to the sea coast, which is an object which the Ashantees are known to have at heart."

Earl Grey also said—

> "Thus for several years internal wars have ceased, and the dread of British power and the knowledge that the united strength of all the chiefs in the district we protect, directed by British officers, and supported by a small disciplined force, would be promptly exerted to punish aggression upon any part of this territory, has been sufficient to restrain even the most powerful of the surrounding tribes or nations from attempting to injure those who acknowledge our authority."

Such was the state of things which existed when recent events occurred at the Gold Coast. He had heard some remarks from the hon. and gallant Member whe brought forward the Motion, which seemed to mean that the Governor of the Gold Coast was in the wrong, and the King of Ashantee in the right as to the origin of the differences which had arisen. He could not conceive a more extraordinary assertion. What were the facts as to the origin of the dispute? In the beginning of 1863 the King of Ashantee—evidently as a pretext for a raid on the protected territories, because he changed his story several times — claimed the surrender of two of his subjects from the Governor of the Gold Coast. One was a slave-boy, who had fled from the cruelty of his master, the other was an old man, who was accused, without a tittle of evidence, of having appropriated some gold found in the dominions of Ashantee. The King, through his envoy, who came in great state, alluded to some supposed treaty under which these persons ought to be delivered up; but if such a treaty had existed, as it did not, it would have been more honoured in the breach than the observance. The Governor and the Executive Council of the settlement unanimously resolved that they could not consistently with common humanity and the honour of England give up these two Natives. The Governor, however, said that if the King would produce a shadow of *primâ facie* proof that either had been guilty of any crime, he should be delivered up. No extradition treaty that ever was imposed the condition of surrendering criminals, under the circumstances of the present case, even to a civilized Government, far less to one which would certainly consign them to torture and death. His noble Friend the late Secretary of State approved the course which the Governor had pursued, and he trusted the House would see that he could have done nothing else. Such was the first step in these proceedings. The Governor and the Executive Council anticipated with some feelings of alarm that the course they had taken would subject them to invasion by the King of Ashantee; and before long such proved to be the case, for the King of Ashantee soon invaded the protected territory, burning and destroying all that came in his way. The Governor had then to consider what he should do, and fortunately he had the advantage of a very valuable adviser — Commodore Wilmot. He should like to read a passage from one of the Commodore's despatches to the Admiralty. It was not in the printed papers, because it did not come within the terms of the Motion, but it would be printed as soon as possible.

Sir JOHN PAKINGTON said, he rose to order. He apprehended it was a letter or a despatch that every one would be anxious to see and read, but as it was not in the hands of hon. Members he submitted the right hon. Gentleman was out of order in referring to it.

Mr. CHICHESTER FORTESCUE: If the right hon. Baronet did not wish for information, he was ready to withhold it, but the right hon. Baronet would find that the opinion of Commodore Wilmot was so candid that perhaps, as a mere matter of party defence, it was rash to use it. The letter was not in any way connected with the terms of the hon. Gentleman's Motion, and it was only on the previous day that he knew of its existence. However, it should be at once laid on the table. This opinion was given on the 7th of April, 1863, before any hostile operations were undertaken, and when it was quite uncertain whether the King of Ashantee meant to invade the protectorate. Commodore Wilmot was most anxious that nothing should be done to involve the colony in war except it were absolutely necessary. In his letter he said—

> "I placed before the Governor the great objections the English Government would have in entering upon a war with the King of Ashantee at any time, much more at the present moment; that their responsibilities would be very great, and who could see the end of such a war with one of the greatest Kings of Africa? Probably he would be joined by Dahomey and the Kings in the neighbourhood of Lagos and other places, who were always ready (urged on by Europeans adverse to English influence in Western Africa) to take up arms and keep us in a constant state of disquietude and alarm. I showed what the expense would be, the probable loss of life, the destruction of trade, and that whatever the result might be the future of this colony must be greatly retarded. I implored them to do all in their power, compatible with the honour of England and a sense of justice to those who claimed our protection, to avoid a war if possible, and at all events not to commence hostilities with their eyes shut before they had communicated with the King of Ashantee and found out what his intentions were. In the meantime I recommended preparations of every kind, and that arms, ammunition, &c., should be got ready with all despatch."

This advice was given on the supposition that the King of Ashantee did not really intend to invade our territory, but on the

13th of April this opinion was given by the Commodore—

> "My opinions were asked and freely given. I said anything is better than this uncertainty. If you believe the rumour that the King's soldiers have passed the rivers and committed these unfriendly acts, despatch immediately a messenger to the King, and ask him why he permits this and what he means by such conduct. Ask him in plain terms if this is to be considered a declaration of war, and give him a certain time for the messenger to return. Should the messenger not return on the specified day, instantly form a camp in the country, call the tribes around you, and drive the rascals back again."

It soon became quite certain that the Ashantee troops were ravaging the protectorate, slaughtering and burning in all directions. Upon that the executive Government unanimously decided that the small force under Major Cochrane should take the field for the purpose of putting themselves at the head of the Native levies and protecting the tribes of the protectorate, with instructions at the same time to avoid hostile collision as far as possible, and not to assume that the Ashantees meant to encounter the British power. That was the least the Governor could do. When the Ashantees had invaded the protected territory, we were bound to do all in our power to co-operate with the protected tribes to resist the invasion. Then came a period of two months, of which it was difficult to give any clear account. A large force of Native levies was organized along with our small force under the command of Major Cochrane. He was far from wishing to dogmatize on Major Cochrane's management of the affair, for he knew perfectly the difficulties under which he laboured; but the result undoubtedly was that nothing effectual was done. The protected territories were laid waste, the inhabitants slaughtered, and the prestige of the British Government was seriously injured. So serious was the state of things, that on the 20th of April, 1863, Commodore Wilmot wrote—

> "I am quite certain that had the Ashantees made a determined push two months ago towards the seaside they would have captured all our forts and desolated the country."

They did desolate the country although they did not take the forts. Major Cochrane, under circumstances of great difficulty, failed to make any effectual resistance, though Commodore Wilmot was not of opinion that, with good management, it would have been difficult to have attained a different result. On the 23rd of May, Commodore Wilmot wrote—

> "A reinforcement of soldiers has been sent from the Gambia, and if the commanding officer of the troops now in the field will only act with vigour and judgment, I am quite certain that the Ashantee King will very soon be brought to terms, and that the future peace of the colony will be secured."

Governor Pine, thus disappointed at the result of the operations and miserable at the condition of the protected territory, wrote to the Duke of Newcastle in rather exaggerated language, asking him for large reinforcements, for the purpose of marching to Coomassie the Ashantee capital, which application was refused by the Duke. The Colonial Office had every reason to consider Governor Pine a gentleman of great judgment and experience, and his difficulties certainly were enormous, with hardly a European civilian to support him. In the course of the winter of last year, it became evident that the King of Ashantee would repeat the process of the previous year, and, unless measures were taken to prevent him, would invade and lay waste the protectorate. Under these circumstances, the Governor again assembled his Executive Council, and laid before them a plan which Colonel Conran, who had succeeded Major Cochrane as commander of the troops, had framed for the purpose of preventing an invasion. It was to defend two points on the frontier, so as to close the most accessible portion of the country to the invader. The plan was unanimously adopted by the Council, and in pursuance of it Colonel Conran advanced and formed a camp on the frontier, every possible precaution being taken for provisioning and hutting the troops. That camp had been established on the Prah before a conditional permission had been given by the Duke of Newcastle, which went the length of allowing the Governor to cross the frontier, if necessary. That permission was, however, of the most cautious and careful character. It was rather the removal of a prohibition than a direct permission. The Ashantee invasion was expected to take place, and the Governor was instructed to inflict such a severe punishment on the invaders as would remove the disastrous impression caused by their previous impunity, and the Duke of Newcastle went on to say—

> "Should no opportunity be found of striking such a blow without entering the Ashantee terri-

tory, you are not to regard yourself as absolutely prohibited from doing so under any circumstances."

The idea of the Duke of Newcastle was this, and he was sure it would commend itself to the House—he thought Colonel Conran might find himself on the frontier of the protected States, and that the Ashantee army might be on the other bank of the river which divided the two parties, and that he might thus have an opportunity of striking a blow; while, if he had stringent orders absolutely forbidding him to cross the frontier, he might be obliged to forego that opportunity. It was to save the Governor and the officer commanding the troops from finding themselves in such a difficulty, his noble Friend gave that qualified permission. But that qualified permission never was acted on. The Colonel, hearing that a reinforcement of several companies of a West Indian Regiment was expected to arrive, thought it was not then advisable to cross the river. No enemy appeared in the shape of fighting men; but in the beginning of March the Colonel found a more formidable foe than the Ashantees. The rains set in most unexpectedly. [*Ironic cries of* "Hear, hear!"] Hon. Members appeared to be incredulous on that point, but he was positively informed, on the highest authority—on the authority of persons well acquainted with the Gold Coast, that the rains were not expected before the 1st of May, while it appeared from the despatches that they had come on so early as March. On the 11th of March the Governor wrote to say that the rains had already commenced; and a month after there was the correspondence between the Governor and the Commanding Officer, showing that serious sickness had set in amongst the force in camp, and that it was thought desirable to withdraw from the frontier to Cape Coast. That was done; but certainly there was reason to regret that it had not been done sooner, because the moment the rains began the sickness also commenced. It might be said that the expedition was a failure. It was a failure as regarded any victory in an engagement; but the reason was, that no enemy showed himself; but it was the means of protecting the territory for which we were responsible from any renewed devastation by the Ashantees. Those acquainted with the state of things on the Gold Coast were of opinion that the demonstration made by Colonel Conran had read a lesson to the Ashantees, which would deter them from a repetition of their former incursion. That was the end of the expedition; but the charge remained that the mortality occasioned by it, and by the arrival of the reinforcements, was excessive. It appeared, as his noble Friend the Under Secretary for War had shown, that there had been great exaggeration in the statements made on this head. No doubt there had been a deplorable loss of life. There often was a deplorable loss of life in African service, and he was inclined to think that the mortality was greater when the troops were doing nothing than when they were in action. He was sure that every hon. Member felt a deep regret at the loss of life which had resulted from this expedition, and especially for the loss sustained by the hon. and gallant Gentleman who had brought forward the present Motion. Considering the affliction which the hon. and gallant Member had suffered, his speech was generally of a temperate and moderate character. But the House ought to understand that this loss of thirteen officers of the West Indian Regiment had not occurred in consequence of this expedition alone, but had been spread over a period of more than twelve months, and had occurred in two campaigns. In accounting for the mortality they must not forget how much was to be attributed to the ordinary nature of the climate of the Gold Coast, and that among the number who died were officers who had not been engaged in active service at all.

Sir JOHN HAY: I must correct the right hon. Gentleman. The mortality to which I referred did not extend over twelve months, because the Return is from the 1st of July.

Mr. CHICHESTER FORTESCUE said he did not understand the hon. and gallant Gentleman; certainly the time during which those deaths occurred was as much as twelve months, and there were two campaigns within that time.

Sir JOHN HAY: The Return is distinctly from the 1st of July, and does not include the first campaign.

Mr. CHICHESTER FORTESCUE said, he was entirely at issue with the hon. and gallant Gentleman on that point; but, at all events, one lesson which they had learnt from the expedition was this—that these West Indian troops as now recruited suffered from the climate of Africa as much as Europeans. Formerly those regiments were recruited from newly liberated slaves, but now they were made up in a great degree from negroes born in the West India Islands. He had further to observe that the idea of moving black troops into the interior of the country for the purpose of enforcing our authority was not a new one, for before now we had been obliged on several occasions to move our troops with that object, although so far was his noble Friend the Duke of Newcastle from looking upon such expeditions as desirable, that some years ago he addressed a despatch to all the Governors on the West Coast of Africa, desiring that they should never engage in any such movements without the permission of the Colonial Department; but the operations of last year were undertaken for the defence of territories for which we were responsible and which had been assailed. Under these circumstances, he submitted to the House that the permission of his noble Friend was given in consequence of an unprovoked incursion by the Ashantees on the Gold Coast, and that which he did was warranted by our obligations to the protected territories, and by previous practice. He believed his noble Friend was right when he said to the Governor of the Gold Coast, "You would do wrong to surrender those unhappy fugitives." He believed he was right when he sanctioned the first expedition; and he believed he was right when he gave that most cautious permission to the Governor for further proceedings; and he was still of opinion that the mortality was greatly exaggerated. The measure had been so far successful as a means of defence that it had prevented any repetition of the outrages of the Ashantees; and whatever might have been the mortality which unfortunately had resulted from the expedition, he submitted to the House that his noble Friend was only doing his duty when he gave permission to the Governor to defend those territories for which the British Government had deliberately rendered itself responsible.

Sir JOHN PAKINGTON: Sir, I wish to say a few words before this debate closes, simply with the object of asking an explanation from Her Majesty's Government on two or three points which have been only very slightly adverted to this evening. I do not intend to say a word on the policy of the Ashantee war, if that can be called a war in which there was no fighting. I think the speech of the right hon. Gentleman the Under Secretary for the Colonies was a very natural one for him to make; and at this moment I am glad that we are spared the necessity of using any language which might appear to convey an attack on the policy of the Duke of Newcastle. The speech of the right hon. Gentleman is a most natural one, but its tendency has been to divert the attention of the House from the question really before us. The Motion of my hon. and gallant Friend does not, as I submit, raise any question as to the policy of the noble Duke. It raises this one question alone—when the Government decided, upon the representations of Governor Pine, to send troops to the Gold Coast, did they adopt such precautions for the safety of those troops as it was their bounden duty to take, considering the deadly climate of that country? At the beginning of last year, when these troubles commenced, we had a body of about 700 men at Cape Coast Castle. Subsequently reinforcements were sent out in two divisions—between 400 and 500 men in August, and a further force of nearly 700 men in April. The noble Marquess has told us that the 400 or 500 men landed from the *Megæra* in August had nothing to do with these troubles; but surely on this point he must have spoken under some misapprehension. He would not of course wish to mislead the House, but I think I can recall to his memory facts that will bear out my statement. Twelve months ago the lamented brother of my hon. and gallant Friend was in England. Being a very able and distinguished officer, he was sent for on purpose to be despatched to the West Indies to aid in getting ready the troops who were to proceed to the coast of Africa. He went to the West Indies accordingly, and he accompanied to the coast of Africa the troops who were sent there, as I say, on account of the troubles. But, even supposing the noble Marquess to be right, he makes the case of the Government rather worse than it was before, because, if these troops were only sent to strengthen the force which it was thought politic to keep on the coast of Africa, the remissness of the Government in not providing for the health of the troops when they arrived there would have been greater than if they had been sent out on some sudden emergency. The question, therefore, is not whether the troops who had arrived in August were sent in consequence of the Ashantee war or not, but whether, when they arrived on the coast of Africa, they found proper precautions taken for their safety? Have the statements of the noble Marquess been satisfactory upon that point? Has he made any answer to the able and touching statement of my hon. and gallant Friend? The noble Marquess told us a great deal about a Major Clarke, an engineer officer, who was sent out to make the necessary arrangements; but with what appeared to be unfortunate candour he added, that Major Clarke had neither enough money nor enough material to permit of his doing anything when he arrived. One of the great dangers to which our troops were exposed on that coast is from the unwholesome water, there being no fresh water. The noble Marquess told us a distilling machine was sent out; but unfortunately it would not work when it arrived. [Mr. DENMAN: No!] The hon. and learned Member for Tiverton does not seem to like this statement.

MR. DENMAN: As I am personally alluded to perhaps I may be allowed to explain.

SIR JOHN PAKINGTON: I am sure the hon. Gentleman will not deny what I say. It is a question of fact. I am informed—and I am sorry my hon. Friend is so much annoyed about the matter—I am informed that when the machinery arrived it would not work. If I am wrong, nothing can be easier than to expose the statement. Passing from this point, which seems to cause so much disturbance to hon. Gentlemen opposite, let me ask when this machine arrived out? Why, not till February—the first reinforcement of our troops, swelling the whole number to 1,200, having arrived in the previous August. During the interval our troops had to suffer the miseries and calamities caused not only by the destructive climate, but by the want of proper comforts. The painful and horrible results we all know; but as to the Return, I must really make some complaint of the carelessness with which it has been prepared. The number of the officers on one page does not correspond with that on the other. In the first page a list is given of the number of officers, and they amount to 64. We then find that no less than 35 are either dead or disabled by sickness; but in the next page the number given as effective is 48, which would raise the whole number of officers to 83 instead of 64. Which statement is right I do not know, but the discrepancies show a want of care. We have now heard the statements made on both sides. We have had the melancholy facts of the unparalleled number of men who have died or been disabled probably for life; and I will leave the House to judge whether the noble Marquess has at all got rid of the charge, not that this was an impolitic war—a point upon which I offer no opinion — but that, having commenced hostilities, the precautions necessary for the safety of our troops were not taken. I should like to have from the Secretary for the Colonies an explanation on another point. Four weeks ago, when I called attention to the Ashantee war, and to the dreadful havoc which was being made by the climate among our officers and men, I thought the answer of the right hon. Gentleman perfectly satisfactory, and accepted it as creditable to the Government. But I am sorry to say that, on the part of the Government, he made promises which have not been fulfilled. I am quite sure that nothing was further from his intention than to make any promise which he did not mean to perform; but this was what the right hon. Gentleman said—

> "I may be fairly asked what is the course we intend to take in these circumstances? The last mail, as I have said, has only reached me within the last few days, but since its arrival I have been in communication with my noble Friend at the head of the War Department, and also with His Royal Highness the Commander-in-Chief, as to what ought to be done in the present state of affairs; and now I have to inform the House that the determination at which we have arrived, and which I propose to announce to the authorities on the spot by the mail which leaves England on Monday next, is this—that transports shall be immediately dispatched to remove from the coast troops to the amount of those who have recently been sent there, so that the number may be reduced to that which can be accommodated with the means ordinarily available upon the Gold Coast, due regard being had to health and comfort."

Here are two distinct pledges—one that transports should be immediately sent, and the other that the troops should be reduced to the number which could be accommodated with the means ordinarily available upon the Gold Coast. In one respect the right hon. Gentleman fully acted up to his undertaking. In a despatch dated May 23, four days after making the speech from which I have just quoted, the right hon. Gentleman wrote as follows:—

> "It appears that the number of troops upon the coast will now be more than double the number for which the buildings will afford accommodation, and that the removal of a considerable number will be necessary for their own health and comfort, and for the health and comfort of those who are left behind. Immediate arrangements, therefore, are intended to be made by the War Department, for reducing the force at your disposal to its normal strength, and removing the remainder from the coast."

These unhappy men, then, were to be immediately removed at this critical time of year, the wet season, when they were dying from disease; and how do we find the pledge fulfilled? Why, last night we were told by the noble Lord the Secretary to the Admiralty that the orders to the *Gladiator* to proceed to the coast of Africa were never given till yesterday. There is very good reason to believe that those orders were not given yesterday until my hon. and gallant Friend had called at the Admiralty and had given notice of his question. When we asked what transport was to be sent, my noble Friend could not even tell us the name, but could only say that it was a sailing ship. Then I think I have a right to appeal to the right hon. Gentleman, and to ask him whether he considers that after a month has elapsed it is a fair redemption of his promise to Parliament when we find that no vessel has yet been sent to fetch away these men, and that now a steam-vessel is to be sent, a vessel which, as my hon. and gallant Friend says, is not capable of conveying 550 men a distance of 2,000 miles. I think that is the worst part of the case. The pledge was given to the House deliberately, and, I have no doubt, in good faith, by the right hon. Gentleman, but it has not been fulfilled; and, therefore, I call upon the Government to give some explanation for such a deviation from the promise given to the House in language so distinct. Then, I will ask a second question — whether it is fair, after the language of the right hon. Gentleman, that only 500 men should be removed? The additional force sent to the coast of Africa was 1,100 men. The force there at the beginning of last year was 700 men. This inquiry is the more important after the statement of the noble Marquess — a statement which, in common with many other hon. Members, I heard with surprise and apprehension—that it is the intention of the Government permanently to increase our force upon the Gold Coast. I wish to hear a clear explanation of their intentions upon that point, as the words of the right hon. Gentleman were that the force was to be reduced to its normal strength. My construction of those words is that that force was to be maintained at the same strength as existed before these additional troops arrived. The reinforcements amounted to 1,100 men, and, excepting those unhappy men who are dead and gone, that number will have to be removed, if the pledge given by the right hon. Gentleman is fairly carried out. I will detain the House no longer. I wish to have an explanation on these points. I have heard as yet no language on the part of the Government which shows that any proper precautions were taken to fulfil the promises that were given, and, therefore, I feel bound to support the Motion.

LORD CLARENCE PAGET: Before I reply to the grave accusations which have been made against the Admiralty by the hon. and gallant Gentleman and by the right hon. Baronet, I wish to point out two errors—unintentional, I am sure —on the part of my hon. and gallant Friend. First, as to the number of men, my hon. and gallant Friend says that the Return bears upon its face proof of incorrectness, inasmuch as the number of officers in the first page does not correspond with the number in the second page. But I am informed by my noble Friend the Under Secretary of State for War, who has already spoken and cannot therefore answer by himself, that in the first page only the officers and men landed from the transports were mentioned. That, I am informed, is the cause of the apparent discrepancy; besides which officers have since been changed from other stations. The other misstatement is as to the number of deaths among the officers. My hon. and gallant Friend said that the Return did not include the deaths for the whole year, but I find that the first death mentioned in this Return is that of Ensign Bryan, who died on the 16th of May, 1863, so that it appears that the Return does include the deaths for the whole year. Now let me state to the House what has been the course of the Admiralty with respect to the removal of these troops. The first intimation which we received of the intended removal of troops was on Saturday, May 21. The War Office stated that all troops in excess of ordinary peace garrisons were to be removed. On Monday, May 23, the Director of Transports asked the Horse Guards for an approximate statement of the numbers to be removed. On the 26th of May—received on the 27th—the Horse Guards sent the number of troops, 19 officers and 448 men. Advertisements were issued on the 28th for a ship to convey those troops. Let me state that we pursued the usual course with regard to advertisements. We do not usually advertise for steamers, or we should enhance the cost per man. [*Murmurs.*] If hon. Gentlemen like to condemn the Admiralty after hearing my statement, they can do so, but pray listen to my explanations. We issued notice for tenders in the usual way. No steam vessel was tendered at first, but a sailing vessel. The best that was offered — the *Waubojeez* of 1,400 tons—was taken up. Since then we have been continually pressing the owners to get her ready, and the brokers have informed us that every exertion has been used, and that men have been working on her night and day. I want to show that there has been no delay in hiring and fitting a vessel after my right hon. Friend had decided to remove the troops. Now I come to the question of what took place yesterday. My hon. and gallant Friend came to me at the Admiralty yesterday in a very excited state; I do not wonder at that, for he has sustained a very grievous loss of a near relative. He came to me and said that the matter was pressing, immense numbers were sick and dying, and that the vessel we were going to send would not be sufficient. He told me we should send a steamer. I am bound to say that statement did not tally with the accounts we have received, and my noble Friend the Under Secretary for War, has told the House that the real mortality in consequence of this war has not been greater than the normal mortality on that coast. He has given a Return which shows that at the latest date only 64 soldiers out of 1,300 were unable to do duty, and I will appeal to the House if that does show a very deplorable state of things? We took up the vessel I have mentioned, intending to send her in tow of a steamer until she fell in with the westerly winds which usually prevail outside the chops of the Channel. We had every reason to suppose that that vessel would arrive at Cape Coast Castle in about six weeks. But when my hon. and gallant Friend gave me yesterday that deplorable account it moved me very much, and I at once went to my colleagues, and not because of his notice of Motion but in consequence of his sad statement to me, we ordered that the *Gladiator* should be prepared at once for sea, and she will sail to-morrow for Cape Coast Castle. The right hon. Baronet cannot be expected to know the carrying capacity of such a vessel; but it is unpardonable in my hon. and gallant Friend to make such a statement about the *Gladiator* as he has done. He said the *Gladiator* is a sickly ship. It is true that on one long antecedent occasion a good many men died on board of her in the West Indies. Does my hon. and gallant Friend wish the House to believe that we chose a ship that was remarkable for her sickly condition? Then we are told that the *Gladiator* was unfit to carry 500 men. Well, ships of her class have carried 600 or 700 at a time. [" Where ?"] On many occasions, in the Black Sea, for instance. There is, I may add, a report of the captain of the *Gladiator* in which she is represented as being able to carry 400 soldiers for four or five days' voyage. [*A laugh.*] I wish hon. Gentlemen would be kind enough to hear me out. This is no laughing question. Her Majesty's Government are charged with having deliberately done an act of cruelty, and it is, I think, but right that I should be allowed to state frankly the whole case. The House will then be in a position to judge whether the Admiralty have or have not acted wrongly in this matter. The *Gladiator*, as I said before, is reported by her captain as being able to carry 400 troops for four days in all climates. [Sir JOHN HAY: On deck ?] No, below. She is well calculated for a troopship, and we have supplied her with a double awning and all the preparations necessary to carry the required number of men in this instance. My gallant Friend says that Cape Coast Castle is very unhealthy, and that our troops die there by hundreds. Those who are well acquainted with it, however, represent it as comparatively one of the most healthy places on the coast. I have two despatches, one from Commodore Wilmot, in which 150 seamen and marines stationed there during the whole of the unhealthy season last year are reported as having enjoyed health. Commodore Lord John Hay, who visited the coast, says, in allusion to this unfortunate war—

> " It was stated that much sickness had prevailed among the troops while away from Cape Coast Castle; but the patients seemed to have generally recovered quickly after their departure from the interior. I have been unable to ascertain that any serious amount of sickness need be apprehended as long as the men are actively employed."

All our officers, I may say, concur in the opinion, that if you keep the men employed and keep them away from the interior, comparatively little apprehension need be entertained for their health. I have been much pained to find that my hon. and gallant Friend has thought it his duty to make a statement which impugns the honour of one of our best officers—I allude to Captain Stirling, of the *Tamar*. He says he sailed away from Cape Coast Castle, refusing to assist in removing those poor dying men.

Sir JOHN HAY: I did not say he refused to do anything. On the contrary, I spoke of him in the highest terms. I blamed the Admiralty system which prevented orders from being given to Captain Stirling to meet the contingency.

Lord CLARENCE PAGET: I am glad to find that I have misunderstood my hon. and gallant Friend, and as to his remarks on the "Admiralty system" he is perfectly aware that officers in command can, and do take upon themselves the responsibilities of giving passages unless orders are given to the contrary. I can assure the House that, having looked over every despatch, we can find no mention made of anything of the sort. My hon. and gallant Friend has spoken of Cape Coast Castle as if it were some perfectly isolated part of the world, and seems to forget that a steamer goes backwards and forwards there every month. We have besides our own cruiser there, and are, in fact, in constant communication with the place; so that it is idle to tell me that officers who might be sick have no means of getting away from it. I think when we look into this matter and examine it carefully we shall find that the mortality is much exaggerated, and I may perhaps be allowed to refer to a statement made by the captain of Her Majesty's ship *Ranger* to show how uncertain is the coming of the rains. He made a Report to the Admiralty from Cape Coast on the 17th of May last year, in which he says, "The rains have not yet come, though they have been fifteen days expected." Now, we know that the rains this year began in March, almost unprecedentedly early, and this was undoubtedly a misfortune; but I cannot accept any blame upon the Admiralty. We have, I think, done all we could do under the circumstances of the case. We have at considerable inconvenience detached a ship from the Channel squadron knowing how very undesirable it is at the present moment that we should detach vessels from it.

General PEEL: I will not detain the House more than a very few minutes. My object in rising is to endeavour to ascertain—information which I have in vain endeavoured to extract from the papers before us or from the speeches which have been made to-night—on whom the responsibility of these transactions rests. Is it to be the old story over again? Are these things to happen and nobody be responsible? I have heard the statement of the noble Lord the Under Secretary for War, and I am sorry to say that it by no means removed from my mind the impression made by the papers and the statements of the hon. and gallant Member, that there has been the greatest neglect somewhere, and that we have had in a minor degree a repetition of the blunders that took place in the Crimean war. Perhaps no Member of the House has spent so much time as I have in inquiring into that matter. I served as a Member of the Committee over which the hon. and learned Member for Sheffield so ably presided in connection with the Crimean war, and I was a member of that board of officers which afterwards sat at Chelsea, and heard everything so minutely described, that I think I could find my way almost blindfold about Balaklava; but the evidence in this instance is, in my opinion, quite as strong. On the face of the papers the management of this business has been quite disgraceful; for they show that the Government have learned nothing and forgotten nothing. What I want to know is, where the responsibility of the Colonial Office ends, and where that of the War Department begins? As to the policy of the war itself, that rests with the Government. I do not believe that the Secretary of State for the Colonies would undertake to involve his country in a contest like this without having previously obtained the sanction of his colleagues. But having obtained their sanction, the next step is to communicate to the Secretary of War that such a war was to be undertaken; and from that moment I should say that the Secretary of State for War is responsible. I cannot ascertain at what time the Secretary of State for the Colonies communicated that the troops were required. The Secretary of State for War denies that they were sent for warlike purposes, and yet the Secretary of State for the Colonies draws the attention of the Secretary of State for War to the despatch in which the "enemy" is mentioned. Good God, what is the meaning of the word "enemy" in that despatch. And yet the Secretary of State for War denies that the troops were sent for war. Now, I solemnly declare that no Governor Pine, no Secretary of State for the Colonies, would ever induce me to land troops on that coast at the very moment of the rainy season. It is very well to say that the rainy season does not usually commence so early. Governor Pine wrote to you, saying that "there are intimations that the rainy season is coming on earlier than usual." If my hon. and gallant Friend had moved for a Committee of Inquiry sure I am that not one could refuse it. My only difficulty is to say who is to blame. Had I been asked what should be done, I should have said, move for every paper, correspondence, and minute between the War Office, the Colonial Office, the Admiralty, and the Horse Guards, and see when requisitions were made for troops, and when they were ordered to go out. The noble Lord the Under Secretary says there was an excellent commissariat officer, but that officer is not to be expected to make bread out of stones. Give us a list of the transports that were sent there; how many of the 50,000 Natives were fed at our expense. We want to know more than the papers tell us. Then the noble Lord the Secretary for the Admiralty says, as an excuse for not having sent out the *Gladiator* sooner, that it was only yesterday that my hon. and gallant Friend called on him with a most deplorable story; but the most deplorable part of the story is, that the Admiralty appear to have been obliged to rely on the information of an individual as to what had taken place. Surely that is not the proper way of conducting the business of the Admiralty or of the Government. But we are told this proceeding has had a very great effect — the Colonial Secretary says that the troops landing there had a very good effect. Well, but unfortunately that was said before. Governor Pine was told in case the invasion took place, to inflict a blow which would remove the disastrous impression caused by previous impunity. But what will be thought now, when our force was obliged to withdraw without inflicting a blow? My belief is it will tend rather to increase the confidence of the King of Ashantee, and thus free from his terror the only monarch in the world who appear to fear us.

Mr. CARDWELL: I rise to answer the two questions put to me by the right hon. Baronet the Member for Droitwich (Sir John Pakington), whose view of the policy of these transactions differs so widely from that of the right hon. and gallant Gentleman who has just sat down. The right hon. Baronet entirely approves the despatch which the right hon. and gallant Gentleman says is calculated to give so much confidence to the King of Ashantee. The right hon. Baronet says that the statement I made on a former occasion in answer to his question was perfectly satisfactory, provided it was carried into effect, and then he asked me how the pledge given had been performed by the Government. He approved the despatch, but then he asked how that despatch tallied with the course of the Secretary of State for War? That despatch was written, as it purports, in concert with my noble Friend the Secretary of State for War, and the answer which my noble Friend the Secretary to the Admiralty has given to the House shows that on the following day a letter written by my noble Friend carried into effect, and into full and complete effect, the statement I made in this despatch. The right hon. Baronet asks me what is meant by the normal state of the force on the Gold Coast. Now the normal state of the force on the West Coast is two battalions. Of these two battalions, one is divided between Lagos and the Gold Coast. These details are not within my immediate cognizance, but I am informed when the men sent for by the Admiralty are carried to the West Indies, and when the detachment sent to Lagos are withdrawn, the number left will be under 600 men, corresponding precisely with the answer I gave. I think I have completely answered the two questions put to me by the right hon. Baronet. Now, in answer to the right hon. and gallant Gentleman who has just sat down, and who says that these papers show very great neglect on the part of the Government, let me be permitted to ask him whether he has seen that the commanding officer, up to the latest moment, speaks in language entirely at variance with that which the right hon. and gallant Gentleman has just addressed to the House. So late as the 12th of February he speaks of "the whole force being safely encamped on the banks of the river Prah in excellent spirits and in a satisfactory condition." So late as the 11th of March he speaks of "the officers and men being in good spirits and fair health," and in the very last account I have from him he says, after the rainy season had began—

> "He regrets not being able to carry out our original intention of invading the Ashantee country, for which I was in every other respect well prepared, having at these camps seventy days' meat for 1,200 men, and forty-two days' biscuit in store for a similar number."

Here is the Commander-in-Chief of the forces saying he was in every respect well prepared. That is the answer in these papers to the statement of the right hon. and gallant Gentleman. I have had the opportunity also of speaking to the Colonial Secretary, who has recently come home. He was a member of the Executive Council, and his words are these—

> "Whether the declaration of a war with the King of Ashantee was right or wrong is a question of local policy; but that the Home Government has failed in making provision for preserving the health of the troops is an assertion which I deny."

He says—

> "The *Tamar* transport anchored at Cape Coast on the 8th or 9th of April, but tents were ready for the accommodation of the troops. The troops did not suffer in the least by being placed under canvas, for by the 14th of April Colonel Conran had got nearly every one of the men into houses."

And with regard to the scarcity of food, he says—

> "With the food and the mode of hutting at the Prah no fault can be reasonably found. Assistant Commissary Blanc, the commissariat officer in charge at Cape Coast, had made such excellent arrangements, that long prior to the month of April the rations at the Prah amounted to a supply of fifty or sixty days for 1,200 men, the whole available force."

Then, with regard to transport, he speaks of 1,000 carriers receiving daily wages. He says, the Commissariat Officer,

> "Mr. Blanc, told me that the preserved meat brought so abundantly from England for the troops was the best that he had ever seen. Staff Assistant Surgeon Hammond spoke also in the same laudatory strain. He informed me that he did not recollect to have witnessed so much care and forethought displayed in the packing and selection of medicines, as was displayed in the packing and selection of the medicines transmitted from his department."

Now, I have shown by the authority of the Commander-in-Chief—I have shown by the authority of the late Colonial Secretary—I have shown by the authority of the Commissariat Officer—one of the most able in the service, and by the authority of the Staff Assistant Surgeon, what was the case with reference to the provisions, with reference to the medical supplies, and with regard to the position of the troops at the very latest accounts. I think, therefore, I have answered the questions put to me with reference to the promise I gave; and the statement I have made is my answer to the remarks of the right hon. and gallant General.

Mr. CORRY said, it was impossible to have heard the statement of his hon. and gallant Friend without being deeply impressed; more especially when they remembered under what circumstances of domestic bereavement it was made; and if the gallant brother he had lost had the same ability, energy of character, and worth as his hon. and gallant Friend, the country had indeed sustained a severe loss. He (Mr. Corry) did not intend to enter on the general question under discussion, but he wished to make a few remarks in consequence of what fell from the noble Lord the Secretary of the Admiralty, who he did not think had improved the case as it stood against the Government. His speech afforded an admirable illustration of the Circumlocution system. Communications were made by the Admiralty, first to one office, and then to another; and, at last, tenders were called for, but not for steam-transports, because the price was so high per man. The noble Lord talked of the price per man when the troops were dying like flies on that pestilential coast. At last a sailing transport with an unpronounceable name was taken up, and at the end of a month she was not ready for sea. His hon. Friend the Member for Portsmouth told him that when he commanded an East Indiaman he had sailed from the Channel to the equator in sixteen days, and therefore had this vessel been despatched at once she might at that moment have been embarking our soldiers. He contended that the Admiralty, as soon as this cry of distress reached them from the coast of Africa, ought not to have issued advertisements for sailing vessels, but they ought to have communicated with the directors of the great steam companies, and, no matter at what cost per man, have taken up one of the most powerful, capacious, and rapid steam vessels that could be obtained. And supposing that the mercantile marine could not have furnished such a vessel, had they not their steam reserve, including magnificent first-class frigates of 3,000 tons burden and 800 horse power, and several line-of-battle ships of great size and speed and good ventilation, which were admirably adapted to such a service? In the coast-guard service there were already in commission three vessels—the *Trafalgar* and two others of the same class—any one of which might have been sent to sea in a week. As it was, they were now, at the end of a month, told that a transport was to sail on the following day or the day after. He could confirm all that his hon. and gallant Friend had said about the *Gladiator*. He was a Lord of the Admiralty at the time she was built, and knew her well. A vessel less adapted to the service could not have been found if the Admiralty had exercised their ingenuity to discover the worst possible ship. Although nominally a ship of 1,200 tons, deducting the space occupied by her machinery, she was really of only 800 tons burden, and had neither speed nor the capacity for the service for which she had been selected.

MR. DENMAN (*who was received with cries of* "Divide") said, he claimed in justice to be heard, because the right hon. Baronet who addressed the House a few minutes ago pointedly alluded to him. The right hon. Baronet challenged him to make good his words, because he chose to take notice of the dissent which he uttered, perhaps somewhat loudly, but he believed not indecorously. When he expressed his dissent the right hon. Baronet was misrepresenting, of course unintentionally, what had been stated by the noble Lord the Under Secretary for War. The right hon. Baronet represented the noble Lord as saying that the attempt to supply the troops with water had utterly failed. What the noble Lord really did say was, that the moment the Government was aware that there was a lack of water, which they had not had reason to anticipate, they sent out a condensing apparatus, guaranteed to supply 1,200 gallons a day, and which actually supplied 500 gallons per day. The real question was, Whether the Government, when they knew there was a lack of water, did that which became them as prudent men to supply the need? He would not further trouble the House.

SIR JAMES ELPHINSTONE observed, that the noble Lord the Secretary for the Admiralty had told them that the *Gladiator* had that afternoon been ordered to proceed upon the service; and he further stated that a ship in the West Indies had been ordered to hold herself in readiness to proceed to the Cape de Verd Islands. Then he (Sir J. Elphinstone) asked him whether the *Gladiator* was to act as a go-between in reference to these two points, and how many trips she would require to make to carry these troops from the coast of Africa to the Cape de Verd Islands? He had in view that the Cape de Verd Islands were exceedingly unhealthy, and had an exceedingly stringent quarantine law; and also the size and description of the *Gladiator*. Now, the *Gladiator* was a ship of not more than 800 tons, and when she had provided for her own men she was incapable of carrying more than 250 men with any degree of comfort. He listened with great pleasure to the statement which was made by his hon. and gallant Friend (Sir John Hay). The only part of that statement which he regretted was that containing the two sentences at the conclusion of his speech. Standing in the relation which he did to the hon. and gallant Gentleman, he hoped that he would pardon him if he offered an apology on his part for having left the subject in hand and entered upon others which were not before the House. The noble Lord the Under Secretary for War was put up to defend the Government, and he made a speech which showed the greatest possible ignorance of the state of matters in a tropical climate. He told the House of the dietary provided for these troops, of the beef and mutton they were to have. He totally forgot that the greater portion of these troops were engaged at a distance from the coast, and that neither cattle nor sheep could travel in that country, and that meat could not be kept fresh for more than two days at the utmost. They were told that the troops received the greatest attention and had no wants whatever; but though strong men might in such a climate stand salt meat and biscuit for forty days, yet to men upon the sick list it was death. The Return on the table seemed to relate to the troops within sight only, but took no account of those in the interior. They also sought for quarters for the troops at a place where all the buildings had been twelve months before destroyed by an earthquake. It also seemed that unless the men died upon the very line of march they were not supposed to die in connection with the expedition; and the gallant officer who had been referred to was actually operating on one of the flanks of the army and yet the noble Lord denied that he had anything to do with the expedition. The Government were now on their trial with regard to the occupation of that pestilential coast at all; and unless they could satisfactorily defend that occupation and justify their relations towards the savage tribes whom they protected, he, for one, must vote for the Motion.

Viscount PALMERSTON: We have heard it, Sir, in the course of this debate, more than once stated that this is not a party question. I should like to know what name you are to give to a Motion which casts censure upon the Government. The word "censure" has, indeed, been withdrawn from the Resolution, but the censure itself has not been withdrawn from its spirit and substance. The Resolution is no doubt a Vote of Censure on the Government generally. The right hon. and gallant Officer who spoke on the other side said he was anxious to censure, but complained that he did not know whom to censure. He told us he wanted to know on whom he could justly throw the blame which he thought belonged to somebody. I contend humbly that the statements which have been made by my noble and right hon. Friends in the course of this debate show that, at all events, the assertion contained in the Resolution—namely, that the Government have not adequately provided for the comfort and health of the troops landed for the purpose of carrying on war against the King of Ashantee—has been completely and conclusively disproved. Why, Sir, it has been over and over again proved by documents, that every precaution was taken to provide the troops with shelter when they arrived; that they did obtain that shelter, notwithstanding a calamitous accident, which deprived them of the use of those buildings on which they might have reckoned; and that in the course of a few days after they landed they were all placed where they could find protection against the inclemency of the weather. It has been shown by my right hon. Friend, from authentic documents, that the supplies of food of all kinds were ample, whether of meats, of biscuits, or of flour. It has been shown that the medical arrangements were as good as it was possible to make them. It has been shown that every effort was made to procure for the troops a supply of distilled water. The right hon. Baronet the Member for Droitwich forgot that it had been stated by my noble Friend that the distilling apparatus, instead of supplying a very large quantity of water, supplied 500 gallons a day; and then the right hon. Baronet gets up and says that the apparatus broke down, and was of no use whatever. That is a specimen of the broad and groundless assertions which have been made on the other side. It is very easy to conduct a debate when you reiterate statements which are disproved by every Member who speaks against you, and when you say you have made out your case, although, in fact, your case has utterly broken down.

Well, the Resolution calls upon the House to say it laments the want of foresight on the part of the Government. Sir, we are ready to join in affirming that we lament the loss of life which has unfortunately occurred in these operations, and if that had been the Resolution moved—if the hon. and gallant Officer had moved a Resolution stating that this House lamented the loss of life which was occasioned, not by a war against the King of Ashantee, because no such war actually took place, but by preparations to resist such a war, and had followed that up by the expression of a hope that in future matters might be so arranged with the King of Ashantee as to prevent the recurrence of such circumstances, we might have accepted it. However, that would not have suited the taste of hon. Gentlemen opposite. But I say we cannot agree, and I trust the House will not agree, to this Resolution, founded as it is on untruth, and on assertions which have been refuted, and imputing blame which we have shown that we have not deserved. The right hon. Gentleman the Member for Droitwich has well said that the Motion before the House does not involve the question of the policy of a war with the King of Ashantee. It was very wise of him to say so. Why, how did this war originate, if indeed war there has been? It originated in the duty devolving on the British Government to defend the protected tribes in that region. Who was it who first established that protectorate on behalf of those tribes? Was it those who sit on these (the Treasury) Benches? It was the Government of the Earl of Derby. That principle was followed up by all successive Governments, and the right hon. Baronet the Member for Droitwich is himself one of those who sanctioned and acted upon it. Well, but if England formally takes under its protection tribes of men, and if those tribes are attacked by a foreign enemy, I say the honour of the country may require, and ought to require, some step to be adopted to make that protection not an empty word but a reality in favour of those to whom it is extended. Does any man say that the Governor of Cape Coast Castle ought to have given up the two negroes who fled to our protection? I am sure there is not a man in this House who would contend that the Governor would have been justified in delivering up these fugitives to certain death. Well, the refusal to do that was the cause of the attack made on the protected tribes by the King of Ashantee; and that attack led very naturally and necessarily to some counter demonstration in their favour. But it is said that we ought to have foreseen that the rainy season would commence two months earlier than usual; that a convulsion would destroy the port of Accra; and, in short, that we should have foreknown things which we could not possibly have foreknown, but which, when they did happen, were so guarded against by the precautions taken, that, as I maintain, the statements which have been made of the loss sustained by the troops in this service are greatly exaggerated. That has been proved by my noble Friend the Under Secretary of State for War, and the Returns also showed it to be so. Great art has been employed in mixing up casualties wholly unconnected with these operations and in ascribing them all to a service to which they did not properly belong. I say, therefore, that hon. Gentlemen opposite are wise in having abstained from that which would perhaps have been a more candid Motion—namely, a condemnation of the policy of protecting these tribes and making war in their defence; because that policy was theirs, and though we afterwards adopted it, not ours. They feel themselves precluded, therefore, from condemning that which was the real cause of this expedition into the interior being undertaken, and which has resulted in the losses which we deplore. I say, then, that I trust to the justice of this House, and I hope it will not be carried away by the unsupported assertions that have been made. As to want of foresight and want of proper precaution, we have been told, and it has been proved, that every precaution was taken. The loss also was greatly exaggerated, and does not in reality amount to more than might have been expected under ordinary circumstances in a tropical climate. The right hon. Baronet said he had been a Member of the Committee with reference to the Crimean war, and that this expedition reminded him ["No, no!"]—I beg pardon, it was the right hon. and gallant Officer beside him. Such a statement might have been pardonable in the right hon. Baronet, because he is only a yeoman, but I think it was hardly fair on the part of a Gentleman who ought to be better informed as to the nature of military arrangements, and better able to compare assertions with details that entirely contradict them. I say this is undoubtedly a censure upon the Government. The right hon. Gentleman the Member for Buckinghamshire, who is now like a greyhound in the leash, always likes to have the last word. I see him now anxious to start upon his legs. But I trust that the House will take a more serious view of this matter. No doubt the question is one involving considerations of the most serious character. The position is one of embarrassment for any Government. When they find that by a long course of policy the country is embarked in a particular course, and when they find that course cannot be adequately followed up without entailing a great sacrifice of life, the position must be a very painful one. All that any Government can be required to do under such circumstances is to act according to the best of their judgment in following out the line of policy to which in some degree the honour and character of the country is pledged, and to take every means which may render the enforcement of its obligations attended with as little as possible of unnecessary sacrifice of life. It was thought the best troops to employ on this service were those troops of colour whom we had in our West India regiments. Unfortunately it has turned out that those born in the West Indies have lost that immunity from the effects of African climate which their ancestors enjoyed, and they suffered almost as much as Europeans could do under similar circumstances. It was a duty incumbent upon the Government, a duty which, I contend, has been performed, to take every precaution, medically or through the commissariat, which could prevent the troops sent upon this enterprize from feeling unduly the effects of the tropical climate. The Government felt this duty more peculiarly incumbent upon them, because though it was imagined their colour might protect the troops, the officers, being Europeans, could not be expected to enjoy equal immunity. I contend that any one who will read these papers, any one who has listened to this debate, will see, and if he is candid and impartial will acknowledge, that there was nothing the Government could have done that they did not do. [*Cries of* "Oh! oh!" *from the Opposition Benches.*] Oh, I do not expect hon. Gentlemen opposite to agree with me. I am not addressing myself to those who came to this debate with foregone conclusions, prepared to vote censure whether it be deserved or not. I appeal to the body of the House. And I say they ought to make allowance for the position of a Government which, having to pursue a line of policy traced out for a long course of time by those who went before, and finding that policy imposed a duty which could not be performed without incurring sacrifice of life, still felt that the honour of the country demanded an effort, that duty called on them to make that effort, an effort which having now been made has not proved so fatal to those employed in carrying it into execution as some have represented and others have feared. I will only add that I trust this House will act according to its deliberate judgment. In that event I am confident it will not agree to the Vote of Censure which the hon. and gallant Officer proposes, but will, on the contrary, go with the Government into Committee of Supply, setting aside the Motion of the hon. and gallant Gentleman.

Mr. DISRAELI: Sir, I cannot refuse the challenge of the noble Lord, although, so far as I am concerned, I should be glad if the debate were now to close. I am glad that the noble Lord in the latter part of his speech addressed the House in a tone of gravity which somewhat became the subject. For my part, I prefer the tone of the noble Lord when he gives us the advantage of his long experience, and speaks without that affectation of unnecessary levity, which he, the leading statesman of the greatest Empire in the world, seems to think is indispensable as a compliment, I suppose, to the House of Commons to introduce into every debate. The noble Lord says it is very easy to make loud and unfounded assertions. I quite agree with the noble Lord. I have listened to him often, and admired the manner—in speaking of any one else I should say the happy effrontery—with which he makes his unfounded assertions. But I think to-night the noble Lord has exceeded himself, and I shall show to the House has far excelled any achievement of that class which has before illustrated his name. The noble Lord dwelt for some time, for some quarter of an hour, on a subject which need not have engaged our attention this evening, and that was the policy of war with Ashantee. The noble Lord was not content to leave his opponents untouched, his vindication of the conduct of his own Government being that they followed the policy which had been traced out and established by the Government of the Earl of Derby. Now I must say, that having been an humble Member of that Government, I am perfectly unaware—

Viscount PALMERSTON: If I said the Government of the Earl of Derby, I made a slip of the tongue. I ought to have said the Government in which that noble Lord was Secretary for the Colonies.

Mr. DISRAELI: The noble Lord has now made another slip of the tongue. His first statement was, that it was the Government of the Earl of Derby. He now recalls that statement, although he charged my right hon. Friends, and particularly the hon. Member for Droitwich, with being the Secretary of State who carried that policy into execution. But this master of bold and unfounded assertions, when I ventured to correct one misstatement, takes up another position. He now says it was not the Government of the Earl of Derby, but another Government, in which the Earl of Derby was Secretary of State for the Colonies—I presume he means the Government of Sir Robert Peel in 1841. But, unless I am entirely misinformed—unless what I have read on the subject entirely deceives me, the protectorate of the Fantee tribes and of all those tribes which have engaged our attention to-night, leading to the permanence of our occupation of Cape Coast Castle, was established in the year 1826, at the conclusion of the war in that country. Therefore, I say, when a person, and a person of the great eminence and position of the noble Lord, after a debate of much interest on a subject unquestionably of very great national importance, rises in his place and scolds and flounces about the evening having been taken up with bold and unfounded assertions which are easy to make, and, when refuted, to repeat, and in answering those to whom he is replying, himself comes forward with a statement so entirely unfounded upon a subject happening within his own official experience, not only as a Member of this House, but as a Minister of the Crown, I must say I think the noble Lord under the circumstances should look a little at home before addressing the House with the confidence he has evinced this evening. The noble Lord, with that command of Parliamentary language which distinguishes him, says that the Resolution which has been tendered for the consideration of the House is false—that it is founded in untruth. Well, that is strong language. The noble Lord may not clearly remember the language of this Resolution, which he says is founded in untruth. The Resolution asserts two things. It first declares that no sufficient provision was made for preserving the health of the troops employed in this particular service. Now, is it the opinion of the House that sufficient provision was made? No one can for a moment pretend that question is open to a doubt. Why, have we not been told that if we had only asked for a Committee of Inquiry into the subject, and had not introduced a censure on the Government, the facts themselves are so generally known, the statement is so accurate and undeniable, that it would have been impossible for any one to resist it? What is the next statement in the Resolution? Why, that there was a want of foresight, which has caused this large loss of life. The noble Lord says sufficient provision was made, and that there was no want of foresight. Sufficient provision was made to produce the disaster. If that was your foresight, if your prophetic vision foresaw the calamities which have occurred, we may grant you that virtue of sagacity which some are disposed to say you do not possess. On the other hand, if you wish to prove that sufficient provision was made by the wretched state in which the troops found themselves, we may form an opinion of what is your definition of a proper equipment for a warlike force on the Gold Coast. It appears to me that the somewhat blustering statements of the noble Lord can only end in the refutation of the very position which he had endeavoured to assume. The House has been told two or three times to-night that this is not a party question, and the noble Lord has taunted us as if that statement had been made particularly from this side. I own that I have not heard it from this side of the House. Indeed, I do not recollect having heard it at all except from the hon. and learned Colleague of the noble Lord in the representation of Tiverton (Mr. Denman), who a few minutes ago addressed to us that peculiar speech which I confess I did not understand. But I contend that if great disasters occur in the conduct of a military expedition, it is the duty of an Opposition to call attention to them, to inquire into their cause, and to ask who is responsible for results which fill the country with mourning. We should be ashamed of ourselves if such incidents could pass unnoticed; but if the noble Lord means to say that there has been any concerted scheme to use this particular case in order to give a trial of strength, he speaks with very inaccurate information on the subject. Nothing was more natural than that the hon. and gallant Member for Wakefield should call attention to this lamentable affair. He drew his Resolution himself, and the only reason why that word which the noble Lord has taunted this side of the House for omitting was left out when the question was put from the Chair was, because I understand the hon. and gallant Gentleman was told by some friend that it was not a Parliamentary phrase. Surely, it is expedient that in asking the opinion of the House upon any question we should always, as far as possible, follow those precedents of language, by acting upon which we generally manage to conduct our affairs without any unnecessary acerbity of expression. But the hon. and gallant Member never for a moment meant to conceal that the object of his Resolution was to pass a censure upon the Administration that is either guilty or not guilty of being responsible for the calamities which have occurred, and which, I submit, the House could not pass over without notice. The mode in which our opinion has been asked is one perfectly Parliamentary and constitutional. No art has been used in making the statements which have been advanced to-night; no answer has been given to those statements, and I maintain that the tone of the Prime Minister himself has been quite unworthy of the very grave subject which has engaged our attention.

VISCOUNT PALMERSTON: What I meant to say was that in 1842, when Lord Stanley was Secretary for the Colonies and Sir Robert Peel was Prime Minister, the protectorate of the African tribes was resumed. It was commenced long before, but had been given up for a short time.

Mr. DISRAELI: The noble Lord omits to state that it was resumed on a Report of the House of Commons recommending its assumption.

Question put,

The House *divided*:—Ayes 233; Noes 226: Majority 7.

Main Question put, and *agreed to*.

SUPPLY.

Supply *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

SUPPLY—REPORT.

Resolutions *reported*.

Lord NAAS said, he wished to refer to a matter which occupied considerable attention in Ireland, and which had reference to the office of Public Works in that country. He had been unwilling to call attention to this subject, lest he should shake confidence in the administration of the Board, but a debate had recently taken place on the subject, and the Government had introduced a Bill, altering the constitution of the Board. The late Chairman had retired to a comparatively subordinate position. He therefore thought it was worthy of the consideration of the Government whether the Board should not be placed upon a different footing, and in immediate connection with the Irish Government. Great inconvenience had constantly arisen from the position of the Board. Serious exceptions had been taken to acts committed by the Board, and it had been always a matter of difficulty to find out who was really responsible for those acts. He wished to ask whether in the new arrangement it was intended to place the Board more in connection with the Irish Government? The large expenditure which the Board had been in the habit of making was coming rapidly to an end, and it therefore ceased to be the important department it was heretofore. There was another body in connection with it—namely, the Fishery Commission, which occasioned great inconvenience, inasmuch as the public could not exercise any control over the acts of that Commission. He hoped that the permanent part—the Inspectors and Commissioners—would be wholly removed from the superintendence of the Board of Works, and that they would be placed in connection with the Irish Government. If the Board of Works were to be continued he thought it should have a member of the Government attached to it. It was worth the attention of the Government, whether they could devise some means by which a responsible member of the Government should be connected with it, and the Fishery Commission removed from that department.

Mr. PEEL said, that with all respect for the opinion of the noble Lord he could not agree with him in thinking that there was any ground for being dissatisfied with the constitution of the Board of Works. The Board had hitherto consisted of three persons, but as long ago as 1854 the Treasury contemplated that the number of Commissioners should be reduced from three to two, and one of the present Commissioners was at first only appointed temporarily. He brought in a Bill to reduce the number, but it occurred to him afterwards that a better present arrangement would be that Sir R. Griffith should accept an honorary Commissionership, and thus the Board still nominally consist of three Commissioners, and he therefore withdrew the Bill. With regard to the relations of the Irish Board of Works with the Treasury, he considered these relations satisfactory, and that the Treasury should communicate with them direct and not through the medium of the Irish Government. With regard to the Fisheries Commission, the failure in the result of its duties should not be ascribed to any unwillingness of its members to execute the law, but to the imperfection of the law which required a private person to take preliminary proceedings before it could be put in motion. By the act of last Session, however, the new Fisheries Commissioners could themselves, and without the intervention of any private person, initiate proceedings.

Mr. BUTT expressed his concurrence with the views of the noble Lord, and thought it would be desirable that the Board of Works in Ireland should be represented by a Minister in that House. The Chairman of the Board was totally removed from the control of Parliament.

The CHANCELLOR of the EXCHEQUER said, that it would be exceedingly improper for the House to adopt the suggestion of the hon. Member. Very large financial interests were intrusted to the administration of the Irish Board of Works, and it would be inconvenient to have two representatives of the finance of the country in that House. He, therefore, thought it right that the Irish Board of Works should be represented in the House of Commons through the medium of the Treasury.

LORD FERMOY said, he hoped some change would take place in the constitution of the Irish Board. The Secretary for Ireland ought to represent the Board in that House if the Chancellor of the Exchequer represented the financial department.

Resolutions *agreed to.*

HERRING FISHERIES (SCOTLAND) ACTS AMENDMENT BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Acts relating to the Herring Fisheries in Scotland, *ordered** to be brought in by The LORD ADVOCATE, Sir GEORGE GREY, and Sir WILLIAM DUNBAR.

INLAND REVENUE (STAMP DUTIES) BILL.

Bill for granting to Her Majesty certain Stamp Duties, and to amend the Laws relating to the Inland Revenue; *presented,* and read 1°. [Bill 159.]

House adjourned at Two o'clock till Monday next.

HOUSE OF COMMONS,

Monday, June 20, 1864.

MINUTES.]—NEW WRIT ISSUED—For Durham County (Northern Division) *in the room of* Lord Adolphus Vane Tempest, deceased.

PUBLIC BILLS — *Ordered* — Sheriffs Substitute (Scotland) Salaries*; Contagious Diseases *.

First Reading—Contagious Diseases * [Bill 163].

Second Reading — Gaols [Bill 93]; Railway Travelling (Ireland) [Bill 137], *negatived;* Lunacy (Scotland)* [Bill 146]; Countess of Elgin and Kincardine's Annuity* [Bill 156]; Naval and Victualling Stores [Bill 151] (*Lords*); Punishment of Rape* [Bill 157] (*Lords*); Divorce and Matrimonial Causes (Amendment)* [Bill 162] (*Lords*).

Committee—Railways Construction Facilities (*re-committed*)* [Bill 111]; Pilotage Orders Confirmation* [Bill 131]; Pier and Harbour Orders Confirmation (*re-committed*)* [Bill 149].

Report — Railways Construction Facilities* [Bill 111]; Pilotage Orders Confirmation* [Bill 131]; Pier and Harbour Orders Confirmation* [Bill 149].

Considered as amended—Superannuations (Union Officers)* [Bill 133]; Sale of Gas (Scotland)* [Bill 125].

Third Reading — Government Annuities, &c. [Bill 114]; Collection of Taxes [Bill 96], *negatived;* Burials Registration* [Bill 126]; Servants Hiring (Scotland* [Bill 108].

COMPANY OF AFRICAN TRADERS.

QUESTION.

LORD ELCHO said, he wished to ask the Secretary to the Treasury, Whether it be the intention of the Government to grant a Subsidy of £5,000 per annum, or any other sum, to the "Company of African Traders (Limited);" if so, upon what conditions the Subsidy will be granted, and whether it will previously be submitted to Parliament for approval?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that last year an application was made to the noble Lord the Secretary for Foreign Affairs in favour of a subsidy which the noble Lord at first was disposed to decline; but upon subsequent consideration he brought the matter before the Treasury with a recommendation in favour of it. Other papers had reached the Treasury which showed that the Company it was proposed to subsidize was a Company engaged in general trade in competition with all those carrying on commerce between this country and Africa. He (the Chancellor of the Exchequer) had no doubt that this demand ought not to be granted without a great deal of consideration on the part of the House, and ample time being given for all those affected by it to be heard. He had no difficulty in saying that he should make no such proposal during the present Session. He thought, however, it would be advantageous if the Government laid on the table the papers received. That would give hon. Gentlemen an opportunity of seeing the case, but for his own part he thought the objections to the proposal were objections of very great weight.

SLAVE TRADE.
THE "CASTILLA," "LOLA," & "LAURA."

QUESTION.

MR. CAVE said, he would beg to ask the Secretary to the Admiralty, Why the brig *Castilla* and brigantine *Lola,* captured under Spanish colours in October, 1860, by Her Majesty's ship *Barracouta,* on suspicion of slave trading, were carried into Port Royal, Jamaica, instead of being taken before the Mixed Commission Court at Havanna; whose fault was it that those vessels remained in Port Royal Harbour, untried, till May, 1861, by which demurrage was incurred to the amount of £10 a day for 229 days in one case, and £11 for 230 days in the other, besides other expenses, amounting in the whole to more than £6,000; and whose fault occasioned the delay and expense in adjudicating the case of the brig *Laura*, in Antigua, complained of by Captain Hillyar, of Her Majesty's ship *Cadmus*, in January, 1862?

Lord CLARENCE PAGET, in reply, said, the vessels were captured in the waters of Jamaica on the 14th and 15th of October, 1860, by the *Barracouta*. They had no papers on board in the usual form which was necessary for a commercial ship; they had no flag, no logbook, and no manifests, and, consequently, Commander Ward thought they were not entitled to any claim of nationality, and took them to Jamaica for adjudication, by the Vice Admiral's Court. A long correspondence ensued, and on the 6th of January, 1861, a few months afterwards, the Court declined to adjudicate without further information, and in May it declared it had no jurisdiction. The vessels had to be transferred to Havanna, to be tried by a mixed Commission; that was the cause of the delay in the case of the two first ships. As to the *Laura*, the delay in her case was occasioned by the owners.

TRANSFER OF LAND (IRELAND).

QUESTION.

Mr. SCULLY said, he wished to ask Mr. Attorney General for Ireland, Has his attention been called to the Parliamentary Return, No. 363, as to the Transfer of Land, presented to this House on the 7th of June instant, showing that the poundage (above *ad valorem* Duties) paid to the Consolidated Fund was £87 6*s*. for obtaining indefeasible titles under the English Land Transfer Act, 25 & 26 *Vict*. c. 53, to Estates in England, the gross value whereof was £98,499; and that the poundage (above *ad valorem* Duties) payable to the Consolidated Fund for obtaining indefeasible titles to Estates of the like value in Ireland, under the Irish Land Transfer Acts, 21 & 22 *Vict*. c. 72, and 24 & 25 *Vict*. c. 123, would be £492 9*s*. 11*d*., being rather more than five and a half times the poundage chargeable for indefeasible titles to English Estates; and will he endeavour to remedy that anomaly through his promised measure for registering Titles to Land in Ireland?

Mr. O'HAGAN (The Attorney General for Ireland), in reply, said, it was not quite certain that it would be possible to incorporate the suggestion of the hon. and learned Gentleman in the promised measure. He would, however, see what could be done.

NAVY—THE "GLADIATOR."—QUESTION.

ADJOURNMENT.

Sir JAMES ELPHINSTONE said, he rose to put a Question to the noble Lord the Secretary to the Admiralty, which he was compelled to preface with some observations, and if out of order in doing so, he would move the adjournment of the House. He wished to know, Whether the *Gladiator* was still under orders to proceed to Cape Coast Castle; for in his opinion that vessel was utterly incompetent to remove 500 men with any degree of safety to the expedition. It was necessary to explain his reasons for that opinion, and he therefore moved the adjournment of the House. The *Gladiator* was a ship of 1,200 tons burden, with a main deck; but the space occupied by the boilers and ship's company reduced her carrying power to 800 tons. At that season of the year the winds prevailing in the Gulf of Guinea were from the westward, and, consequently, when the ship arrived at Cape Coast Castle and took on board the troops and baggage, she would, in her overloaded state, have to contend with contrary winds of considerable strength for 700 miles before she could turn the boundary point, where strong north-easterly winds were to be looked for. It was impossible, in the wet weather which would prevail in the Gulf of Guinea, that the *Gladiator* could carry below 500 men—for that was the number—448 rank and file, and 19 officers, with their followers. Some must be carried on deck, and they would be exposed to the wet from the time they left Cape Coast Castle until they arrived at their destination. He would submit for the consideration of the Government, whether it would not be better to send a ship capable of carrying these troops with safety and comfort. The *Galatea*, a ship of 3,000 tons, had just arrived with troops from the Mediterranean, and might be employed for that purpose. He entered his solemn protest against the *Gladiator* being sent on that service. In order to place himself in order, he would move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

LORD CLARENCE PAGET said, that he thought that what he was about to state would be satisfactory to the hon. Baronet. The War Office had made an arrangement by which instead of the removal of 500 men from Cape Coast Castle 700 men would be removed. Of these, 500 would go to the West Indies and 200 to Lagos. From Lagos 200 would be removed to Sierra Leone station. That had necessitated an alteration in the arrangements of the Admiralty. It was now proposed that the *Gladiator* should go straight to Madeira, and she had started that day. She would coal at Madeira, in order to be prepared to take in tow the *Waubojeez* transport, which would carry the troops. The transport would start from this country on Thursday, accompanied by the *Bulldog,* which would tow her out of the Channel, and go with her to Madeira, if necessary. At Madeira she would find the *Gladiator* waiting for her. The *Gladiator* would tow her to Sierra Leone, and thence to Cape Coast Castle. The *Waubojeez* would there embark the troops for Barbadoes; and the *Gladiator,* after towing her into the offing, if necessary, would embark the 200 men for Lagos, and from Lagos would return to Sierra Leone with about the same number of men to be stationed there. The *Gladiator* would thence return to England.

DENMARK AND GERMANY.

THE CONFERENCE. — QUESTION.

MR. DISRAELI: Sir, I wish to make an inquiry of Her Majesty's Government in regard to circumstances connected with the Conference. In the first place I wish to ask the Government, Whether they can give the House any information respecting a statement, believed to be perfectly authentic, on the part of the Prussian Minister, at the last meeting of the Conference? He is alleged to have stated that in case the German ports were blockaded, the German Powers would no longer consider themselves bound by the Convention of Paris in regard to privateering. I wish in the second place to learn from Her Majesty's Government whether, in case of the Conference breaking up its proceedings on Wednesday, we are to understand that hostilities will commence on the 26th? The third question is, whether, if the Conference concludes, under any circumstances, its business next Wednesday, we may understand from the Government that the protocols will be placed immediately on the table of this House?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I would suggest to the right hon. Gentleman that as the Questions are of considerable importance, it would be better if he would put them on the paper. An answer will then be given to them to-morrow.

MR. DISRAELI: Sir, I do not think that these are Questions which it is at all necessary to place on the paper. I consider that I am perfectly justified, in the present state of affairs, in putting these Questions to Her Majesty's Government without a formal notice.

MR. BERNAL OSBORNE: Although I fully see the inconvenience of provoking any discussion at this moment, yet, recollecting as I do the way in which we drifted into war with Russia, and feeling the urgency of this occasion, and the very perilous precipice upon which the country stands at the present moment—I wish to ask some Member of the Government, if the noble Lord is not in his place to-night, what significance we are to attach to certain words uttered in another place, to the effect that Her Majesty's fleet is fully prepared for any service which it may be called upon to render. These words are so serious, and the peace of this country is so imperilled at this moment, that I take the first opportunity in the interests of peace of asking Her Majesty's Government what significance they place on those words—whether it is one of those idle threats which have lately been too much used in another place; or whether it is a *bonâ fide* intention to commit the suicidal act of plunging this country into a war with Germany? ["Oh!"] Hon. Gentlemen may not agree with me in thinking this to be a suicidal act, but at all events they will agree with me, that if this country is to be plunged into a war we ought to have definite and certain information, so that we shall not drift day by day into a state of things which may involve this country into a war, the end of which no man can foresee. I, therefore, hope the House will support me in this demand, and that they will insist upon knowing what is the significance of the terms that have been used in another place.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I was not aware the adjournment of the House had been moved. I am very sorry that inconvenience should arise either to the right hon. Gentleman or to others with respect to the circumstances in which we stand. But no intimation was given to me, or, as far as I am aware, to any other Member of the Government, of the right hon. Gentleman's Questions, until the moment when they were put, and I must confess it appears to me that it would be greatly for the convenience and advantage of the House if notice were given before such Questions were put. At any rate, it so happens that these Questions have been asked in the absence of my noble Friend at the head of the Government. I have had no communication with him on the subject, and it rests with him to represent the Government in this House upon matters of this great importance. In my opinion I should altogether have departed from my duty if I had answered the Questions put to me in any other way than by respectfully recommending, as I did, that notice of them should be given for to-morrow.

Mr. SEYMOUR FITZGERALD: Sir, I fully admit that it is for the convenience of the House that ordinarily notice should be given of important questions. But there are times—emergencies—there are occasions of so serious a character as to justify Gentlemen sitting on this side of the House in insisting, as far as they can, on having a definite answer from the Government as to their intentions in a crisis such as this. It is not, Sir, as if every member of the Cabinet was not in full possession of the circumstances of the case. Every member of the Cabinet must be aware of what passed on Saturday, and there is not a member of the Cabinet sitting on that Bench who is not capable of giving an answer to the Questions of my right hon. Friend. I trust that the House will insist on having a definite answer.

After a pause,

Mr. DARBY GRIFFITH: It appears that on this serious Question the Government is not in a position to give an answer; they are here without their head; they are a *corpus* entirely deprived of that which would give them any vitality. The right hon. Gentleman must be aware that he is speaking for a divided Government on this subject. I venture to say that no one hon. Member of the Government will deny that assertion. I apprehend that all our information is derived from the ordinary public means, which, whilst they give us information coming from abroad of what transpires here, also inform us of the divided state of the Government. I hope the words referred to by the hon. Member for Liskeard (Mr. Bernal Osborne) will have the vitality and force he attributed to them. I trust they are words of power, and that in a few days we shall have a Government that will intimate to the despotic powers of the Continent who are now oppressing a weaker nation, that we have a mind of our own in England, and are not prepared to see the just influence of this country in abeyance on a subject in which we have taken so great a part, and our recommendations thrown back in our faces with insult and contumely. It is certain if we put forth our right arm—the naval strength of the country—in a manner suited to the dignity of the nation, we should soon see the objects for which the Conference was commenced satisfactorily accomplished.

Lord JOHN MANNERS: Sir, I think the speech of the hon. Member for Liskeard must have shown Her Majesty's Government that the interest felt in this subject is not confined to this side of the House. I am sure that when these few observations are read by the country to-morrow, people will feel and will probably express a deep sense of the position in which the House of Commons is placed by the refusal of information on the part of Her Majesty's Government upon those questions which excite the country from one end to the other. The right hon. Gentleman the Chancellor of the Exchequer has stated, that in the absence of the noble Lord and of notice of the intention to ask these Questions, it is impossible for him or any other Member of the Government to reply to them. But, Sir, I think that on the eve of such important and momentous events, if it be true that there is no Member of Her Majesty's Government competent or willing to reply to Questions of this importance except the noble Lord himself, then it is the duty of that noble Lord to be here in his place. [Viscount Palmerston at this moment entered the House.] I rejoice to see that the noble Lord has taken his seat. I trust he will be able and willing to give that information which hitherto has been asked in vain from Her Majesty's Government. Probably the noble Lord will be informed by one of his Colleagues who sits next him what the information sought for is. [Sir George Grey: Repeat the Questions.] Well, then, I will repeat them, and I ask —first, Whether Her Majesty's Government can give the House any information with respect to the declaration alleged to have been made at the Conference on Saturday by the representative of Prussia, that in the event of the blockade of the German ports being in their opinion inefficiently carried out, Prussia would depart from the stipulations on the subject of privateering contained in the Treaty of Paris? secondly, Whether in the opinion of Her Majesty's Government, if the Conference should terminate its labours unfavourably on Wednesday, the resumption of hostilities on Monday next may be expected? and thirdly, Whether, in the event of the Conference terminating on Wednesday, under any circumstances, the Protocols containing the proceedings of the Conference will be immediately placed on the table of this House?

MR. BERNAL OSBORNE: I hope the noble Viscount will also give an explanation as to the significance of the words used by the noble Lord the Foreign Secretary, in another place, that the fleet was prepared to go anywhere. Were those words used in a warlike sense?

VISCOUNT PALMERSTON: My noble Friend was asked a Question, whether the British fleet is in a condition to do anything that might be required of it? [MR. BERNAL OSBORNE: The question was, whether it is prepared to go to the Baltic?] Well, the Baltic or anywhere else. My noble Friend's answer was, in the words of the Duke of Wellington about his army, that the fleet is prepared to go anywhere and do anything. ["Oh, oh!"] I think the British fleet is perfectly capable of performing any service. I do not think that indicates any particular service. I say generally, whatever contingency may happen, the British fleet, I am persuaded, will be found prepared. With regard to the Questions put by the right hon. Gentleman, and repeated by the noble Lord, I would rather decline to state what passed at the Conference held on Saturday or any other day. There was an agreement that what passed at the Conference should not be made public. I am sorry to say that many reports have got abroad as to what has passed between the Ministers at the Conference; but I am sure the House will see that a statement made in breach of confidence, whoever may have committed that breach, is a very different thing from a statement made by the Minister of the Crown in this House, which carries with it authenticity, and which might give rise to discussions which certainly ought to be avoided. With regard to the next Question, whether hostilities would be resumed on Monday next in the event of the Conference not terminating favourably on Wednesday next, I can only say how matters now stand. The suspension of hostilities expires, I think, on Sunday, and if there is no other agreement made before that time, if the belligerent parties should not have agreed to some arrangements calculated to restore peace, or should not happen to have come to any understanding as to boundaries, and the suspension should not be renewed, a state of hostilities will of course commence when the suspension expires. With regard to the third Question, I have to say that whenever the negotiations are over it will no doubt be the duty of Her Majesty's Government to lay the proceedings of the Conference before Parliament, and no delay that can be avoided will possibly take place. Probably a day or a couple of days may intervene before that can be done.

MR. BRIGHT: Perhaps the noble Viscount is not able to give the House an assurance at present that the armistice will be prolonged. I know it would be desirable to give all the information that could possibly be given, because it is obvious that there must be a great feeling of interest in the country on the subject. I do not credit hon. Gentlemen opposite with a greater desire for peace than Her Majesty's Government. But the country has a great interest in knowing what the Government may be able fairly to tell us. I have never asked a question on the subject before, nor do I now. But though there may be good guesses or bad guesses as to what a certain plenipotentiary has done, it is clearly not the duty of the Minister, however great the anxiety may be, to divulge facts, which as a Minister represented in the Conference he is pledged to keep secret. But I think the noble Viscount would get on more easily if he should tell the House all he can, and I should be most happy if he should be able to tell us anything tending to show that peace is likely to come from the negotiations which have been carried on now for some weeks past.

VISCOUNT PALMERSTON: There is, no doubt, a great anxiety in the country for the continued preservation of peace, and I am quite aware that this House must feel a strong desire to know everything that can be properly communicated with regard to the negotiations. I very much regret that my tongue is tied, and therefore I can only repeat the assurance that Her Majesty's Government are labouring incessantly to bring the belligerent parties to an agreement, and if we fail to accomplish that end, I trust that we shall be able to show that it was not our fault.

INDIA—THE LATE MARQUESS OF DALHOUSIE.—QUESTION.

Sir JAMES FERGUSSON said, he rose to solicit the permission of the House to ask a Question with respect to a statement which was made by the hon. Member for Inverness-shire (Mr. H. Baillie) in the debate on the previous Monday evening. He would not for a moment ask the indulgence of the House in transgressing the rule which prohibited reference to a past debate, were it not that the statement to which he referred affected deeply the character of a public man. His hon. Friend stated, as reported in *The Times*, that the Marquess of Dalhousie a short time before quitting India, in the plenitude of his power, and with all the arrogance of office, told a Native Prince that he regarded him no more than the dust beneath his feet. That Prince was the Nizam. That statement, when made, surprised him (Sir James Fergusson), and he thought it right to ascertain at the India Office whether it was well founded or not. He had to thank the right hon. Baronet (Sir Charles Wood) for having granted him every facility. As far as the knowledge of any of the persons at the India Office went, no such expression occurred in any of the documents at the office, and a few of those who were confidentially acquainted with the late Marquess, told him that to the best of their knowledge no such thing had taken place. Having thus taken all the trouble he could to ascertain the facts, and as the members of the late Marquess's family felt pained at the allegation, he wrote to his hon. Friend to ask whether he had any authority for such a statement, and whether he could mention where such a sentence had occurred? His hon. Friend was unable to mention his authority, but said he would try to discover it. It would be most agreeable to him if his hon. Friend would state that he had not intended to say that the words were written or spoken by the Marquess of Dalhousie; but since his hon. Friend was not prepared to take that course, he begged to ask upon what authority he attributed the words to the Marquess of Dalhousie?

Viscount Palmerston

Mr. H. BAILLIE said, when his hon. and gallant Friend spoke to him shortly after the debate, he (Mr. Baillie) told him that he had read the statement, though he could not for the moment say where it was to be found, but he would look for it. He had now to refer his hon. and gallant Friend in the first place to a very able article upon Indian affairs, which appeared in the July number of the *Quarterly Review* of 1858. The words which he used in the House would be found at page 265. Those words were published in the *Quarterly Review* during the time the Marquess of Dalhousie was alive, and, as far as he knew, had never been contradicted. In the next place he would refer his hon. and gallant Friend to a more learned work which had been lately published by Mr. Dickinson, a gentleman well versed in Indian affairs — a very interesting book upon the annexation of the principality of Dhar—and at page 27 he would find the statement repeated, and said to be on the very highest authority. [Sir James Fergusson: What authority?] It was stated to be on the very highest authority. The hon. and gallant Officer, no doubt, would find the statement in a despatch in the archives of Hyderabad.

Sir JAMES FERGUSSON said, he wished to ask the hon. Gentleman, Whether as a Member of Parliament, and one who had held a position connected with the Board of Control, he felt justified in making the statement with no other authority.

Mr. H. BAILLIE said, he conceived that when such a statement appeared in a publication like the *Quarterly Review*, and remained uncontradicted for six years, a Member of Parliament was justified in quoting it as authentic.

Motion, by leave, *withdrawn.*

GOVERNMENT ANNUITIES, &c. BILL.

[BILL 114.] THIRD READING.

Order for Third Reading read.

Moved, "That the Bill be now read the third time."—(*Mr. Chancellor of the Exchequer*).

Mr. SOTHERON ESTCOURT said, he rose to congratulate the Chancellor of the Exchequer on the successful result which had attended the consideration of the Bill in the Select Committee, to which he had consented to refer it. As originally brought in, the Bill consisted of three clauses, and it had come out of the Select Committee consisting of seventeen clauses, sixteen of which, together with the preamble and title, were entirely new. He would also congratulate the hon. Baronet the Member for Hertford for having suggested that the Bill should be referred to a Select Committee; and the course of proceeding pursued in that Committee showed that there was no intention on the part of any of the Members to prevent the passing of the measure or to do it any sort of damage. Before the Bill was sent to a Select Committee he had made some objections to it, and as they had now been removed, he wished briefly to advert to some of the points in respect to which the Bill had been amended. One of the objections he had taken was that the Government were proceeding in a course likely to interfere with private enterprize — that was to say, with Insurance Offices; but that objection was quite removed by the introduction of words limiting any contract for payment to be made on the death of a person to an amount not greater than £100. He had expressed an apprehension that the Bill ran the risk of interfering, not with the larger and profitable concerns, but with what he cared for more—namely, those establishments which the working men got up and managed for their own purposes. That objection had also been removed by the enactment that no contracts for payment to be made on the death of a person should be of a less amount than £20. Another important restriction was introduced into the Bill, and it was that which provided that the tables on which the payments of a sum on death were to be calculated should be based on a 3 per cent rate. In that way all fear of unfair competition, which might have been surmised as possible to be carried on under the first Bill, had been entirely removed. He had on a former occasion stated that if by experience it should be found that the tables were not accurately prepared, a loss might be thrown upon the Consolidated Fund, but his objections on that head had been very much removed by the statements which he heard in the Select Committee from the able civil servants of the Government. He thought that the Bill in its present shape was a good Bill, and no one more desired to see it passed than he did. If a master or employer wished to make a provision by way of annuity for a faithful servant in his old age, he could do so with perfect security under the Bill, and without incurring any such risk as the breaking up of an Insurance Office. The Bill would also be of use to the great mass of labourers in this country. It would be in the power of a young workman about to marry, and it would be his duty, to make provision for his wife and family by taking advantage of the provisions of the Bill. He thought that if the working people of this country did not derive great advantage from the measure it would be their own fault.

Mr. KINNAIRD said, he was glad to hear what had fallen from the right hon. Gentleman, because at one period it was doubtful whether the present admirable measure would pass. He thought it would prove a most useful Act, as it gave to the working classes such a security as they were entitled to. The country at large would be benefited by the reduction of the poor's rate, while the poor being relieved from the hardship of being thrown on the bounty of others would be advanced in the social scale.

Sir MINTO FARQUHAR said, he should not have taken up so much of the time of the House in an earlier stage of the Bill had he not felt convinced that it was unfitted to carry out the object which the framer had in view. In its present shape he believed that object would be effected; and he trusted that it would confer great benefits on the country. The right hon. Gentleman seemed to think that he was opposed to the principle. That was not so. His objection was only as to the form of the measure, which he believed had been rendered unobjectionable by the examination which it had undergone. His right hon. Friend had shown great patience and courtesy in his conduct of the measure throughout, and he considered the House and the country had every reason to thank him. He wished, however, to ask him, Whether a person who paid money into a savings bank on account of life insurance would be considered as a depositor in a savings bank so as to bring him within the provisions of the Savings Bank Act, which prohibited a person from having two accounts at the savings bank?

Mr. AYRTON said, that when the Bill was formerly under the consideration of the House a great sensation was created throughout the country, because the working classes believed it would come into collision with Benefit Societies. The result of the labours of the Committee was that no such collision of interests, and no such opposition, would arise between the Bill and Benefit Societies; but in order to obviate all doubt upon the point, the Committee had agreed to introduce a clause providing that insurances under the provisions of the Bill should not be effected for a less sum than £20, the result of which would be that Trade and Benefit Societies would not be affected by the measure. There being thus a distinct declaration on the part of the Legislature, that it was not intended to supersede Benefit and Trade Societies, it necessarily followed that the Government were bound to direct their attention to the condition of these institutions, with the view of correcting any evils and abuses to which they might be subject. It was not right that there should be any ground for the belief that the 20,000 Benefit Societies in the country were so constituted as, in any degree, to leave the door open for fraud and reckless mismanagement. Legislation on the subject was the more necessary as no substitute could be found for those societies, the chief mission of which was to provide for contingencies much nearer to the present life of the working man than those contemplated in the present measure. Philanthropic Members might perhaps imagine that the thoughts of the labouring man were directed to a time twenty or thirty years hence, when he would be old, or perhaps dead; but the truth was, that he was too much engrossed in the struggling life of today to exercise such foresight. He was obliged to consider chiefly how to provide against sickness or any of the other casualties to which he was liable. Another contingency was the burial of his children, for which purpose he had to subscribe to a burial fund. These various arrangements were built one on another, and all came within the scope of the Benefit and Trade Societies—the difference between which was that the latter offered aid in the event of the loss of employment, as well as of sickness or any other accident. In that way the taxpayers were relieved from many claims which would otherwise be made on them in the shape of poor rates, and from every point of view Benefit and Trade Societies deserved the serious and anxious consideration of the Government and of Parliament. He therefore hoped that the Chancellor of the Exchequer would not think he had done enough in bringing forward the scheme before the House, and that legislation in regard to these societies, as in regard to savings banks, would not be left to the enterprize of a private Member. The responsibility of dealing with the subject rested on the Government; and in his opinion they were bound to bring forward a complete and salutary measure so as to afford all the relief that legislation could give. There was some alarm on the part of persons connected with savings banks lest an insurance was to be treated as a deposit account and held to preclude any other deposit account in another savings bank. It was certainly not the intention of the Committee that such should be the case, and he should be glad to learn what construction the Chancellor of the Exchequer put on the provision.

Mr. VANCE observed, that he had received complaints from some of his constituents of the hardship it was to many persons in humble life who had invested money in the National Debt Office in order to secure small annuities, that payments were made only in London, thus involving considerable expense for agency and stamps in the case of persons who lived in other parts of the kingdom. He hoped the Government would consider whether they could not do anything to remedy that inconvenience, by authorizing the annuities to be paid in Edinburgh and Dublin as well as London.

Mr. GREGSON expressed his general approbation of the measure, which had undergone considerable improvement in Committee.

Mr. J. A. SMITH said, he believed the operation of the measure would be beneficial. There could be no doubt that in too many cases the funds of existing Benefit Societies were misapplied to feasting and entertainments; and he hoped the Registrar would carry out his intention of disallowing such expenses. As to the deferred annuities, he knew, from experience in his own parish, that they were scarcely understood by the labouring classes. In his parish an office had been open for the sale of deferred annuities for five years, and during that period there had not been a single applicant. The measure would be most serviceable to the mechanics in the towns, but he trusted that in time its advantages would be extended to the population in rural districts.

Mr. CAVE said, the Bill was valuable as far as it went, but he could corroborate what had been stated as to the absolute necessity for regulating the Benefit Societies in a more effectual manner. These societies were of even more importance than any system of deferred annuities to the ordinary day-labourer, who, at the present rate of wages, could do little more than provide against sickness and other contingencies of to-day, without thinking of the future. He did not suppose, therefore, that many members of this body would avail themselves of the Government annuities, which would, however, be of value to other classes. He thought it was the duty of the Government, with the least possible delay, to bring in a Bill for the better regulation of Benefit Societies. The existing law was quite inoperative, and was also extremely unpopular. Working men sometimes boasted that it was easy to drive a coach and six through any of Mr. Tidd Pratt's regulations, and besides they resented the interference of the Registrar as an infringement of their liberty of action. He lately became acquainted with a society, one of the rules of which was that one-eighth of the subscriptions should be spent in drink. If any one would carry out this calculation in reference to the investment of large sums he would see the monstrous absurdity of these regulations. In a police report the other day the case of a man was brought forward who had been expelled in consequence of being sick too often. The magistrate ordered him to be restored, but the managers pleaded that there was nothing in the box, but promised that when there was anything he should partake of it. The society had been ruined in consequence of so many of the members coming upon the sick fund. It was sad to see any man who had worked hard all his life brought to the close of it with no better prospect than the workouse, but it was sadder still to see a man who by prudence and saving had put by a provision for age and sickness, deprived of it through the faults of others. These were matters which demanded serious attention.

The CHANCELLOR of the EXCHEQUER: Sir, I shall commence the few remarks I have to make by answering one or two by-questions which have been put to me in the course of this conversation. The hon. Member for Dublin (Mr. Vance) has heard complaints from some of his constituents that annuities purchased in the National Debt Office are payable only in London. There are two systems at present in operation. One is the sale of annuities in the National Debt Office in London—in those cases the dividends are payable here; the other is the purchase of annuities through savings banks—in that case the dividends are payable where the annuities have been purchased. As far as this Bill goes, it will spread the sale of annuities all over the country, and the dividends will be payable wherever the annuities are sold. If the hon. Member wishes to know whether an annuity can be transferred from the National Debt Office after it has once been purchased there, I am sorry to say that at this moment I am unable to give him the requisite information, because I am not aware the question has ever been raised; but if he will kindly furnish me with the circumstances of any given case, I shall be glad to recur to the subject on a future occasion.

A question has been put to me by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) and others to the effect, whether a person who may become an assurer of life under this Bill, and who, on that account, will be entitled by law to be subjected to the Savings Banks Acts, will not bring himself under the operation of the disability imposed by those Acts, forbidding any person holding two accounts at the same time. Now I have great satisfaction in stating that the words used in this Bill are mere repetitions of the words which have been in force ever since the system of public annuities was first introduced, dating as far back as 1833. Public annuities have since been purchasable through savings banks, with the condition that the Savings Banks Acts should be applicable to them, and consequently liable to the force of the objection, whatever that may be, with respect to the opening of two accounts. After an experience extending over thirty years, I may say confidently that there is no legal difficulty in the matter, and that a man who purchases an annuity, or makes a Life Assurance, will not be understood as opening an account in the sense of a savings bank deposit.

With respect to this Bill as a whole, it is, of course, a matter of great satisfaction to me that as it entered this House in peace and quietness, so it is likely to quit it with general expressions of good-will. I am glad the right hon. Member for Wilts (Mr. Sotheron-Estcourt) has thought it right to raise a special discussion upon the third reading, because it gives me an opportunity of doing that which it is both a pleasure and a duty for me to do; and that is frankly to tender my best acknowledgments to all the Members of the Select Committee, without any exception or distinction—between those who had originally favoured and those who had originally objected to my proposal—for the very valuable assistance they have given in maturing and developing this measure. When the Bill was first introduced into the House it contained little more than the recognition of a general principle, together with a maximum limit of amount, and our intention was to provide by regulations all the subsidiary particulars which would be necessary in order to constitute a working scheme; but the discussions which took place upon the Bill led me to put on the notice-paper a number of clauses, and, very naturally, after the subject had attracted so much attention from Parliament, there was a disposition to embody in the Bill various points of regulation and management. The result is that there will be greater confidence felt in the working of the measure by those who may place themselves under its operation; and not only so, but the members of the Select Committee, by their advice and suggestions, have rendered valuable assistance towards the formation of a useful set of rules. As respects the unanimity of the Committee, I may mention that the principal, if not the only difference of opinion we had related to a question of great interest and importance both in itself and viewed as a mere legal problem—the question whether those assurances which are to be effected under this Bill should be a property transferable at law? The Committee decided by a majority that they should be transferable, and I confess I am well satisfied with that decision, and, indeed, I might have had some difficulty in acquiescing in the contrary view. If a proof were wanting, after the animation of the debates which took place upon the Bill in its earlier stages, of the undisturbed impartiality of the minds of those who set about the consideration of the clauses in Committee upstairs, I could not give a stronger or more conclusive one than the fact that in the division which occurred upon this subject nearly all those who supported my view of the clause as it stands were the original objectors to the Bill, and the most prominent among the opponents of the clause were hon. Gentlemen who had from the first been favourable to the principle of the measure. I am inclined to think that a greater proof of judicial impartiality could hardly be conceived.

The hon. and learned Member for the Tower Hamlets raises an important question when he says that this Bill will leave a large province still open to and still occupied by institutions independent of the Government. Of that I have no doubt whatever. I have no doubt that the competition of the Government will be highly useful to existing societies. I believe, too, that the operation of this measure will tend rather to extend the total area of provident arrangements of this kind than to diminish the actual space now occupied by voluntary institutions. But the hon. and learned Member truly says that there is a case for legislation with regard to the present constitution of Benefit and Friendly Societies; he hopes I shall not, on the part of the Government, shrink from the responsibility of that legislation; and he regrets that in the case of savings banks it was left to the hon. Member for Evesham and himself to introduce a measure of reform. I do not wish to avoid responsibility, either on my own part or on the part of the Government, and here I may speak the more freely because I do not know that general legislation on the subject of Benefit and Friendly Societies, if it fell to the share of the Government, would be so appropriately lodged in the hands of a Finance Minister as in those of the heads of several other Departments of the Executive; but I may be permitted to point out that there are certain subjects upon which independent Members, well qualified for the task, are much more efficient legislators than the Government. There are certain subjects upon which an independent Member who is known to feel nothing but a benevolent interest in the question, and who by his experience, by his general ability, and by his station has acquired public confidence, can do a great deal more than can be done by a Minister, because he is free from that suspicion and jealousy which naturally — nay more, which very properly—attends upon and watches all steps taken by the Government. I have no doubt that if the right hon. Member for Wilts had not been at the moment withdrawn from us by indisposition he would have been in a condition to exemplify in regard to savings banks that which I have now stated; but at any rate it was exemplified by the hon. Member for Evesham and the hon. and learned Member for the Tower Hamlets when they introduced and carried their Bill. No doubt the course was cleared for them by our legislation with respect to Post Office savings banks. That legislation produced a willingness on the part of the older institutions to be handled and manipulated afresh by the Legislature, which was greater than they had shown on former occasions; but I do not believe it would have been in my power to do that which was done by the hon. Member for Evesham and the hon. and learned Member for the Tower Hamlets with such slender assistance, or at least goodwill, as I was able to give them in the passing of their valuable, though necessarily stringent, measure for rectifying the constitution and governing the proceedings of the old savings banks. What I will venture to say is this—I think we must see the plan embodied in this Bill in operation before we can have so much additional light thrown upon the subject as will enable us to judge whether new legislation ought to be applied to existing Friendly and Benefit Societies. That this Bill will lead to that legislation I entertain little doubt, but I think we must see it fairly at work before dealing with so important a subject. I hope that during these discussions I have not at any time appeared to question the motives or intentions of the hon. Baronet the Member for Hertford (Sir Minto Farquhar), and that, however sharply we may be opposed upon this, that, or the other question, no word will ever fall from me inconsistent with the warmest personal regard or with the most implicit confidence in every statement he makes in this House. On this occasion I am glad to be able to render special thanks to him and to the right hon. Member for Wilts, and to say that I can very well both accept and return their congratulations, because I feel that, though starting with different points of view, we have laboured cordially together to perfect a measure of no little importance. Nor can I sit down without saying that another Member of this House who did not serve upon the Committee, because he was unwilling to interfere with others, deserves the warmest thanks from me for the part he has taken in promoting this Bill. The hon. Member for Perth (Mr. Kinnaird) is very well known as one of the most active philanthropists of the age: it is to him in a great degree that I owe the suggestions which led to the introduction of this Bill, and I beg to return him my best acknowledgments.

Motion *agreed to.*

Bill read 3° and *passed.*

GAOLS BILL—[BILL 93.]

SECOND READING.

Order for Second Reading read.

SIR GEORGE GREY: I wish, Sir, to make a short statement to the House of the general purport and objects of this Bill. The Bill is founded, in a great measure, on the Report of a Select Committee appointed by the other House of Parliament in the course of last Session, to consider and report upon the present state of discipline in gaols and houses of correction. That Committee stated at the outset of their Report—and no one can dispute their statement—that many and wide differences exist as regards construction, labour, diet, and general discipline in the various gaols and houses of correction in England and Wales; and the opinion of the Committee, as distinctly expressed in the second paragraph of their Report, was that it is desirable to establish without delay a system approaching as nearly as may be practicable to an uniformity of labour, diet, and treatment. Now, in that general object, I must express my entire assent, but I believe it is impossible to obtain absolute uniformity in these respects unless you subvert the existing system of local administration, which I, for one, should be sorry to see superseded in regard to borough and county prisons. If you are to retain the management of those gaols in the hands of local gentlemen not all agreeing in their views, but acting in accordance with certain general rules, with a certain margin for the exercise of their own opinion, you must be prepared to sacrifice something of that absolute uniformity which it may be desirable to attain. For instance, we should all doubtless be glad to see established a system of uniformity in respect to the punishments awarded to crimes of equal magnitude; but when you have your criminal law administered by fifteen Judges as well as by the Courts of Quarter Sessions and by Recorders, you must submit to some inequalities and anomalies, and some variety both in the punishments awarded and the mode in which they are carried into effect. At the same time it is desirable to do as much as you can, consistently with maintaining the present system of administration, to promote such a general uniformity in the labour, diet, and treatment of our gaols as the Lords' Committee suggest. But with all respect for that Committee, I think that in stating the want of uniformity which exists, they overlook much of the progress made within the last few years towards the attainment of uniformity. I hold in my hand the copy of an official letter of the Inspectors of Prisons, which is contained in the papers before the House; and in that document they state—

> "It was no doubt one of the objects the Lords' Committee of 1835 had in view in advising the appointment of official Inspectors, to secure a general uniformity of discipline; and it is equally true that that object has not been attained to the fullest extent; but this partial failure of the views of the Lords' Committee has not been occasioned by any want of activity on the part of the Inspectors, but it is owing to the tardiness of the local authorities in adopting the recommendations made by them. The want of improvement, however, and the absence of uniformity of practice are not so great as might be inferred from the terms of the Report; on the contrary, the recommendations of the Inspectors have been acted upon in a great majority of instances—witness the extensive adoption of separate confinement, which has been in a great measure brought about by their urgent and repeated representations. In the last twenty years the number of prisons in which the separate system has been either wholly or partially adopted has increased from two to seventy-nine in England, and in Scotland it has been more or less introduced into sixty-one prisons; and while the number of cells certified for the separate confinement of prisoners under the provisions of the 2 & 3 *Vict.* c. 56, has increased from 200 to 14,959 in England, 2,158 cells have also been certified as fit to be used for this form of discipline in Scotland. Further, there are in course of construction in the county prisons at Preston, Kirkdale, Coldbath Fields, Lancaster, Salford, and Stafford, nearly 2,000 more cells on the improved principle. These facts show that there has been a progressive improvement in the structure as well as in the discipline of prisons in Great Britain, which is still going on, and which is due more or less to the recommendation of the Inspectors."

I have thought it right to call the attention of the House to that statement, because it shows that at present, without any change in the law, great improvements are going on as to the attainment of uniformity in the construction of prisons, and in thereby rendering them capable of applying uniform punishment to the prisoners confined within them. But I fully admit that more may be done for the same object; and it is with that view, and in accordance with the suggestions, as well as with the general spirit, of the Lords' Committee of last Session that this Bill has been framed.

Sir George Grey

I will deal with the subject very much in the order in which it is treated by that Committee. I take first the question of hard labour. The Committee say, and say truly, that great variety exists in the mode of enforcing hard labour in different prisons; and they observe that in one or more prisons, the means of putting prisoners to hard labour does not exist, and that although particular prisoners have been sentenced to undergo that punishment, the opinion of the magistrates has been that separate confinement was of itself sufficient for them, and they have practically disregarded the law. Having touched on the differences which exist in the mode of enforcing hard labour, the Lords' Committee come to their own recommendation on the subject, to which I invite the attention of the House, for it bears directly on the point raised by the Resolution of which the right hon. Member for Staffordshire (Mr. Adderley) has given notice—namely, as to the definition of hard labour. In their Report the Committee say—

> "The first step towards a better and more uniform system throughout the country would, in the opinion of the Committee, be found in an authoritative definition by Act of Parliament of the term of hard labour. Nor does there seem to be in this any practical difficulty. Of the various forms which are in force in the several prisons, the treadwheel, crank, and shot drill alone appear to the Committee properly to merit this designation of hard labour. Of these, the treadwheel and the crank form the principal elements of penal discipline, and might safely be described as such in any future Act of Parliament."

And in a subsequent part of their Report they say—

> "They further recommend that all gaols and houses of correction shall, as a condition to their receipt of the Treasury allowance, both be provided with a sufficient supply of hard labour machinery for the average number of male prisoners sentenced to and medically fit for hard labour, and be annually certified to the Secretary of State as giving the full daily minimum work on treadwheel or crank, as described above."

I have had to consider these recommendations of the Committee. They first of all propose that there shall be an authoritative definition of hard labour, and they suggest that it should be confined to three modes of enforcing it, the treadwheel, the crank and shot drill; and they further recommend that, as a condition to their receipt of the Treasury allowance, all gaols and houses of correction shall be required to possess an adequate hard labour machinery, and be annually certified to the Secretary of State as duly enforcing this form of punishment. I have come to the conclusion that it would be impossible to adopt the first part of these recommendations, and enact an authoritative definition of the term "hard labour," but that it would be expedient to adopt the other part—namely, that proper means should be taken to ascertain that hard labour can be and is practically enforced in gaols and houses of correction. The right hon. Gentleman opposite, as I have mentioned, has placed on the paper the notice of a Resolution on this subject, and I may here say that, differing as he does with the conclusion to which I have come, and thinking that there should be this Parliamentary authoritative definition of hard labour, if he will in Committee on this Bill propose a clause giving effect to his view, I shall be happy to give it a candid consideration, trusting it may be found sufficient to answer its purpose. But the Committee of the House of Lords appear to have overlooked the difficulties connected with the application of their rule as to hard labour, and if the right hon. Gentleman concurs with that Committee, I would ask him, "Does he think that either the three forms of hard labour included in their definition could be strictly enforced upon women?" It is easy to say that the crank, for example, shall be the hard labour which Parliament requires; but the Committee say that the construction of the treadwheel and the crank differs so much in different gaols that they may be either made instruments of excessive punishment, or of punishment too light to be entitled to the name of hard labour. In page 4 of the Report the right hon. Gentleman will find what they say with regard to the crank, showing that it is a most unequal instrument of punishment. It is impossible for Parliament to define what the pressure on the axis of the crank shall be, or how it shall be applied, or what time a prisoner shall be kept at it. And if that be so, you must, as at present, give the local authorities a large discretion as to these points. I have, therefore, thought it better to leave it to the justices of the several prisons to devise those means of enforcing hard labour which, owing to the construction of their particular prisons, they may think are the only or the most available means of doing so, and then to leave it to the Secretary of State to see whether there has been such a substantial compliance with the requirements of the law as would warrant the payment of the Treasury allowance. I propose in this Bill to establish the same check upon the arbitrary exercise of the discretion vested in the Secretary of State which now exists in the case of the Constabulary Act, and to require that when the certificate is withheld the correspondence on the subject shall be laid before Parliament, that Parliament may have an opportunity of deciding whether that discretion has been satisfactorily exercised or not. The right hon. Gentleman will, I hope, excuse me for seeming to anticipate his Motion; but I repeat, that if, instead of proposing by a vague general resolution to impose on me a duty which I am unable satisfactorily to perform, he will submit a clause in Committee defining hard labour which can be safely and properly applied, I shall be happy to give it the best consideration.

The next clause has reference to the power of the Secretary of State to make rules for the government of gaols. It was objected to by the right hon. Member for Staffordshire, and I am glad to have the opportunity of explaining it, because a most unaccountable misunderstanding appears to prevail on the subject. It has been supposed that it gives some extraordinary powers which were never acted upon before. Now, let me call the attention of the House to what the present law on the subject is. By the present law certain general rules have been enacted for the government of gaols, but the Legislature, thinking it absolutely essential that in addition to these stereotyped rules there should exist some means of making supplementary rules applicable to prisons generally or to particular prisons, gave a power to justices to make rules, subject to the approval of the Secretary of State. Now, just compare the present state of the law with what is proposed under this clause. By the 5 & 6 *Will.* IV. c. 28, s. 5, it is enacted—

> "That on or before the 1st day of November in every year the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol sessions, and the chief magistrates of every city, town, borough, port, or liberty within England and Wales, now having any prison, shall transmit copies of all rules and regulations in force on the 25th day of September in such year for the government of every prison for and belonging to their respective counties, ridings, or divisions of counties, cities, towns, boroughs, ports, and liberties, to one of His Majesty's Principal Secretaries of State, together with copies of such new or additional rules and regulations as may be proposed for the government thereof; and it shall be lawful for

such Secretary of State to alter such rules or regulations, copies whereof shall be transmitted to him in pursuance of this Act, and to make additional rules or regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as are transmitted to him, or altered or added to, are proper to be enforced, and the rules and regulations, alterations, and additions so certified shall be binding upon sheriffs and all other persons; and the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol sessions, and the chief magistrates of every such city, town, borough, port, and liberty, are hereby required to lay before the Court of Quarter Sessions, held next after the 25th day of September in every year, for their respective counties, ridings, divisions of counties, cities, towns, boroughs, ports and liberties, on the 1st day of such Sessions, like copies of all rules and regulations in force on the 25th day of September in every year for the government of their respective prisons."

That shows that it is in the power of the Secretary of State now, if he chooses, to alter the rules and regulations transmitted to him in pursuance of this Act, and to make additional rules, regulations, alterations, and additions which should be binding, &c. The word "annul" does not occur, although I do not know why it does not; but the word is really immaterial. This is not all, however. By another clause it is enacted—

> "That in case of any clerk of the peace, clerk of gaol sessions, or chief magistrate of any city, town, borough, port or liberty, neglecting or omitting to transmit to one of His Majesty's Principal Secretaries of State copies of the rules or regulations in force for the government of any prison which he is required by this Act to transmit, it shall be lawful for one of His Majesty's Principal Secretaries of State, after the 1st day of December in every year, to certify what rules and regulations he deems necessary for the government of such prison; and the rules and regulations so certified by such Secretary of State shall thenceforth be binding upon sheriffs and all other persons, and shall be the only rules in force for the government of such prison."

Now, what is the effect of this clause? That the Secretary of State has power to alter, annul, or add to all rules and regulations for the government of gaols, not only when they have been sent up to him, but where such rules and regulations have not been transmitted to him, he has power absolutely, after the 1st of December in every year, to make rules which shall be binding without appeal on the authorities of the gaols. Now the simple effect of this clause is to enable the Secretary of State to do at any time what at present under the existing law he is now empowered to do between the 25th of September and the 1st of December in every year. I am therefore utterly unable to account for the petitions that have been presented against this clause of the Bill. They came chiefly from some very zealous persons who think they have discovered some hidden motive on my part under this clause of subverting the Protestant religion, and imposing on every prison in England the services of a Roman Catholic chaplain. These petitions came from the Protestant Reformation Society and similar institutions, and they express in very explicit terms that it is intended by this means to deprive the authorities of the prisons of the discretion vested in them by the Ministers Act of last Session to make rules incompatible with that Act. If those who signed these petitions were more conversant with our system of legislation they would know that no rules which the Secretary of State could make would supersede an Act of Parliament. But this only shows, when an idea once gets hold of very honest but ill-informed minds, how difficult it is to eradicate it. I will only add that, if I find after we go into Committee the explanation I have now offered is not entirely satisfactory, I shall have no objection to strike out the clause altogether — so little importance do I attach to it. The Committee further recommended that all rules should be included in one Act of Parliament, but I do not think that necessary or practicable, although I quite admit that it would be desirable some additional rules should be inserted in the Bill.

I come now to that part of the Bill which relates to the construction of prisons. Here, again, I wish to advert to the Report of the Committee. With regard to separation, the Committee say—

> "They have observed from the evidence submitted to them that in many of the best gaols a large proportion of the cells are below the precise standard of size, and consequently uncertified by the Inspector. Such cells, however, appear to be used under certain conditions, without prejudice to the administration of the prison or the health of the prisoners. While, for the future, the fullest development is given to the separate system, it will be for the Secretary of State to consider how far the practical object in view may be met, and the difficulties arising out of the expense of a reconstruction of many prisons obviated, by allowing a certain proportion of cells below the average standard to be certified and sanctioned, it being understood that the occupants of those cells shall consist of prisoners undergoing short sentences, who shall be chiefly employed during the day upon hard labour outside their cells."

The sixth clause of the Bill gives effect to that recommendation—that cells may be certified for short periods of separate confinement. That will, no doubt, enable the system of separate imprisonment to be adopted in many prisons where it could not otherwise be so, owing to the cells not being large enough. The Committee go on to recommend—

> "That legislative measures be taken as speedily as possible to render the adoption of separation obligatory upon all gaols and houses of correction in England and Wales, and that the payment of the proportion of the charge now issued from the public revenues in aid of the county and borough prisons be made contingent in each case on the adoption of the separate system."

The fifth clause of the Bill gives effect to that recommendation. We can only effect the object which the Committee of the Lords had in view by requiring that the prisons should be so constructed as to be adapted to separate imprisonment; and the way in which we propose to do this is to enable the Secretary of State to require the authorities of any inadequate prison to remedy the defects, in order that the prison may be made capable of enforcing the discipline which it is desirable should be enforced; and on failure of the authority to whom such order may be addressed to comply with its requisitions, the Secretary of State may, by a further order addressed to the keeper of said gaol, desire him to remove the prisoners to any other gaol the authority of which may consent to receive them, and may make any equitable agreement on behalf of the authority of the inadequate gaol with the consenting authority for the lodging and maintenance of the prisoners so transferred.

The Committee further recommended an amalgamation of small gaols with the larger prisons, in order to secure greater economy and efficiency of administration. It is no doubt desirable to give effect to that recommendation after due inquiry into the special circumstances of each case, and accordingly a number of small borough gaols have been scheduled in this Bill for abolition. Many small buildings in some towns are, I believe, quite unfit for the reception of prisoners except for very short periods, and the Inspectors are quite agreed as to the propriety of that recommendation of the Committee. I applied to the Inspectors to report as to the prisons which they thought could be so dealt with, and they have furnished me with a list of prisons which I have included in the schedule for abolition. I may say, however, that since then I have received representations from various local authorities which are well entitled to consideration, and in some cases those representations have been accompanied by promises that the prisons should undergo the necessary alterations. These representations have been referred to the Inspectors. As to the particular gaols which shall be thus dealt with, that is a question which we can dispose of in Committee, when the House will have fuller information before it.

The only remaining question to which the Lords' Committee directed their attention was one of great importance, namely, diet. Upon that point they made no recommendation beyond suggesting that a Commission should be appointed to inquire into the subject, and laying down the general principles in which all of us will agree, that the dietary of prisoners, while it should be such as not to injure health, should not be of a nature to contrast favourably with the ordinary diet of a labourer outside the prison. The House will see, from the papers before them, that a Committee of medical men was appointed, which made a Report proposing a new scale of dietaries with a maximum and a minimum. A copy of that Report was sent to each clerk of the peace and to other officers, in order that it might be brought under the notice of the local authorities, with a view to the adoption of the dietary suggested. Therefore, the question of diet forms no part of this Bill. There is only one other point, and that a minor one, to which I need refer. That is the question as to the abolition of Abingdon Gaol, which was recommended by the Court of Quarter Sessions. I have, however, ascertained that considerable difference of opinion exists upon that subject; and as it is a purely local question, it cannot well be decided without further information being afforded to the House. I have inserted that gaol in the Bill, but when we go into Committee I shall be guided by what shall appear to be the feeling of the county of Berks; and if good reasons be assigned for the retention of the gaol, I shall not object. Having thus briefly referred to all the points connected with this Bill upon which I think it is necessary at present to touch, I venture to hope that the House will now read it a second time, and that, after the explanation I have given, the hon. Member for Warwickshire (Mr. Newdegate) will not press his Amendment.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir George Grey.*)

MR. ADDERLEY said, that after listening to the speech of the right hon. Gentleman, he should not think it necessary to move the Amendment of which he had given notice, but he felt there was still an important point at issue between them. The right hon. Baronet proposed to confer upon the Secretary of State powers which he (Mr. Adderley) thought ought to be defined by Act of Parliament. There would be no difference of opinion on the title of the right hon. Baronet certainly to the thanks of the House for introducing the Bill, because some reform in prison discipline had become absolutely necessary, and was the more imperative now that they had been dealing with the higher branches of the secondary penal code. It would be monstrous to reform the system of penal servitude while prison discipline, which formed the base of the system, was left untouched. As the right hon. Gentleman had said—one great object of reforming the law relating to prison discipline was to arrive at something like an uniform system. Such was the object of the Acts of George IV. and William IV. So again the object of the Lords' Committee was, in the first place, to make imprisonment more feared; and next, to make the system uniform. So important did he consider uniformity of system to be, that for himself he would prefer a worse system that was uniform to a better system which was of uncertain application throughout the country. The principal objection to the Bill was, that it did not provide sufficiently for insuring uniformity; and even the attempt that was made in it to gain that end was based upon a wrong principle, by leaving sentences to be carried out to the satisfaction of the Secretary of State instead of defining them by Act of Parliament. That was quite a new principle, which he believed would be productive of the worst species of centralization. Secretaries of State were changed, and they were not always men having the same views; besides which it was almost impossible for any Secretary of State to have sufficient knowledge of the circumstances of every case to enable him to judge accurately whether punishments were satisfactorily administered. But he would appeal to the right hon. Gentleman against himself. The right hon. Baronet had from first to last told the House that he proposed to carry out the recommendations of the Lords' Committee. Early in the present Session the right hon. Baronet the Member for Droitwich (Sir John Pakington) asked what steps would be taken in consequence of the Report of the Lords' Committee, and the Home Secretary then said that as far as the recommendations of the Committee could be carried out without an Act of Parliament, he had given instructions that they should be at once carried out, and that in respect of those matters which required legislation he was preparing a Bill, but should postpone its introduction until he received certain further information which might enable him to fulfil the Committee's requirements. But now it appeared that a Bill based upon the Report of the Lords' Committee would not in reality carry out any of their recommendations, except one of minor importance referring to the suppression of certain small borough prisons. The recommendations in respect of increased severity were few, but upon the point of uniformity the recommendations were numerous, precise, and important. The Committee wanted to obtain uniformity in the construction of prisons, in the punishment and treatment of prisoners, in the rules of the gaols, and in the classifications of prisoners. The Bill did not deal with these points. First, as to the construction of prisons, upon which the recommendations of the Committee were precise. The right hon. Baronet excused the Bill for doing nothing, and said they had not borne in mind how much had been done already in this respect. It was true that much had been done, but a long time had been occupied in doing it, and much remained to be done. The Act of Parliament for the erection of Pentonville Prison was passed twenty-two years ago. That prison was to be an experiment which, if successful, was to be followed out in all other places. The experiment had been successful, but it had not been followed out. If any good result had attended the introduction of the system the country generally had not reaped full advantage from it, for there were still no less than thirty of the most important gaols in England where it had not yet been introduced. At present the system was extending slowly, and what he and the Lords' Committee proposed was that its introduction should be expedited and rendered compulsory. That proposition was not a very violent one, because it could be effected at a small expense, and by no means necessitated a reconstruction of the present gaols, as some imagined. The House ought not to listen to local objections against the separate system, because the object was a national one. The system was not efficient unless made uniform. Any gaol of any size which refused to carry out the system was injuring the prison discipline and the beneficial effects of confinement throughout the country, because such a refusal would only tend to foster in the minds of criminals that speculation on uncertainty and that gambling in crime which tended to paralyze the power of all law. The next recommendation of the Commissioners was that the term "hard labour" should be defined in the Acts of Parliament. The desirability of such definition would hardly, he believed, be contested by any one. At present the term was so vague that it might mean anything on earth. Any person reading the evidence of the Committee would see at once that the value attached to the term depended upon the locality where the sentence was carried out. In one gaol it meant severe labour at the tread-wheel, the crank, or shot-drill; in another it was defined as school instruction and the employment of moral influence; while in the county of Berkshire a prisoner confined in the Reading Gaol would find that it signified no labour at all. Such a statement appeared to be almost incredible, but according to the evidence of Mr. Merry, nothing in the opinion of the magistrates of Berkshire was so irksome to a prisoner as confinement without employment; and, therefore, they construed hard labour to mean doing nothing at all. That state of things he did not believe the House could wish to continue. The right hon. Gentleman sought a remedy in the third clause of the Bill, which provided for the withholding of the whole of the Government allowance from any prison which had not received a certificate showing that adequate means were provided for carrying out sentences of hard labour, and that such sentences had been carried out in accordance with what the Secretary of State regarded as fulfilling the requirements of the law. If the angel Gabriel were Secretary of State, and his two Inspectors were Arguses, the clause could not be properly enforced. It would be impossible for the Inspectors to travel about the country with such rapidity and examine the prisons with so narrow a scrutiny as to render the clause effective, and a most arbitrary distribution of the certificates would necessarily be the result. But, independent of that objection, there still existed the uncertainty as to the nature of hard labour. The definition would be in the discretion of the Secretary of State, and his view of the question might coincide with that of the Reading magistrates, who believed entire idleness to be the hardest labour; or with that of the Winchester bench, who regarded the tread-wheel as the most irksome employment that could be given to a prisoner. Nothing would lead to a uniformity of hard labour short of its definition by Act of Parliament. The Lords' Committee had proposed as a definition—the tread-wheel, crank, or shot-drill, and he would suggest the addition of the words "and such like labour," an addition which would give some discretion, limited, it was true, but sufficient for the purpose of uniformity. He was quite aware that magistrates held their own theories as to the nature of hard labour, but he felt certain that they would be willing to abandon to this extent their own individual schemes if by so doing they could procure a great advance in uniformity. Another great object of the Committee was to secure a general scale of diet. The regulations on the subject of dietary at present varied in the different prisons in a most extraordinary degree. In the single article of bread, for instance, the variation ranged from 30 ounces to 234 ounces—a variation which reduced the whole system to an absurdity. He believed that a maximum and a minimum scale of dietary should be introduced into the Bill, because uniformity of diet and uniformity of hard labour, to be effective, should go hand in hand. Hard labour of any kind was hard or light in some degree according to the diet on which it was performed. Now, with regard to the exceptions. The right hon. Gentleman said that it would not be possible to lay down the same dietary for men and for women. That was a difficulty which he did not believe would be felt insuperable by any one, nor would it be desirable to include invalids in the general scale. There must always be a double system for the two sexes of convicts, and the regulation of the diet of invalids must always be discretionary, and all subject, of course, in a measure to the report of the surgeon in every case. There was also, at present, an entire want of conformity to rules; and although the 5 & 6 *Will.* IV. prescribed that the rules should undergo the revision of the Secretary of State, in a considerable number of gaols there were no rules at all, and some rules contained every possible absurdity that could come into the head of the wildest theorist. In his own county, Major Fulford, one of the highest authorities upon the subject, drew up certain rules, based on the Commissioners' Report, which, with some slight modifications, would probably do for all the gaols in the kingdom. The classification recommended by the Lords' Committee, and since carried out in Winchester Gaol, consisted in successive stages of treatment, through which every prisoner sentenced to a long term was to progress. In the existing Acts there is another kind of classification specified—namely, classes of prisoners, rendered needless by individual separation. The classification now recommended was one of treatment. If the prisoners were guilty of prison offences, they were to be degraded and thrown back into a worse stage, and the system of marks was avoided. The mark system was very arbitrary and unsatisfactory, and depended upon conduct which might be assumed by the worst hypocrite in the gaol. Even the greatest amount of work was a bad ground for alleviation of punishment, as it attached the highest privilege to the strongest villain. It was a system, too, in respect of which they had to depend on the reports of inferior officers, who should not be under temptation to make favorites, or who might want the courage and the judgment to make a true report, or the power to know really what report to make in every case. The Winchester system might be easily extended if only magistrates were willing to give up pet theories for the sake of uniformity; and if uniformity in classification of treatment could be arrived at the rest would be comparatively easy. The right hon. Gentleman had held out such a prospect of an amicable discussion of these points in Committee, and had expressed such readiness to adopt suggestions, that he thought they might consent to the second reading, and having made these criticisms he should offer no further opposition upon that stage of the Bill.

Mr. Alderman ROSE said, it was felt throughout the country that the existing law provided amply for contingencies, and that the enactment of the fourth clause

might cover very serious mischief. If, however, it was understood that the arbitrary power sought to be exercised by the right hon. Gentleman were not to be insisted on, however, he was not indisposed to go into Committee on the Bill.

Mr. NEWDEGATE*: I so thoroughly concur with my right hon. Friend the Member for North Staffordshire in all the objections he has stated against this Bill that I regret he has withdrawn his Resolution, because I agree with him when he says—

> "That no legislation to amend the present law relating to gaols can be satisfactory which does not include some definition of hard labour, and a schedule of rules for gaols; and which does not provide that all gaols shall be gradually adapted to the separate system, and for a uniform and classified treatment of all prisoners."

But my objections to the Bill go far beyond those of my right hon. Friend; and I think the House must be of opinion, from the petitions which have been presented, that all the objections felt through the country to the Bill are not comprised in those which were stated in the Resolution of my right hon. Friend. I have myself to-day presented a petition from the bench of justices for Westminster and Middlesex, in which it is stated that the attempt made by this Bill entirely to supersede their discretion with regard to the rules for the regulation of the gaols for which they are responsible is totally unprecedented. They say that it is altogether unprecedented that the Secretary of State or any other Officer of the Crown should be empowered to make contracts in the name of the justices, or that powers so vast should be proposed by this Bill that he might do anything almost that may please him as to the enforcement of rules in reference to the gaols; that he may declare any standard of adequacy, as it is called, necessary for his certificate of any gaol, and thereby may entail an unknown amount of expense upon the ratepayers, using the justices as tools to levy this taxation without the slightest discretion on their part as to the amount to be levied or the mode in which the money when obtained is to be expended. And remember, Sir, this does not touch the county magistrates only. The county magistrates have the regulation of the gaols for the counties. They have power to frame regulations for the government of those gaols in accordance with the rules framed by themselves, which are submitted to the Secretary of State for his approval.

It is quite true, as the right hon. Gentleman has stated, that the Secretary of State may proceed to alter or add to these rules. That is the state of the existing law; but the right hon. Gentleman has never told the House that which appears most distinctly in the evidence of Mr. Perry, the Inspector of Prisons for the northern half of England—namely, that there is no effectual power to enforce the alterations of the Prison Rules made by, no power to enforce the rules that may be suggested by, the Secretary of State, if the bench of magistrates be opposed to them. And, what is more, there is no case which came to the memory of either of the Inspectors of Prisons for England—and there are two, Mr. Perry and Mr. Vowles—in which an attempt has been made by any Secretary of State to force, by legal process upon an unwilling bench, rules of his own construction, or alteration of their rules which he may have suggested. It is perfectly true that the Secretary of State has consulted with different benches of magistrates, who have come to an agreement with him, and generally had the good sense to adopt his suggestions; but there is no power to compel them to adopt those suggestions. It is quite true that it would be possible for the Secretary of State to proceed by indictment, or by mandamus in the Court of Queen's Bench; but there is no proof of any Secretary of State having done so at any time. When, therefore, the right hon. Gentleman tells the House that he is about to take no additional powers by the Bill, I reply that he seeks large additional powers. But he does more; he also seeks the power of enforcing by penalty, on the justices, an enormous expenditure to be levied upon their responsibility from the ratepayers. Why, Sir, this is a direct means of taxation on one class of property at the will of the Secretary of State; and it is this consideration which has induced the Justices of the Peace of Westminster and of Middlesex to petition this House that the Bill may not pass into a law. Sir, I have never known an instance of a measure which bears examination so badly as this. Many hon. Members came to me and said that the Bill contains no additional power. Well, I did not like to act on my own opinion alone; so I prepared a case and submitted the following questions, not to one, but to three gentlemen learned in the law, and with the permission of the House—for I do not think I can show what is the real character of the Bill better—I will read the questions put to and the answers received from one of these gentlemen—

"Does not Clause 2 make this Bill applicable to all gaols, except the thirty-one gaols specified in this Bill as to be discontinued, and the Government convict prisons?—Yes.

"Whereas, the whole discretion vested in the justices under the Prison Ministers' Act of last Session, 26 & 27 *Vict.* c. 79, must, if exercised, be brought into operation by rules. With respect to the appointment of Roman Catholic or other Dissenting ministers, or their being permitted to visit prisoners in gaol, would it not be competent to the Home Secretary, if this Bill becomes law, to make rules for the appointment of such ministers, or for permitting them to visit in any of, or all, the gaols to which this Bill is intended to apply?—Yes.

"Would it not be competent to the Home Secretary, under Clause 5, to compel the construction of, or appropriation of, a Roman Catholic chapel in any gaol now in existence or to be constructed, except the thirty-one gaols specified in this Bill, if he should think fit to declare such gaol inadequate without such chapel?—Yes.

"Might not the Home Secretary remove all the Roman Catholic or Nonconformist prisoners from any gaol in which there is not a chapel or a minister of their denomination appointed, to some gaol in which there is a chapel and a minister or ministers of their denomination appointed?—Yes, and make the county pay the expense of removal and maintenance."

The right hon. Gentleman felt the weakness of his own case when he offered to give up the 4th clause of the Bill. I beg the House, however, to observe that that clause is merely declaratory, the penalties are contained in the remainder of the Bill. The right hon. Gentleman has stated that the whole of the powers which he proposes to take under this clause exist under the present law. The mere sweeping away of this declaratory clause would not remove the penalties or limit the discretionary power which the clause declares. But the right hon. Gentleman, if this Bill were to pass, would be able to enforce the existing law by the penalties which the Bill would enact. I most heartily wish for some judiciously framed measure upon this subject. It is now twenty-two years since any code of rules was issued for the regulation of gaols, and those twenty-two years have been most eventful in the matter of secondary punishments. I am only repeating the testimony of the late lamented Sir Joshua Jebb, and the evidence of Mr. Perry and Mr. Vowles, when I state that a code of rules applicable to present circumstances, such as were embodied in the Act of 1823 for the Regulation of Gaols, should be comprised in a schedule appended to any Bill of this kind, for the purpose of producing some uniformity of punishment in the gaols throughout the kingdom which are under the control of the justices. But, Sir, I beg to call the attention of the House to the recommendations of the Committee of the House of Lords in this respect: the Lords' Committee have, in their Report, declared most emphatically that not only should rules be issued, but that rules should be enacted. I most cordially concur in the propriety of that recommendation. No hon. Member, I believe, will dispute the competency of the Lords' Committee. They state in page 14 of their Report on Prison Discipline—

> "1. It is obvious that to secure an efficient discipline every gaol must have a definite code of rules under which it is governed."

It is, indeed, clear that this was the intention of the Legislature, the 5 & 6 *Will. IV.* contemplates the existence of certain regulations in every prison, and with that view a code of rules has been issued by the Secretary of State for the information and adoption of the local authorities. But as their acceptance is left to the discretion of the local authorities, a comparatively small number of gaols in England and Wales have adopted the rules as framed by the Secretary of State. In some prisons neither the rules as laid down by the Secretary of State, nor any other rules framed by the governing body, and approved by him, are in existence; and in the remaining gaols the regulations vary indefinitely according to the views of the governing body. It is, indeed, quite true that it is within the competency of the Secretary of State, under 5 & 6 *Will. IV.* c. 38, s. 6, in default of the framing of the regulations by the local authorities, to certify such rules as he shall deem necessary for the government of any prison, which shall then become binding. It appears, however, that this power has never been exercised by the Secretary of State.

> "2. The Committee are of opinion that such rules for gaols as may be thought advisable should be embodied as a schedule in an Act of Parliament, and that the Treasury allowance should be withheld from all gaols where those rules are not in force."

My complaint against this Bill, and it would be the complaint of the House of Lords, is that whereas they recommend that rules should be enacted by Parliament, this Bill contains no rules. Now, the advantage of having definite rules is this: that the rules at once instruct the magistrates and bind the Home Secretary. But this Bill gives the right hon. Gentleman the power of making rules without the slightest previous knowledge on the part of this House, the justices, or the public, of what those rules will be. The Bill would also confer upon him a most effectual power to enforce these unknown rules. Surely there remains in the House of Commons some respect for the old form of government, in accordance with which the local affairs of the counties, cities, and boroughs have hitherto been managed; some respect for those who give their time, sometimes most valuable time, for the accomplishment of this important object. All that the justices seek in proposing the rejection of this Bill is, that the House will define the width of the discretion, and the extent of the power to be exercised; that they may be instructed specifically how they are to improve the discipline of the gaols over which they preside. They ask for instructions, but they deprecate the arming of any central authority with the power of overriding their discretion to any extent, and of compelling them to become the instruments of a taxation which they justly term "unconstitutional" in its nature, because it is not defined by Parliament either in its amount or objects, and is to be levied directly at the instance of an Officer of the Crown. It is for these reasons that I have given notice that I should move the rejection of the Bill. Far be it from me to suggest a code of rules of so stringent and narrow a character that they would be applicable only to gaols built upon the Pentonville model. Sir Joshua Jebb, and the two prison Inspectors for England, declare that there ought to be several classes of rules, and that each class of rules should be applicable to a certain class of prisons. Thus a process would be established of obtaining uniformity by means not so arbitrary as a narrow definition, applicable only to one class of gaols, but enabling the justices to feel that they have the sanction of law in conforming to the rules which the information at the command of the House and the Government ought to enable them to frame for their guidance. The question under consideration is no trifling matter. The right hon. Gentleman proposes that we should change the law. So far as he is concerned, the House might have confidence in him personally whilst he is in office; but he asks us to arm all his successors, every Secretary of State, we know not whom, with an indefinite power of overriding the discretion of the justices in counties, cities, and boroughs, and compelling the county justices and the town councils to levy any amount of money that the Secretary of State for the time being may think proper, and to enforce contracts not made in his own name and upon their responsibility. Is it surprising that there should be a feeling prevalent throughout the country that such indefinite powers as these ought not to be given? I think I have shown, then, that there is one class of objectors to the Bill whose objections, however lightly they may have been treated by the right hon. Gentleman, ought not to be overlooked by the House—I mean those of the local authorities, the county justices, the borough magistrates, and the town councils. The right hon. Gentleman also spoke lightly of another class of objectors. He said that there were certain persons who, upon religious grounds, object to the existing Prison Ministers Act. Sir, those persons object to that Act, not only upon religious grounds, but upon the grounds of policy. For, remember, Rome is not merely the centre of a religious, but of a political organization, and I would that hon. Members of the House would open their eyes to the extent of this influence. The strong Government of France is resisting the Ultramontane organization. It has ruined Poland, and our ancestors had to eject it from this country, or it might have ruined us. The agents of this politico-religious organization are making it very fashionable in this country. If any one says there is danger in this quarter, he is told, "there is nothing so unfashionable," or, "that it is an antiquated prejudice to entertain such apprehensions; that it is delightful to witness such an organization spreading throughout the country for purely charitable purposes." We hear of bazaars taking place supported by persons of the greatest weight and influence in society, and of all sorts of exertions to strengthen this organization. I wish hon. Members would turn back a little to the history of their own country, and not shut their eyes to the effects of this organization, not only upon the religion, but upon the peace, the social happiness, and the freedom of the nations of the world. I was inclined to doubt whether I was not carried away by prejudice in thinking that this Bill might be used to contravene the discretion vested in the justices by the Prison Ministers Act of last Session with respect to the appointment of Roman Catholic chaplains, and Roman Catholic priests being permitted to visit prisoners in the gaols of this country. But I am relieved from that apprehension when I find the *Tablet*, which is an Ultramontane paper, supporting the Bill, and that the *Weekly Register*, another Ultramontane paper, adopts the same course. If the House will permit me, I will read to it a few extracts from the *Weekly Register* of the 28th of May—

> "Sir George Grey's Prison Bill is threatened with fierce opposition. The Government, seeing the futility of expecting that the Protestant magistracy of the country will surrender their prejudices and voluntarily appoint Catholic chaplains to administer spiritual instruction to Catholic prisoners in the gaols under their jurisdiction, have availed themselves of a Bill which they found it necessary to bring into Parliament for the abolition of certain prisons and the re-organization of others, to introduce a clause giving the Secretary of State power to order absolutely the appointment of Catholic chaplains in those prisons where the circumstances shall appear to him to warrant such a step."

Now, this may be said to be only anonymous writing; but as a magistrate for Middlesex and for Westminster, I happened to know that the right hon. Secretary for the Home Department has been urging the visiting magistrates of the gaols in Westminster and Middlesex to admit Roman Catholic priests to those gaols under the 3rd Section of the Prison Ministers Act, and to do this in direct violation of a resolution passed by the Court of Quarter Sessions. My brother magistrates, finding that the right hon. Gentleman was using his influence for this purpose, they began to look closely into the present Bill. If the right hon. Gentleman was evidently engaged in an attempt to raise our visiting justices, our committee, in revolt against the resolution of the Court of Quarter Session, under the terms of the Prison Ministers Act, which he thought would cover the operation; if the Secretary of State was to obtain such enormous powers as he asks by this Bill, those powers might be used to punish the court, by compelling us to levy additional taxation upon the ratepayers. What a position we should then be in! If we did not levy money to accomplish the purposes of the Secretary of State, we should be placed in a false position with the ratepayers; because the right hon. Gentleman might withhold the Government allowance for the maintenance of the prisoners, and then we should be in the position of having to tax the ratepayers of the county the more as a penance for not having complied with his demands. Supposing he were to say, "I insist upon a Roman Catholic chapel being built in one of the prisons," and the justices were to refuse. He might at once declare that prison inadequate; and when he has done that, of course he would withhold the Government allowance, and we should have to levy the difference upon the ratepayers. Surely these are not unreasonable objections. Then this Ultramontane paper goes on to say—

> "With these fanatics and hypocrites religious liberty means the right of going wrong in spiritual matters, and the power of tormenting those who repudiate such a right. Catholics hold to dogma in religious matters, and the Evangelical Protestantism would enforce its own principle of the right of every man to think as he pleases upon religious subjects."

It then proceeds in the same strain, with respect to the Prison Ministers Act—

> "As Protestantism is based upon the right of private judgment in matters spiritual, the Government and the Parliament, consisting mostly of Protestants, concluded, naturally enough, that in this Protestant country the benefit of the great Protestant principle would be freely extended to non-Protestants, and that Protestant magistrates and guardians would cheerfully take the requisite steps for the religious instruction of Catholics in prisons and workhouses, notwithstanding the maintenance of the opposite principle by all members of the Catholic Church. Unfortunately, their confidence was lamentably misplaced."

Now, that is not an unfair representation of the opinion of the House. I am happy to say, however, we may be mistaken; and the Prison Ministers Act, to a certain extent, admits the principle of religious liberty, and that is the principle which this paper condemns. With the permission of the House, I will read a few more words from the same paper—

> "The permissory character of the Prison Ministers Bill is traceable to a far different source. Sir George Grey was apprehensive of arousing Protestant bigotry and intolerance by a compulsory measure, and he tried to coax the 'great unpaid' into a liberal and generous course. He has failed egregiously, as we foresaw from the beginning, for the Parliament is far more liberal than the nation; and the deeper we descend into the substratum of English society, the more copiously do we discover the existence of intense bigotry and intolerance. The Clerkenwell magistrates and the Chelsea Guardians are animated by the like spirit—intense hatred of the Catholic Church; and as the same feeling, though, perhaps, less virulently, pervades the mass of English Protestantism, especially amongst the country squires and the middle and lower classes, both Government and Parliament must at once make up their minds either to leave gross and admitted injustice unredressed and unrectified, or to make their remedies compulsory as regards both prisons and workhouses."

Such is the language that I find in this Ultramontane organ. It then gives an instance of how in Liverpool the guardians have declared that a Roman Catholic chaplain should attend the poor in the workhouse, and selected three priests for the purpose, but restricting them to the rule that one only should be allowed to attend at a time. But these priests declare that no such "paltry admission" as this will satisfy them, and they say—thus writes the *Weekly Register*—

> "Under the Act of Parliament, if there were sixty Catholic paupers in the Liverpool workhouse, and as many Catholic clergymen in the borough, there is no authority in the Poor Law officials to prevent the visit of the whole of those sixty priests to the institution at the same time and at all hours of the day every day of the year."

Sir, that only shows the extent of the demands which we may expect to see urged from that quarter. This demand was urged by the improperly styled (Roman) Catholic Bishop of Liverpool. And has further consideration altered the opinion which this Ultramontanist organ represents with respect to this Bill? Why, in the *Weekly Register* of Saturday last, I find this statement—

> "Sir George Grey has fixed Monday next for the second reading of the Gaols Bill, and as the evangelical bigots in London and throughout the country are straining every nerve to defeat the measure, merely because it empowers the Government to order provision to be made for the spiritual instruction of Catholic prisoners, it is of the last importance that the Irish Members—[let the House observe that it is an English Bill]—who represent Catholic constituencies, should be at their post to support the Home Secretary."

We all know very well what is understood by the phrase "spiritual instruction." It means the supervision of a priest exercised over a prisoner in a separate cell, whether the prisoner desires that supervision or not. By the Prison Ministers Act the priest would not be admitted by the free request or by the voluntary act of the prisoner; but whether the prisoner will or not, he would be subjected to the direct control of a priest to be admitted to the cell in which the unhappy man is confined. Entertaining the deep love of religious freedom and the right of private judgment which this Ultramontane organ says pervades, not only this House, but the country, from the upper through the middle classes down to the lowest stratum of society, I deprecate the passing of any measure which might place the Home Secretary in the position of being tempted to violate at once the spirit of our legislation and the religious feelings of the people, by enabling this Ultramontane faction to exercise the greatest moral tyranny through their priests over these helpless persons who, owing to their unfortunate position, could not escape from this spiritual thraldom. We have heard a great deal about the advantages to prison discipline which will be likely to accrue from the appointment of Roman Catholic priests as gaol chaplains. Sir, I hold in my hand the copy of a letter written by a person of the name of Thwaites, in which he says it was his misfortune to have spent nearly ten years as first schoolmaster in the English convict prisons, and that whilst thus employed he had ample opportunities of testing the value of the services of the Roman Catholic chaplains among the convicts of that persuasion. He declares that he speaks from personal knowledge, for he has had to do with 17,000 convicts, and that those who were under the direct control of Roman Catholic chaplains, and were the best thought of by them, were in several instances implicated in those violences and outbreaks which, I am sorry to say, have marked the recent history of our convict prisons. He also declares emphatically that he believes it can be proved, by documents which are in the possession of the Home Office, that the power exercised by these Roman Catholic chaplains has conduced neither to preserve order and discipline, nor to improve the prisoners; but that this one marked fact remains, that the most violent of those who have been concerned in these outbreaks were the very men who had accepted the most willingly the tuition of the Roman Catholic chaplains. And this is only consistent with that which we have heard respecting the outbreaks at the Reformatory of Mount St. Bernard in Leicestershire. I am sorry to say that I have, moreover, heard that the Roman Catholic chaplain at Parkhurst, having been informed that some of the assistants of the matron possessed Protestant books—these persons being Protestants themselves—immediately went to the Governor of the gaol, by whom, on the representations of this priest, an order was issued that these books must be given up, although it could not be proved that they had been used among the prisoners. Thus you have a direct interference on the part of a Roman Catholic chaplain with the religious freedom of the gaol officials. And why? Because it seems that one of the attendants of the matron had been converted to Popery, and it was through her means that the priest came to the knowledge that these books were in the possession of her Protestant fellow-servants. I am sorry to hear these reports, but they seem to me to be a sufficient answer to those reflections which are sometimes cast upon my brother magistrates, because they have proceeded with great caution in carrying out the provisions of the Prison Ministers Act. Ample evidence might be adduced to show that the manner in which the justices and borough magistrates have used the discretion which is vested in them by that Act affords no ground and no reason why this House should be induced to sanction any arbitrary interference with their discretion. The principle of this Bill is exactly the opposite of the Prison Ministers Act. The Prison Ministers Act vested a discretion in the magistrates; the chief purpose of this Bill is to coerce that discretion. It is quite true that it is indirectly that the operation of this Bill upon the appointment of Roman Catholic priests or Nonconformist ministers would be brought to bear, but that operation would be none the less effectual. I was not fully aware of this intention until I read the correspondence which was carried on by the right hon. Gentleman the Home Secretary with the visiting justices of Middlesex. The whole tenor of the Bill is to supersede, by the authority of the Secretary of State, the discretion which has been vested in the justices, in the magistrates, in the town councils, in the local authorities of this country, with respect to the prisons under their charge. I am very far from saying that all our prisons are what they ought to be. I am far from wishing the House for one moment to suppose that I overlook the fact that transportation has been practically abandoned, or reduced to so small a practice as not to be worth consideration. I do not wish to overlook that fact, but what does that fact entail? Why, an enormous expenditure, in order to provide for the accumulation of convicts in this country. If our prison discipline is to be what it ought to be, gaols must be constructed to carry it out; and the construction of those gaols will involve a vast expenditure if they are to be conducted upon the Pentonville system, and even a still greater expenditure if the separate system is to be enforced with due regard to the health and sanity of the prisoners; for the evidence is conclusive that there is great danger in that system if it be carelessly administered. This brings back to my mind the substance of a conversation which I had with the late Sir Benjamin Brodie on this subject. He said—

> "It was through my intervention that the prison dietary of Pentonville was improved, that the prisoners now receive a dietary which seems to some persons to be so extraordinary. I did this," he went on to say, "by threatening to resign unless the dietary was improved; for I found that the minds of the prisoners were sinking under the debility of their bodies, and that the punishment practically inflicted was so severe that their sanity failed under the system."

Whilst speaking upon this subject, let me recall the attention of the House to this particular danger. I have witnessed dreadful results from the abuse of the separate system in the United States of America. I saw such a scene in the prison of Philadelphia as I shall never forget to the latest hour of my existence. There I saw men in every stage of mental and physical decomposition under the operation of the separate system carried out in an exaggerated form, and the House will forgive me if I quote a passage from a letter written by the President of Bethlehem Hospital to Lord Westminster on this very question. The president says—

> "My attention has been forced to the results of the system of separate imprisonment. As president of Bethlehem Hospital I have been compelled to hear the warrants of the Secretary of State read for the admission to that lunatic hospital of the victims of the separate system sent from the two Government prisons—the Millbank Penitentiary and the Pentonville prison. The noble Marquess is doubtless unaware that during the last ten years no fewer than forty lunatics have been sent from the Penitentiary to Bethlehem, while in the preceding ten years only fourteen were so sent; and are the public expected to believe that this fearful increase is not the direct result of the separate system?"

SIR GEORGE GREY: What is the date of that letter?

MR. NEWDEGATE: It was written in 1847, and my attention was first directed to it by the late Duke of Richmond, one of the Commissioners for the management of the Pentonville experiment. The right hon. Gentleman was himself one of the Commissioners, and, highly to his honour, concurred with Sir Benjamin Brodie and the other Commissioners in the necessity for raising the prison dietary up to a high scale, because it was found that the prisoners could not bear separate confinement on a low dietary. The right hon. Gentleman deserves all honour for the part he took in effecting that improvement; but it is as well to mention this now, because it is proposed by the Bill before us that we should enforce this system — greatly improved I admit, and certainly better understood now than formerly, but still this very system—in all the gaols of England. I pray the House not to give the power to whomsoever may be the Home Secretary hereafter to enforce this system without laying down rules that shall limit its application and guard it from the cruelty with which it might be applied through ignorance, through want of information, or through insufficient attendance. If the House resolves to arm the Secretary of State with this power to enforce the separate system of prison discipline throughout the county and borough gaols, the House is bound to enforce on the magistrates the duty of providing an adequate staff of officials, and to make provision for the expenses that may be necessarily incurred by direct and specific enactment. I trust the House will forgive me for having trespassed so long upon its attention. I have watched these experiments now for more than twenty years, and I rejoice to say that experience has mitigated the dangers of the application of the separate system; but if you are about to enforce that system upon unwilling and reluctant authorities, let me pray the House to define what shall be enforced, and to make the justices really responsible. Under this Bill, as it stands, there will be no real, direct, tangible responsibility. The Secretary of State will issue some unknown orders to the magistrates; the magistrates will comply; the ratepayers will complain, something will go wrong. Then the question will arise, "Whose fault is it?" Under such a vague power as is here created, you will have nothing, in fact, but the responsibility of the Secretary of State for the Home Department; and the House knows that so various are the functions of the Secretary of State, that he is practically exempted from that direct responsibility which ought to attach to those who have in their keeping the bodies, the minds, the health, the sanity of the prisoners who are placed under their control. You will have no direct responsibility under this Bill; and it is for that reason, amongst others which I have enumerated, that I venture now to move that the Bill be read a second time on this day three months, not because I do not desire that a Bill for the regulation of our gaols should pass, but because this Bill violates the great principle of local self-government, because it violates the principles of the Constitution as to taxation, and fails in this — that it affords no specific directions, prescribes no adequate limitations, because it provides no adequate security, and entails no adequate responsibility to guard the application of the power it would bring into operation; because, in short, the Bill is too vague to become a safe instrument for securing the advantages, which I am confident it is the desire of the House to confer upon the country.

MR. BARROW said, he rose to second the Amendment. At the same time, he rested his opposition to the Bill on different grounds from those which characterized the arguments of the hon. Member for North Warwickshire. He (Mr. Barrow) objected to the Bill because he was opposed to the principle of centralization of authority in this country. He considered there was already quite enough of departmental despotism. The Bill would place the local authorities, as far as regarded the gaols, in a different position altogether to what they stood in at present. If the visiting justices, for example, made an inadequate provision as regarded the dietary of the gaol, the prisoners would have some chances of obtaining a remedy for their grievances by appealing in counties to the justices. The provisions of the existing Act clearly showed that this remedy was intended to be given them by the Legislature. The right hon. Gentleman, it was true, had proposed to make improvements in the prison rules, but the existing law already authorizes him to do so by enabling him to revise and alter any rules submitted to him by the visiting justices, and the failure to exercise this power hitherto does not furnish a sufficient reason for depriving the visiting justices of all voice in the matter. It was the duty of the Secretary of State, as part of the executive Government, to see that the law was enforced; but the visiting justices also were a material part of the executive Government; and what he desired was that these two authorities should act in harmony with each other. He was most anxious that the discipline of the prisons should be enforced; and it was with regret that he noticed, upon examining the records of the gaols and the blue-books upon the subject, that re-commitments were greatly increasing. He was anxious that punishment should be both deterrent and reformatory, and he was convinced that a certain amount of hard labour was essential, both for the benefit of the prisoner and of society. With respect to the separate system, he wished to say that he was not in favour of extreme separation. In any prisons to be erected it was desirable so to construct them that a prisoner might be sent to his separate cell for the greater part of the day, and then let him have open-air exercise, with hard labour, for two hours. All medical men with whom he had conversed upon the subject declared that the most sanitary employment in a prison was open-air exercise. It tended to keep the prisoner in a better state of health as regarded the body, and put him in a fitter state of mind for receiving instruction and advice. He was anxious that an amount of hard labour more than was ordinarily inflicted in the prisons should be adopted. He entirely objected to those clauses of the Bill which gave despotic power to the Secretary of State, at whose mercy it would place the money of the ratepayers. At present the plans for additional buildings were considered by the local authorities, and submitted to the Secretary of State, who had a veto; but it was not often that any difference arose between the two. In the Bill, however, by a fiction of law (and he hated all fictions of law), a power had been introduced which would enable the Secretary of State to contract in the names of other parties, and make other parties liable to an indefinite extent. He could not imagine that either magistrates, ratepayers, or town councils would be willing to submit to such arbitrary provisions. If there was a difference of opinion between the local authorities and the Government, the question ought at least to be submitted to a judicial decision—as, for instance, that of a Judge of Assize. He was surprised to see that the Inspectors said that an Act of Parliament was necessary to enable any alteration to be made in the size of the cells and for separate confinement. The fact was, that the size of those cells was fixed by the authority of the Secretary of State, who might, if he pleased, alter it to-morrow. He believed that the percentage of improvement as to separate confinement was fully equal to what was stated by the right hon. Baronet the Home Secretary, and he was convinced that it might be still further extended by concert between the local authorities and the Secretary of State, without any such Bill as that before the House.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Newdegate.*)

Question proposed, "That the word 'now' stand part of the Question."

Sir JOHN PAKINGTON said, he was quite unable to support the Amendment which had been moved; and he confessed that the speech of the hon. Gentleman who had just sat down rather impressed upon his mind the idea that he ought to be very desirous for the passing of a Bill of the character of that before them. The speech of the hon. Member for North Warwickshire seemed to him to be founded entirely upon the apprehension which he entertained with regard to the fourth clause, which the right hon. Gentleman the Home Secretary had already intimated his readiness to withdraw. He (Sir John Pakington) confessed that he had never been able to understand the strong objections which had been expressed by some hon. Members to that fourth clause; because, as he read it, it only enabled the Secretary of State to do at any time of the year that which he could now do only at a particular period. At any rate it appeared to him to be a matter not worth half-an-hour's discussion. He must say that he regarded the Bill as a most important one in the interests of this country; and he hoped the House would regard the question as one rather between honest men and rogues than as between Protestants and Roman Catholics. The Prison Ministers Bill appeared to him to have nothing at all to do with the subject before them. The fact was that many serious evils in the gaols had long existed and long been known; and they had been forced into unusual prominence by the very able Report presented by a Committee of the House of Lords upon the state of our prison discipline. A most dangerous and objectionable want of uniformity in the practice in various gaols had been found to exist. In not a few gaols, especially in the smaller towns and boroughs, a degree of laxity and negligence had prevailed which, combined with that want of uniformity, had seriously interfered with and impeded the administration of the criminal law. Under these circumstances, and in presence of that able Report to which he had referred, he thought the right hon. Gentleman (Sir George Grey) would have neglected his duty if he had not, during the Session, introduced a measure with the view of obviating these dangers and difficulties. He must also say, that it was a little hard upon the right hon. Gentleman that when he undertook to deal with the subject he was met with the cry of centralization. Nobody was less disposed than he (Sir John Pakington) to question the general efficiency and discretion with which the duties of the magistracy were exercised, and the advantage which resulted to the country; but it was possible that the magistrates might be intrusted with too extensive powers. Experience had shown that in regard to our gaols there was a greater amount of negligence and laxity of action than was consistent with the interests of the country. Entertaining these opinions, and considering that the question before the House that night was not as to the details of the Bill, but its principle, he could have no hesitation in declaring his intention to vote for the second reading. As regarded the purpose of the discussion that night, it turned upon the third, fourth, and fifth clauses. The right hon. Gentleman (Sir George Grey) had already stated that he was prepared to withdraw the fourth. The third clause was one which he thought in its principle was extremely necessary. He would not pledge himself to all its provisions; but he thought the provisoes introduced at the end went very far to disarm any objections or apprehensions which might be made or entertained. He would suggest that there was something rather inconvenient and unusual in the extraordinary length of the fifth clause, which was the longest he ever remembered to have seen in a Bill. It was indeed a small Bill of itself. From the tone in which the right hon. Gentleman had addressed the House, he was convinced that he would fairly consider any suggestions which might be made, and he took the liberty accordingly of pointing out with what advantage this clause might be divided into two, three, or even more. With regard to the observations of his right hon. Friend (Mr. Adderley), he thought there was a great deal in them that was worthy of the consideration of the House. Regretting as he did that, having regard to the magnitude of the evils which the Bill was designed to correct, it was necessary to give larger powers to the Secretary of State than he had hitherto exercised; at the same time he quite agreed with his right hon. Friend that, so far as it was possible and safe to embody in an Act of Parliament the principle upon which our gaols were to be governed, it was desirable to do so. He confessed his disappointment with the statement of the right hon. Gentleman (Sir George Grey) when he introduced the Bill, that he had not attempted any definition of hard labour, and still more that the right hon. Gentleman after reflection should have told them that evening, that although he had no objection to introduce any satisfactory definition that could be adopted, he believed it to be impossible. Now, he (Sir John Pakington) did not think that it was so impossible to define hard labour as was represented; and certainly the reasons given were not conclusive in favour of the right hon. Gentleman's opinion. It was quite true that it would be more difficult to deal upon this question with the cases of women than of men; but even supposing it were found impossible with regard to women, it by no means followed that they could not define hard labour for men whose sentences were more frequent, and for longer periods. He hoped the right hon. Gentleman, in the interval from the discussion to going into Committee, would take this point into his serious consideration, because it would be much safer to have hard labour defined than to have it in its present condition, the practice in no two cases being alike. In Worcester, what was called "hard labour" consisted in making mats in a comfortable cell. In his opinion that was not hard labour, and words ought to be introduced which would prevent any body of justices from putting such an interpretation on the sentence. The questions of diet and hard labour were very closely connected, and he put it to the right hon. Gentleman whether the passing of the measure would not be facilitated if he were to lay down a maximum and a minimum system of dietary, which might be apportioned to the hard labour. It might also be well if some leading rules for the governance of gaols could be laid down, but on that point he felt graver doubts than upon the others.

MR. WHALLEY said, the right hon. Gentleman who had just sat down, instead of answering the arguments of the Mover and Seconder of the Amendment, had endeavoured to distract the attention of the House from the real point raised by that Amendment. The Bill professed to be founded on the Report emanating from the House of Lords. But what was the fact? Instead of embodying, as that Report recommended, such rules as were thought admissible in the schedule to an Act of Parliament, the right hon. Gentleman sought to obtain from Parliament power to make those rules himself. The Bill was not what it pretended to be, and was, therefore, a surprise upon Parliament. The right hon. Gentleman treated, with great indifference and contempt, what he was pleased to call religious objections, and pledged his personal assurance that there was nothing whatever to justify the apprehensions entertained. The right hon. Gentleman must know that the objections were not religious, but political in their character. These objections were levelled not at the Roman Catholic religion, but at a political organization in this country—an organization not of the laity but of the Roman Catholic priesthood which, in gaols, in workhouses, or in other institutions, and whether in England or in Ireland, was alike fatal to the independence and true interests of the country, and, moreover, opposed to all the warnings of history, and to the plain enactments on our own statute-book. In spite of the personal assurances of the right hon. Gentleman, apprehensions must continue whilst that active political enemy not only existed, but was subsidized in this country to an extent greater than appeared by the Estimates was patronized and petted by the present Government, and in an especial manner by the right hon. Gentleman himself. As had been shown by the hon. Member for North Warwickshire, wherever the Roman Catholic priests went there were to be found the source of all sedition and difficulty. It was quite clear that the 5th clause was objectionable, and that to be properly understood it should be simplified; but as it stood it was perfectly clear that it was the desire of the right hon. Gentleman the Home Secretary to obtain the power of transferring prisoners of the Roman Catholic religion from prisons where the magistrates had refused to provide funds to other prisons where adequate provision had been made for their religious instruction; and no doubt it was intended to have in one or more prisons a regular Roman Catholic church service. He had before the introduction of the Bill come to the conclusion that it would be better to abstain from alluding to these religious questions in that House, and he should be content to abide by what he understood the wisdom of their ancestors had provided against such Acts as those to which the right hon. Gentleman desired to obtain the sanction of Parliament. The Act of 1829 provided that not one single Jesuit should remain in this country unregistered under the penalty of £20 a day, and yet by a Return presented to the House it appeared that there were now fifty-six monasteries and one hundred and thirty convents in this country. In the year 1862 the House, on his Motion, rejected a Bill somewhat similar to that passed last Session. As soon as Parliament was prorogued, however, the Home Secretary issued an order by which he had literally supplied the Roman Catholic priests with keys to the cells of the Roman Catholic prisoners, and had enabled those priests to thrust on them their ministrations; and that was done although the Return clearly showed that not 5 per cent of the prisoners desired the interposition of the priests. By the admirable provision of the hon. Member for North Warwickshire, the opinion of three eminent counsel had been obtained, from which it appeared that the Home Secretary could send priests into the gaols whether required or not. The question was one of surprise and good faith. Why, then, was the clause so carelessly drawn as to admit of the doubt and justify the legal opinion in question? Would the House allow him to call attention to the action of the Home Secretary in the convict prison of Perth? [Sir George Grey: Perth is a Government prison.] A Roman Catholic female prisoner desired to be revisited by a Scripture reader. The priest complained, and the right hon. Gentleman not merely prohibited her from seeing the Scripture reader again, but issued a general order that no Scripture reader should be in future permitted to visit a Roman Catholic prisoner even at his or her own request. The danger as pointed out by the hon. Member for North Warwickshire was, that under the 5th clause of the Bill the right hon. Gentleman could act in pretty much the same manner.

Mr. NEWDEGATE said, the hon. Member had misunderstood him. The questions he had put turned on the effect of the whole Bill, and not on one particular portion of it.

Mr. WHALLEY: One of the questions of the hon. Member was, whether the right hon. Gentleman under the Bill would not be enabled to transfer Roman Catholic prisoners who were denied ministration of the Roman Catholic priests to gaols where the magistrates had no such scruples? Taking the context of the clauses he feared the right hon. Baronet desired to take powers of which he did not now disclose the purport. But he appealed from the Bill to the protection which he had under the Act of Settlement of 1688. He for one rejoiced that the Protestants of this country had a protection under that Act beyond the reach of the Bill, even although it might be passed into a law. They knew that Her Majesty held her position as Sovereign on condition not only of not being a Papist, but of not being reconciled to or recognizing the Pope of Rome. But what had the right hon. Gentleman done by the Bill of last Session, and what was he doing now? Why, he was making the Queen take upon herself through her nominees, the magistrates, to raise taxes from the counties for the payment of these Roman Catholic priests. If that construction were right the objectors to the Bill were not all of them those fanatics or "religious persons" they had been described. The Bill ought to be regarded with circumspection, for although the necessary abatement could be made in the case of statements of Roman Catholics who made the means subservient to the end, it behoved them to be cautious in receiving the statements of the right hon. Gentleman as to the real scope and ultimate object of the measure.

Mr. MAGUIRE said, the question raised by the hon. Member for North Warwickshire was the awful consequences which would result to Roman Catholic prisoners if the priests of their faith should be allowed to see them in prison. Now, he maintained that, as it was a right and proper thing that the Protestant chaplain should visit the Protestant prisoners, though they made no application to have him to see them, so it was equally right that the Catholic priest should see those prisoners who belonged to his communion, even though they might have expressed no wish to that effect. It was a fatal thing both to society and the prisoner himself to turn him out of prison unreformed, and he believed that if the religious influence were not brought to bear on prisoners, whether Protestant or Catholic, there was little chance of their conversion from crime. But was it or was it not a greater violation of the principles of religious liberty to force a Protestant chaplain upon a Protestant prisoner than to force the ministration of a Catholic priest upon a Catholic prisoner? The hon. Member for North Warwickshire had never denounced the former as a violation of such principles. Was not the religious influence exercised by the Catholic priest upon a prisoner the same as that exercised by a Protestant chaplain? [Mr. NEWDEGATE: No!] He had not spoken with reference to doctrinal differences, nor was he going to enter into religious controversy in that House, but none but a fanatic could say that it was not for the benefit of the poor ignorant vicious Catholic prisoner that he should receive the ministrations of his priest. He would ask the right hon. Baronet to answer this question—whether the relaxation of the rule by which the ministration of the Catholic priest was limited to those Catholics who asked for them had not been attended with the best possible consequences? [Mr. WHALLEY: That's a leading question.] From the information which had reached him he asserted that it had. Not very long since, he believed in the Millbank Prison, an unfortunate Irish Catholic prisoner became particularly hardened, and no one could control him. He attacked the governor and warders, and made such a savage onslaught upon one of the latter that he almost tore the warder's thumb off. That furious demon was taken in hand by the Rev. Mr. Oakley, the Catholic priest who was then visiting the prison, and the result was that in a short time he became under his ministration one of the most docile of the prisoners. What danger could attend the visits of the Roman Catholic priest in England more than Ireland? In Ireland, if there were only five Protestants in prison they would have a Protestant chaplain, and Catholics did not object. On the contrary, they said it was quite right and just. But one hon. Gentleman in that House imagined that it was a regular Popish plot, and another that there was a combination of Jesuits and the Lord knows what, if the Catholic priest was allowed to visit, not Protestants or Presbyterians, but those of his own communion. If the Government found that any magistrates were so foolish as not to adopt the very best means of reforming the Roman Catholic prisoners under their jurisdiction, they ought to have the courage to bring in a Bill by which they might themselves have the power in every such case of neglect to appoint a Roman Catholic chaplain; and they ought also to take the sense of the House of Commons on the point.

MR. WALTER said, that it was not his intention to follow the hon. Gentleman who had last spoken into that particular part of the subject, which, in his opinion, had been somewhat needlessly imported into the discussion; but he rose to say a few words in reference to a gaol which had been twice prominently alluded to—he meant the principal gaol in the county which he had the honour to represent. He trusted he might be excused for saying that the case was not so bad as had been represented. The right hon. Member for North Staffordshire (Mr. Adderley), and the hon. Member for South Nottinghamshire (Mr. Barrow), had stated that in Reading Gaol there was no work at all—that the principle of that gaol was that the prisoners should not work. That was not exactly the case. There was a crank there, and within the last twelve months considerable money had been spent in laying in a store of stones for the prisoners to break, though he believed that breaking stones was not called hard labour. Reading Gaol was one of the first model gaols in this country, and was built about twenty years ago, on the separate system. From all that he had seen, he was not disposed to give an unqualified adherence to the working of that system. Not only were the cells separate, but the chapel was so constructed that no prisoner in it could see another, as it was assumed that there would be great danger in prisoners knowing each other in gaol, lest they might meet again in after life. He thought that was rather riding the hobby too hard. Of course he was in favour of separate cells for sleeping and for occupation during the greater part of the day; but when the prisoners were at hard labour he did not see why they should not work in common, as at Portland and other Government prisons. He was, therefore, by no means disposed to recommend the system at Reading in an unqualified manner. He had noticed that the chaplains of that gaol had always urged on the magistrates the expediency of passing long sentences, for the mere purpose of reformation, which he considered unwise and contrary to the principles of criminal justice. The theory which those gentlemen wish to carry out was that of an exclusively reformatory plan. Now, he had very great doubts whether they could carry reformation to any very great extent in gaols, though, of course, they were bound to give the prisoners a chance; but to base the whole system of prison discipline on that theory was, he thought, mischievous, and likely to be unsuccessful. Therefore, he considered that prison discipline should be accompanied with a considerable amount of hard work. He quite agreed with his right hon. Friend the Home Secretary, that it would not be wise to lay down any very strict definition of hard labour. The Select Committee found that it was much more easy to define what hard labour was not than what it was, and, if he recollected aright, they defined what it was not by saying that nothing should be considered as hard labour but what tended to raise the pulse and promote perspiration. He remembered reading of an Italian physician who cured a patient of the gout by setting him to dance on a hot floor, and, perhaps, if a prisoner at the treadmill had to step upon a hot metal plate, such an arrangement might be considered as coming within the definition of hard labour he had just referred to. These were matters, indeed, which ought to be left in the first instance to the magistrates themselves, subject to the control of the Home Secretary. He had not any fear of centralization, for if the Home Secretary abused his powers he would very soon hear of it in that House. That was a great security against abuse. With regard to the treatment of the prisoners, it would not do to deprive the magistrates of all discretion; but if Parliament laid down general rules founded on the experience of men who had studied the subject, then the matter should be left in the hands of the magistrates, subject to those general rules and to the control of the Home Office. He did not see that the Bill did more than that, and he was ready to give his vote in favour of the second reading.

Mr. MITFORD said, he thought that a consolidation of the various statutes relating to prison discipline was desirable, and he hoped that the right hon. Gentleman the Home Secretary would direct his attention to that subject. He admitted that there was a good deal in the argument that the Bill was a step towards centralization, yet when he knew that there were numerous prisons deficient in the means of giving hard labour to prisoners and in carrying out the punishments awarded, he must acknowledge that there was a case for further legislation. It was of the greatest importance, in his mind, to secure a uniformity of punishment, and to prevent two similar sentences from being carried out in two very dissimilar ways. It seemed to him to be quite impossible to frame any Act of Parliament which would meet all difficulties with respect to the details of diet and discipline. Therefore, it was necessary in respect to those matters to leave power in the hands of some authority, and he could not see in what safer hands it could be left than in those of the Home Secretary, having the aid of competent advisers, and subject to the control of that House. He should therefore support the second reading of the Bill.

Mr. HIBBERT said, he did not wish to discuss the Bill from a religious point of view, because he thought the right hon. Gentleman had satisfied the House that he did not intend to give any power under the third clause of the Bill to appoint ministers. He strongly objected to the power which the Secretary of State for the Home Department proposed to take under the Bill of removing prisoners from local gaols, under certain circumstances, and placing them in county gaols. That was a most unusual and unwarrantable power, and quite beyond the necessity of the case, which would have been satisfied by taking a power to refuse expenses in prisons where the separate system was not carried out. He should oppose the clause in Committee. The right hon. Gentleman had said that the petitions against the Bill came only from Protestants, but he (Mr. Hibbert) had that day presented a petition from the visiting justices of Salford, objecting to the power taken by the Home Secretary to direct how punishments should be carried out. Whilst they admitted that there should be a certain definition of hard labour, they held that the powers of the Secretary of State were already sufficient, and that any extension of them would involve an unnecessary and injudicious interference with the duties of the visiting justices. He agreed in the observations of the right hon. Member for South Staffordshire, with one exception. He doubted whether it would be wise to insert the rules for gaols in an Act of Parliament, because that might prevent future amendment in details. The great improvement which had already been effected in county gaols was due not to the Home Secretary, but to the visiting justices throughout the country. It was most desirable that these gentlemen should continue to devote attention to so important a matter, but there was reason to fear that if the rules were laid down positively by an Act of Parliament they would not give the same consideration to the subject, as their suggestions would then be of no avail. He would suggest to the right hon. Gentleman, that instead of defining the rules in a schedule to an Act of Parliament the better plan would be to lay the rules when drawn up on the table of the House, as was done in the case of the Minutes of the Privy Council, that they might be considered before they were carried into operation. He could not adopt the right hon. Member for North Staffordshire's definition of hard labour. Mat-making, cotton-picking, and so on, really constituted hard labour if a prisoner was bound to do a certain amount of such work each day. If the principle of the right hon. Gentleman were established, only a small proportion of the prisoners in Salford Gaol would be regarded as subject to hard labour. In addition to the tread-wheel and cranks, the employment in that establishment included mat-making, weaving, picking oakum, wool, and cotton, smith and carpenters' work, shoemaking, tailoring, &c. During the year ending May 24th the work done by the prisoners yielded a clear profit of £2,245, and that was a relief for which the taxpayers were grateful. Comparing the average net cost of prisoners in different gaols, he found that the highest rate was at Oakham, owing, no doubt, to the small number of inmates. The lowest rate was at Salford, £11 4*s.* 5½*d.* per head. At Stafford the rate was £18 10*s.* 7¾*d.*; at Wakefield, £14 6*s.* 5¼*d.*; and at Manchester, £14 17*s.* 9*d.* The average cost of the inmates of the Government convict prisons was £37 per head per annum; and, comparing that with the other figures, he saw no inducement to extend the authority of the Secretary of State in this direction. As to the separation he hoped the right hon. Gentleman would not press the 5th clause, but would be satisfied with the improvements which were gradually taking place. On the subject of dietary he had received communications from the governors of Lancaster Gaol and Liverpool Borough Gaol approving some of the alterations in the dietary, but pointing out that they would give considerable trouble and require the engagement of additional officers.

MR. SOTHERON ESTCOURT said, he believed that the Bill would be much more acceptable if the apprehension had not been entertained that some of its provisions would have the effect of very much interfering with the liberty of action which had hitherto been allowed to the magistrates. A good deal of disappointment had been occasioned also by the fact, that the Bill did not give full effect to the recommendations generally approved by the Lords' Committee of last year. The three cardinal points were the enforcement of the separate system, hard labour, and uniformity of diet, and in his opinion any amendment of the law relating to the management of the gaols would be inadequate which did not contain provisions on these points. As to the apprehended interference with the magistrates, the Home Secretary had stated that he set no value on Clause 4, as it gave no new power, and that he was prepared to abandon it. After such an announcement, he thought that they need not look at that provision with the apprehension entertained by the hon. Member for North Warwickshire. Indeed there existed no necessity for their entering into a discussion upon the subject. With respect to the great question of the religious teaching of prisoners, and of children in workhouses, he had to observe that he should be ready to discuss it at the proper time and in the proper place, but he did not believe that they had such time or place before them at that moment. The question they had to consider was whether they should not allow the Bill to go into Committee in order that they might be enabled to consider the amendments which the right hon. Baronet himself announced that he was prepared to introduce into its clauses, in accordance with the suggestions which had fallen from both sides of the House. If they were all agreed as to a uniform system of gaol management, there would be no difficulty in embodying the requisite powers in an Act of Parliament. He ventured to ask whether the time had not come when Members ought to lay aside their individual crotchets. He could not say that he had himself disapproved of the separate system when it had first been introduced; and his objections to it, as it was carried out at Pentonville, had not quite disappeared; but it had been adopted in almost all the great gaols thoughout the country, and he believed they might take it for granted that it ought to be generally enforced for the purpose of ensuring uniformity in our system of prison discipline. It had been said that there would be a difficulty in inserting the rules in an Act of Parliament; but in the statute which was the model for legislation on such a matter he found that the rules were inserted. He hoped great alterations would be made in the Bill. He was anxious to obtain a definition of hard labour, and the insertion in the clauses or schedules of a series of rules; but he was quite prepared to support the Motion for the second reading, so that they might be able to consider those details in Committee.

SIR GEORGE GREY, in reply, said, the 4th clause gave no additional powers to the Secretary of State, but he had no objection to withdraw it, though he did not admit there was any foundation for the apprehensions entertained by the hon. Member for North Warwickshire. If he had intended to give the slightest additional power to the Home Secretary with respect to the teaching of religion in prisons, he should have proposed the change in an open way by introducing a clause for the purpose, and he could only regret that he should have been thought capable of acting otherwise. He was also sorry that the hon. Member for North Warwickshire had alluded to a correspondence between the Home Office and the visiting justices of three gaols in Middlesex, because if the hon. Gentleman had waited till the documents were produced he would have seen that the course he had taken was not unworthy the office he had the honour to fill, and that, in fact, the visiting justices of one of the prisons entirely concurred in his opinions. The right hon. Member for Wilts (Mr. S. Estcourt) had expressed his regret that the Bill did not give effect to three of the recommendations of the Lords' Committee—those relating to hard labour, rules, and dietaries. It would be exceedingly difficult, if not impossible, to frame such a definition of hard labour as would be sufficiently comprehensive to include all kinds of labour deserving to be called hard; but he would be ready to accept in Committee any definition likely to answer all the requisite conditions. The leading rules with respect to prisons were laid down in existing Acts of Parliament, but the proposal of the Lords' Committee to embody in a Bill every rule relating to every prison, while it would produce uniformity, would prove in many cases quite impracticable. As for dietaries, the recommendation of the Lords' Committee was, not that there should be any absolute rule laid down in the Bill, but that the subject should be inquired into; and he acted according both to the letter and to the spirit of that recommendation, in appointing a Commission of Inquiry, and afterwards sending to the local authorities in each district the dietary tables suggested by the Commissioners, recommending it to them, but not absolutely enforcing its adoption. On the whole, he believed the principle of the Bill met with the general approval of the House, and he should be ready in Committee to give the best consideration to any suggestion that might be made for the amendment of the clauses.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 116; Noes 49: Majority 67.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Monday* next.

COLLECTION OF TAXES BILL—[BILL 96.]

THIRD READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [13th June], "That the Bill be now read the third time."

Question again proposed.

Debate *resumed*.

SIR JOHN TROLLOPE said, he rose to take objection to this measure on the third reading—a course which he was aware placed him under considerable disadvantage. But he begged to remind the House that no discussion had occurred on the principle of the Bill on the second reading, or, at least, the discussion then was very slight and inadequate to the importance of the measure. He took exception to the measure on three main grounds. First, he thought it very unnecessary to disturb the present relations between the taxpayers and the machinery by which the taxes were collected. Next, if it was at all desirable to alter the system upon which the taxation was collected, he thought it exceedingly undesirable to do so by a permissive Bill. And, thirdly, he regarded all Bills which contained large and sweeping exceptions as very objectionable. Having acted as a Commissioner of Taxes for the last forty years, he was able to speak with considerable confidence on the way in which the operation proceeded. He could speak as to the smoothness of that operation, the little annoyance it caused to the people, the very small amount of loss occasioned to the Exchequer by the mode of payment and collection, and therefore the undesirableness of interference with it. Moreover, he greatly apprehended that if the Bill passed it would be only the prelude of more compulsory measures. If that were so, a very considerable element in the collection of our national taxation would be disturbed. A body of gentlemen throughout the country now gave their time gratuitously to the supervision of that revenue operation—he meant the local Commissioners of Taxes, to the value of whose services the Chancellor of the Exchequer had more than once borne testimony. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] Surely, then, it was no light matter that that right hon. Gentleman should throw discouragement and discredit upon exertions of these gentlemen for the public interest. If the measure was carried to the full extent, he seriously feared that the local Commissioners of Taxes would in a great degree cease to discharge those duties. They would find those duties very irksome to them when they had to be performed as if under compulsion and in co-operation with officers not of their appointment, but strangers brought to the locality and shifted about from time to time, and altogether very different from the men with whom they had hitherto acted. Although, no doubt, assessors and collectors of taxes were in theory or in law changeable from year to year, yet in practice the same men, the men most intelligent and best educated in their respective parishes, were chosen by their fellow parishioners as collectors and assessors of taxes, and in the rural districts the collector and the assessor was generally one and the same person. They executed their functions with perfect integrity, and he did not see why a great slur should be cast upon them simply because the Chancellor of the Exchequer, or rather the Commissioners of Inland Revenue, might have on their hands a number of supernumerary officers for whom they desired to find situations. He found by the third clause that a species of election was given, and the districts were to be invited to decide whether they would put the Bill in force. Most country places would refuse; some of the large towns, such as London, Liverpool, and Birmingham, might be disposed to consent to it. What was good for London, he should have thought would be good for all the large towns, but it appeared London was to be excepted. He had not heard any adequate reason assigned; but there might have been some pressure put on the right hon. Gentleman. Perhaps the sixteen Members representing the metropolis had an interview, or had expressed their opinion in a sufficiently emphatic manner; but though the metropolis was excepted now, do not let those Members flatter themselves that it would long remain so. Once let the Bill become law, and it would soon be made compulsory throughout the length and breadth of the land. He confessed that if there was to be a change, he would rather it were made compulsory at once. They would then know what they had to grapple with. Some discharged exciseman or officer, formerly employed in collecting the paper duty, was to be sent down by the Inland Revenue to collect the taxes; the country would be formed into little arrondissements as the Commissioners might think fit, and sous-préfets were to be appointed for the collection of taxes, whose office would become a focus of espionage. The clerks of the Commissioners, he found, were to be paid one penny for each notice sent out, which would not remunerate them for their trouble. At present notices were distributed by the local collectors, who went from house to house and collected the taxes, which he believed were cheerfully paid; but under the new system persons were to go to the market town to pay their taxes: if the amount was small it might be paid in postage stamps, but defaulters would be returned to the Exchequer, and costs incurred, probably twenty times the original sum. He could not see how that could be called an economical measure. When the question was first agitated it was referred to the local Commissioners of Taxes, whose opinion, it was understood, was very generally against it. [The CHANCELLOR of the EXCHEQUER: The majority affirmed it.] Then, why was this Bill not brought forward four years ago? It was said that £50,000 would be saved by this Bill, but the omission of the metropolis would very much reduce that amount; and when they came to consider the allowance made to the assessors and collectors, it was difficult to see any economy in the measure. The Bill would be injurious to the country; it would be ill-received by gentlemen whose services had been valuable to the State, and they were to be treated with contumely and placed in a position that made their duty irksome to them. He should, therefore, take the sense of the House, and move that the Bill be read a third time that day three months.

Mr. PACKE said, he rose to second the Amendment. He should like to know some good reason for the proposed change in the system of collecting the taxes. The right hon. Gentleman had happily for himself found the means to muzzle the sixteen Members for the metropolis. ["No, no!"] If that was not so he had no doubt their votes would be given against the Bill. Strong petitions had been presented against the Bill from the Tower Hamlets, from Marylebone, and St. Martin's, Westminster. In addition, petitions had come from all parts of the country, for there never was a more unpopular Bill. There were very strong petitions from Birmingham, Newcastle-on-Tyne, Bath, Stockport, West Bromwich, and other influential towns, against the Bill. People generally were not very fond of paying taxes, but if they must pay them they did not like to have the unnecessary trouble and inconvenience put upon them which the Bill proposed. There were many small sums which the poorer classes had to pay for taxes, and they would not like to have to walk several miles to the market town to pay them. There ought to be very strong reasons to justify them in passing a Bill to inflict the burden on the poorer classes, and he had heard none at present. Another objectionable feature of the Bill was, that persons living in the country would have to pay their taxes to the exciseman—never a very popular officer—instead of to the village collector, as heretofore. He, therefore, very cordially seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir John Trollope.*)

Mr. COX said, he rose at the same time as the hon. Member for Leicestershire (Mr. Packe) and for the same purpose, to second the Amendment. Although he sat there as one of the sixteen representatives of the metropolis, if a Bill which applied to the country generally, excepting the metropolis, was in his opinion a bad Bill, he held himself free to vote against it. He had gone into the lobby against the second reading because he believed the Bill to be a bad Bill, and one which showed the tendency of the present Government to introduce a complete system of centralization. Thinking that such a measure ought not to apply to the metropolis, he also thought that it ought not to be inflicted upon any other part of the country. He would like to hear the opinion of the representatives of large constituencies, such as Liverpool and Birmingham, upon the question why their constituents should be brought under the operation of the Bill if the metropolis was exempted? He could assure the House he knew of no compact between the metropolitan Members and the Government in relation to this Bill. He had heard that one of the Members for Middlesex did communicate with the Chancellor of the Exchequer, who declined to receive the deputation, and referred them to the Chief Commissioner of Inland Revenue. What further took place he could not say. However, as he had voted against the second reading of the Bill, so he should vote against the third reading, believing that it would do much harm and could do no good.

Mr. SCLATER-BOOTH said, he must admit that there were parts of the Bill which deserved approval, such as allowing payments of taxes to be made by Post Office orders, and by stamps, and also the removal of the liability to pay taxes twice over, owing to defalcations on the part of the collectors. Still he had been disagreeably impressed by the exemption granted to the metropolis. The result would be that if passed the measure would really only operate in the country districts, an exceptional mode of legislation which was very objectionable. Again, the Bill proposed a complete change in the mode of payment of the assessors. Under the old law the collectors were paid by a poundage; but under the proposed measure they were to be paid at the rate of three half-pence a line on the certificate of assessment. He wished to ask for an explanation of that mode of payment. It would be extremely difficult, he believed, to carry the measure into operation in large towns; but it was in the country districts that it was proposed to work the Bill, and so far as he was informed, the assessors in those districts would receive no remuneration at all. In his part of the country there were some places where only two or three persons were assessed, and the consequence would be that the remuneration to the assessors would be so trifling that he could not suppose the local Commissioners would be content to permit the introduction of the Government Bill. He should, therefore, vote against the third reading of the Bill, unless he received a satisfactory explanation. The separation of the collection from the assessment he did not complain of, but he thought the Government should take care that the remuneration should be proportionate to the duties to be performed.

MR. AYRTON said, he had heard with surprise the objections of the hon. Baronet (Sir John Trollope), that the character of the Bill as a permissive Bill was something quite new. The fact was that all legislation in respect of local self-government during the last twenty years, had been of a permissive character. Then as to the exemption of the metropolis from the Bill, he would remind the House that when the Municipal Reform Act was passed the metropolis was exempted, and when it became necessary to deal with the local management of the metropolis a special Act was passed. There was nothing, therefore, extraordinary in the principle of the Bill of exempting the metropolis from its provisions. It had been said that the exemption was the result of a compromise between the metropolitan Members and the right hon. Gentleman the Chancellor of the Exchequer; but he certainly was not aware of any such compromise. If the Bill were extended to the metropolis it would be necessary to introduce some special provisions, in order to place it on the same footing as the rest of the country. If the Bill were not found suitable, and if it were rejected throughout the country, there could not possibly be any danger to the metropolis; but if, on the other hand, its working were found to be beneficial, there was no reason why its advantages could not be extended to the metropolis at a future time. As the Bill at present stood, however, he believed it would be very injurious to the metropolis.

MR. HORSFALL said, that he had supported the Bill on its second reading because he concurred in the principle, and he was still of opinion that if it was carried out in a proper manner it would confer a boon upon the ratepayers by effecting a considerable saving. He had, however, a strong feeling against the metropolis being exempted from its provisions, and he therefore thought it his duty to oppose the third reading of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he could not imagine how the test of value of the Bill could be found in the exemption of the metropolis from its operation. If the Bill were a good one for the ratepayers generally, the exclusion of the metropolis could only be so far disadvantageous to the metropolis itself. If, on the other hand, the Bill called upon the ratepayers to make needless sacrifices, and placed them under new disabilities, it should be rejected altogether. The question of the exclusion of the metropolis was fully debated in Committee, and he could say that all the knowledge he had of the support of, or opposition to the Bill by the metropolitan Members, was that the hon. Member for Finsbury opposed it, and the hon. Members for Lambeth and the Tower Hamlets supported it. How, therefore, it was possible that the exclusion of the metropolis was to determine the question, whether the Bill was a good or a bad Bill, he could not comprehend. That the exclusion or inclusion of the metropolis might be a mistake was another question, but he could not understand how that could form the turning point of the rejection or acceptance of the Bill. The exclusion of the metropolis was, however, to be taken in connection with another feature of the measure. The Bill was a permissive Bill. The right hon. Gentleman who had moved the rejection of the Bill had founded his opposition to the measure in a great degree upon the fact, that it was a permissive Bill; but he must remind the House that no measure of the kind could be passed unless it were a permissive Bill, so that the choice lay between a permissive Bill or no Bill at all. The idea of passing a compulsory measure to wrest from the hands of the local Commissioners the valuable patronage they at present enjoyed was, he believed, a perfectly visionary project. Every one must acknowledge that the services rendered by the Commissioners were not only valuable but essential to the working of the direct taxation of this country, and nothing that he had ever said in that House had had the slightest tendency to weaken the system or undermine the authority of the Commissioners. He had at all times endeavoured to magnify the obligations which were due to the Commissioners, and in every way to sustain their authority, and he had not in any degree departed from that principle in the present Bill. The Commissioners themselves excluded the metropolis. They knew perfectly well from the communications that they had received, that the majority of the Boards were in favour of such a measure as the one before the House. He had stated previously that there were reasons in favour of the exclusion of the metropolis—reasons which did not extend to other places. It was not, like most towns in the country, a centre for the payment of the country district around. In London there were no officers who were capable of performing the duties which would be intrusted to them under the provisions of the Bill, and a new set would consequently have to be appointed. It might, therefore, have been said that their object in including the metropolis was to obtain the appointment of so many new officers. One objection to the present system was the extreme uncertainty and slowness of the collection of the revenue. They had but little command over the officers, and the money even after its collection found its way to the Exchequer but slowly. In London this did not apply. There the payments were made by the collectors immediately to Somerset House. The case of the metropolis and of the large towns was entirely distinct, because in most of the large towns there would not be a power of separate action which would enable them to exempt themselves from the provisions of the Bill, whereas in London there was such a power, and it was morally certain that the power would be exercised. To hon. Gentlemen, therefore, who did not object to the principle of the Bill, he must point out that the exclusion of the metropolis was much more nominal than real, and could not determine the question whether the Bill was a good or a bad one. It was said that the Bill was most unpopular in the country. Now, if he had evidence of that unpopularity he should be surprised indeed, the object of the Bill being merely to insure certainty, regularity, and responsibility, and to relieve the taxpayers from inconvenience. The desire of the Government was not to obtain advantages for the State as against the taxpayer, but to substitute a good system for a very defective one, as far as the collection of taxes was concerned. As to the alleged unpopularity of the Bill, he did not see how that could be when it had been for four months before the country, and the number of petitioners against it was only between 3,000 and 4,000. That was a pretty good answer to the statement as to unpopularity, when it was remembered that the Bill could not be expected to be acceptable to a certain class of paid officers—the collectors and assessors of taxes throughout the country. With regard to the assessors, the present law recognized no payment to the assessor except in case of the income tax, as to which the payment was left in the Bill precisely as it stood at present. In the case of the assessed taxes, the assessor received no payment whatever. But, then, it was said that the assessorship was united with the collectorship. The intention of the law, however, was that the assessor and the collector should be totally different persons, and should, in fact, act as a check upon each other. The law was now evaded by placing the two offices in the same hands; but it was proposed to separate the two offices, and so to act really up to what was now the theory of the law. Practically, no doubt, the assessor had been a paid officer, and the Government, taking the matter into consideration, had provided a mode of remuneration for him. Then it was said that a permissive Bill ought only to be adopted where the circumstances of the country were different. Well, that was exactly the fact, the circumstances of the country were different. Then, as to the payment of the assessors, in populous places the business of assessing and collecting taxes was very valuable; in thinly populated places it was a great burden. The Bill had been made permissive so as to respect the discretion of the Commissioners; but that was no reason why the Government should not consider the case of those assessors and collectors —and they were very numerous—whose duties were rather a burden than a privilege. So unremunerative was the business of collection, though often joined with assessment, that in some places the inhabitants raised a salary for the collector In rural districts the office was accepted with great reluctance, and was often imposed in defiance of the strongest remonstrances. He frequently had letters from persons complaining that they had been required by the Commissioners to act as collectors, and it was said that in some instances the office was conferred on persons from pique and spleen. One of the principal objects of the Bill was the giving of relief in cases where the office was felt to be burdensome. Saving was not the only consideration; and this saving must be materially diminished by the compensation which must be paid to the collectors; but he freely admitted that no saving to be effected would justify the passing of a burdensome Bill affecting the collection of taxes. There were other reasons why the Bill should pass; and among these were the present liability of parishes to re-assessment, through the neglect of the Commissioners or through default. He supposed there was not a week that he was not obliged to answer some person or another who complained of a collector, and he could not interfere, because the collectors were not Government officers; but this Bill would enable towns to relieve themselves of that state of things. As to the objection that the metropolis was exempted, he would remind the House that the exemption was the act of the Committee. If the Committee had determined to include the metropolis, the Government would have endeavoured to introduce provisions for carrying out that object; but, on the other hand, if the Bill was desired by the people of Liverpool, Birmingham, and other large towns, the exemption of the metropolis afforded no reason why they should not have it. Whenever the Commissioners liked to exempt themselves they could do so; but a majority of the Commissioners had expressed themselves to be favourable to the Bill, so that he thought the right hon. Baronet must not have attended to that point. A large number of the Commissioners had not replied at all to the application made to them on the subject, and therefore he thought that they might be considered favourable to the measure. He thought it would be found that the remuneration which might be allowed under the Bill would be sufficient, for when it was said that the clerks would have to pay a penny for the postage-stamp on the notice, for which they were to be allowed only a penny, he would observe, in reply, that a clerk would have his percentage besides, and that where he had to send out notices to 100 persons in the same street, it was not likely he would put stamps on the notices when he could have them delivered by a messenger for, perhaps, about a shilling. It was, however, in the hands of the House to do what it pleased with the Bill, but he would remind hon. Members that the people of Ireland and Scotland were contented with a system similar to the one now proposed, but inferior to it, inasmuch as in Ireland and Scotland the people could not pay their taxes in stamps or by money orders. He hoped, however, that they would be able to extend the latter advantage to the sister kingdoms.

Sir STAFFORD NORTHCOTE said, that before the House went to a division there was one point on which it ought to be well informed. His right hon. Friend (Sir John Trollope) had referred to the communications which had been made to the various Commissioners of the land tax in different parts of the country in the year 1860, and the Chancellor of the Exchequer had said that on the whole the majority of those who had answered the questions put to them were favourable to this measure, or to a measure more extensive, and he had rather twitted his right hon. Friend for not having paid sufficient attention to the circumstance. Now it was impossible for any private information to compete with that possessed by the Chancellor of the Exchequer, but the right hon. Baronet had good authority for the statement he had made. In the Committee which sat two years ago, over which the hon. Member for Liverpool presided, the question of the collection of taxes by Government officers was raised, and Mr. Pressly, the chairman of the Board of Inland Revenue, in reply to a question put to him with regard to the propriety of some such alteration as that now proposed, said—

"It would be very desirable that the Government should appoint their own assessors and collectors; at the same time we thought it necessary, some three or four years ago, to address letters to all the Boards of Commissioners in the country, and after reading the answers of the clerks we found it impossible to carry it out."

The principal Secretary to the Board of Inland Revenue, Mr. Dobson, was also examined by the same Committee as to the circular, and he stated—

"The replies received were in opposition to our views; there were some consenting parties, but generally speaking they were in opposition to our views."

When asked—

"Can you state generally the nature of the arguments against the proposed change?"

the reply was—

"No; but as far as my recollection serves they would not condescend to argue the point at all."

That was the sort of evidence given before the Committee two years ago, and if it showed that the measure was unpopular, it was hardly fair to twit his right hon. Friend with not having attended to the subject. There was one point on which hon. Members ought to make up their minds, and that was the cardinal point—the permissive character of the Bill. He must say for himself that he approved of the main object of the Bill, and he should be glad if they could arrive at a system by which the collection of the revenue might be placed in the hands of collectors appointed by the Government; but it was a very delicate question, and one which came home to every taxpayer in the kingdom. Now, what was the House called upon to do? It was asked to give a permissive power to Boards in different parts of the country to impose upon the taxpayers a system which we did not venture to impose on them ourselves by direct legislation. That was a principle against which he decidedly protested. It had been said by the hon. Member for the Tower Hamlets, that permissive legislation had formed the basis of all local legislation for the last twenty years, and the Local Management Act had been instanced; but there was all the difference in the world between permissive legislation which placed the choice in the hands of the taxpayers, and that where the permission was given to a body of men who were neither taxpayers nor elected by taxpayers. As a magistrate he had himself experienced great difficulty in dealing with cases of permissive legislation like the Highways and Police Acts. The magistrates were appointed by the Crown, not by the ratepayers, and it was not pleasant for them to have to impose taxation. That House, which was elected by the taxpayers of the country, shrank from imposing burdens on those whom they really represented, and transferred the responsibility to the nominees of the Crown. Nothing could be more odious than the manner in which the Chancellor of the Exchequer put the question. He asked the House to give these local authorities power to refuse this legislation, which he believed to be desirable, because he thought they ought to be tender in the matter of patronage. Anything more odious than that mode of stating the case he could not conceive. In what position would the Commissioners stand towards the taxpayers of the country? They were asked to say whether certain measures should be enforced which that House was afraid to enforce, because they would be unpopular, and the Commissioners were told that they had that permission, because they had a great deal of valuable patronage in their hands. That was placing those gentlemen in a position of great difficulty. The truth was they ought to deal with the matter as one of principle. If the House thought it right for the interests of the country that the collection of these taxes should be placed in the hands of Government officials, they ought to come boldly forward and take the responsibility on themselves. Then they would find out what was the real opinion of their constituents, for it was hardly to be expected that many petitions would come in against the Bill so long as people thought that their local Commissioners would stand between them and its adoption. No doubt there might be strong grounds for saying that it was desirable that collectors should be appointed by the Government. There had, it was quite true, been large defalcations, and the taxpayers had suffered in consequence. The right hon. Gentleman, however, had altogether omitted to mention that the largest defalcations had happened in the metropolis, which was excluded from the Bill. In one ward there had been a defalcation of £1,700 or £1,800, and in another of £6,000. He could not understand why the metropolis was excluded. If there was any truth in the impression that the metropolis was omitted because the opposition of the metropolis was found so formidable, then that ought to make the House pause before passing the Bill. If, on the other hand, it was known beforehand that the London Commissioners would reject the Bill, what need for leaving them out? He did not exactly understand what was to be the machinery of the Bill. How were they going to deal with the stamp distributors? Already they had to give large security, and if additional security was to be demanded from them, it would be necessary to make some provision for additional compensation. The case was full of difficulties, and he believed it would be most unwise to pass the Bill in such a form.

THE CHANCELLOR OF THE EXCHEQUER explained that with regard to Mr. Pressly he believed that gentleman's opinion was that a compulsory measure would be most economical, but that no such Bill would be likely to pass. As to Mr. Dobson, he still believed, speaking from memory, that the right hon. Gentleman opposite had not accurately stated his opinion.

Sir JOHN TROLLOPE: The blue-book shows that the right hon. Gentleman is inaccurate.

The CHANCELLOR of the EXCHEQUER: I adhere to my statement.

Mr. LOCKE said, he could explain why the metropolis had been excluded. The Bill was a permissive Bill, and the position of the metropolis was different to that of Liverpool or any other large town. In Liverpool all the inhabitants would have an opportunity of saying whether they would adopt the Bill or not. But Southwark, for instance, consisted of large parishes, such as Bermondsey, and those parishes would not have had an opportunity of considering whether they would adopt the Bill or not, because they were connected with the Commissioners throughout the whole county. Those Commissioners would be in favour of adopting the Bill, and so the large parishes of Southwark would be swamped.

Mr. HARVEY LEWIS said, the Amendment of which he had given notice was not intended to exclude the rural districts at all. There were two classes of tax collectors—those who received large amounts and, therefore, large remuneration, and those who received small amounts and whose remuneration was in proportion, and it was to those two classes that his Amendment applied. He was bound, of course, to look to the interests of his own constituents, and the inhabitants of the metropolis had in large numbers petitioned against the Bill. The Amendment of which he had given notice would not only have referred to the metropolis, but also to other large towns; but when he found that the Members for some of those large towns, the hon. Member for Liverpool for instance, were not against the Bill, he felt bound to give up his Amendment.

Mr. NEWDEGATE said, he wished, in justice to the hon. Member (Mr. Harvey Lewis), to make one observation. On a former occasion he (Mr. Newdegate) had stated that the withdrawal of the hon. Member's Amendment was so sudden that the large towns had been taken by surprise; but the hon. Member had since written to him and conclusively shown that a circular was issued which gave the large towns due notice of the intention to withdraw the Amendment. The Chancellor of the Exchequer had justified the Bill before the House by saying that in many of the rural districts the collectorates were so poor that the Commissioners sought by the Bill to remedy this evil—under which the collectors would be appointed by the Inland Revenue Office. But why were the rural collectorates so poor? Because no measure had been introduced to consolidate these collectorates; for by giving to one collector several parishes instead of one, the whole difficulty upon which the Bill was founded would be removed. The Inland Revenue Office had long aimed at appropriating to itself these appointments. The Inland Revenue officers thought that they were in danger of want of employment; he had heard upon good authority that it was to their influence that no measure for consolidating collectorates in the country had been brought in, thus removing the admitted difficulty to remedy which the Bill had been introduced. It was perfectly well understood why Middlesex objected to being included in the Bill; and the reason was this, that in several parishes in that county the operation proposed by this Bill had been tested, and the effect was found to be, that where previously the expense of the collection of taxes was about £200, when the collection was made by the Revenue officers the expense amounted to more than £1,000. The Bill was another development of the principle of centralization, an attempt to deprive local bodies of their patronage and functions. It was perfectly plain that if this Bill were to pass the next appointment which would be grasped at by the Inland Revenue Board was that of assessors; and he did not know how the country would be satisfied when it was found that the metropolis would be excluded from such centralized interference, whilst the private affairs of every firm in the provincial towns and rural districts would be subject to the inspection of Government officers.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 128; Noes 132: Majority 4.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Third Reading *put off* for three months.

RAILWAY TRAVELLING (IRELAND) BILL

[BILL 137.] SECOND READING.

Order for Second Reading read.

Sir COLMAN O'LOGHLEN said, he rose to move the second reading of the Bill. It had two objects, the first and principal was to secure to the travelling public the right, at least, to one train upon Sunday, and next, to procure for third-class passengers certain privileges to which they were entitled. As the latter object was of minor importance, and one that could be better discussed in Committee, he would not enter upon it in that stage of the measure. But to carry out his main object he proposed that every railway company in Ireland should be compelled to run at least one train each way on Sunday. In consequence of the great monopoly granted to railway companies, Parliament from the earliest times had interfered for the regulation of traffic, the Act of 1844, which might be called the Magna Charta of railway passengers, providing that, among other things, a train should run each way daily at a certain rate, and that similar fares should obtain upon Sundays, if trains run upon those days, which was a matter left optional with the companies. The practice of running trains upon Sundays was almost universal in Ireland as well as in England, but in November last the Limerick and Waterford Railway, whose district contained 600,000 inhabitants, suddenly discontinued its previous custom of running Sunday trains, and thereby imprisoned all the people in that part of the country, from Saturday night to Monday morning. Remonstrances had been addressed to the directors, and the corporation of Limerick, a city with 45,000 inhabitants, accustomed to pleasure trips to Castleconnell and elsewhere, memorialized the board, and all to no purpose. It was stated that the effect of his Bill would be to compel the railway *employés* to work on Sundays. There was, of course, some truth in that; but he only asked for the minimum of work from them—namely, one train per day. Then came the question, whether a Legislature ought to interfere and compel railway directors to run a train on Sundays. He should not propose such a measure for Scotland; but there was no such strict observance of the Sunday in England or Ireland. There was nothing in the objection that the Bill would vary the conditions on which the companies had received the sanction of Parliament, for Parliament had frequently legislated in disregard of that objection.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. BLAKE, in moving the rejection of the Bill, regretted he could not do so in as eloquent terms as the hon. and learned Baronet who had proposed it, but he would imitate him in one important respect by trespassing very briefly on the time of the House, as it was then past midnight. He objected to the measure on three grounds — first, it imposed obligations on existing companies which they neither undertook nor contemplated when they constructed their lines; next, it gave very arbitrary powers to Government which might be exercised to the serious detriment of companies; and, lastly, if the contemplated powers were imposed, great injustice and loss would be inflicted on the shareholders. The hon. Baronet had very candidly stated that it was in order to compel the lines in the counties of Limerick and Clare to run on Sundays that he had introduced the Bill, and he would at once take issue with him on those lines, and expected, without carrying his illustration further, to prove that it would be most unjust of the House to pass the Bill. The Waterford and Limerick was 77 miles long, Limerick and Ennis 25 do., Limerick and Foynes 26 do., Limerick and Castleconnell 13 do. The first of these lines was paying a dividend of little more than 1 per cent to the shareholders, and the other three nothing, and some of them, he believed, hardly met their expenses. They had tried the experiment of running on Sunday with ruinous loss, sometimes with four passengers, and occasionally with only one. To save the shareholders from further injury, the directors had very wisely ceased the Sunday traffic, but on one of the lines it was resumed lately for the summer months. Surely it was not fair to expect, when the law under which the shareholders invested their money enabled them to protect themselves, by not running on a day that left the greatest loss, it would be most unfair now to force them to do so. He spoke feelingly on the subject, having been a shareholder in one of them, and having some indirect interest in another. Allusion had been made to the lines being in the hands of opulent individuals, and it was advanced as a reason for compelling them to have a Sunday traffic, a very insufficient reason he submitted; but he thought it was very lucky for the constituents of the promoters of the Bill, that the lines were in the hands of men of spirit and capital, or they might share the fate of the Bagnalstown and Wexford line, which did not run either on week days or Sundays. He would leave it to Members more pious than he unfortunately was to press the Sabbatarian view of the question; but this he would say, that it was most creditable to the chairman and directors of the company that, amongst other reasons for not running on Sundays, was the desire to allow their 800 officials to attend properly to their religious duties and spend a quiet day with their families, and not the least amongst the hardships the Bill would impose was compelling these poor men to be on duty for the doubtful convenience of a few persons who could travel probably quite as well on week days. The professed object of the hon. Baronet was to give facilities for 600,000 people to travel, who, singularly enough, had not sent in even one petition to support him in his efforts for them, and it would be still more extraordinary if they now took to travelling on so large a scale on Sundays, when previously their custom on that day left a heavy loss. But let his hon. Friend take care that his efforts, if successful, would not place them in a worse position, as the directors, if compelled to run on Sundays, would probably have to take off some of the week day trains. As several hon. Friends had promised to speak in support of his Motion, he would not trespass more than by entreating the House, as an act of justice and mercy to those on whose behalf he spoke, not to pass a measure so unprecedented, and calculated to inflict such hardship, and begged to move that it be read a second time on that day three months.

LORD NAAS said, that railway companies had obtained their Acts under certain restrictions imposed on them in Select Committee, and it would be most unfair by a public general Bill to impose new conditions on these undertakings. Some of these small Irish railways had been for some time worked at a considerable loss, and it would be an ill-advised proceeding on the part of the Legislature to make that loss greater than it otherwise would be by passing the Bill. It was true that a population of 600,000 might be deprived of the means of travelling on Sunday, but probably not one in 100,000 wished to travel on that day. He, therefore, begged to second the Amendment, and he hoped that the House would pause before embarking in legislation of this kind.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Blake.*)

Question proposed, "That the word 'now' stand part of the Question."

MAJOR GAVIN said, that 50,000 of his constituents were calling out for the opportunity of travelling on Sundays. No one regretted more than himself that the shareholders in these lines were not making money, but they had driven the public cars and all other conveyances off the road, and, therefore, the population must all become pedestrians unless the trains ran between the termini. He was once brought within twenty miles of his house on Sunday, and he could not get home for dinner; and he knew of a case in which a doctor could not be had from Dublin to a person who was dangerously ill for want of such railway accommodation as this Bill sought to provide. He hoped, therefore, the House would consider the interests of the majority, and support the Motion for the second reading.

MR. O'REILLY said, he should support the Bill. Great inconvenience was felt in the north as well as the south of Ireland from the want of Sunday trains. He knew places in which railway communication was suspended for thirty-six hours.

THE CHANCELLOR OF THE EXCHEQUER said, the precedent of the Act of 1844 would not go to sustain the proposal before the House, for that Act referred only to railways which should be incorporated either in that year or subsequently.

MR. HASSARD contended that the reason why there were not Sunday trains was because they would not be supported. There were three Sunday trains during the summer season between Limerick and Castleconnell because they paid. And so where the traffic was remunerative trains would be run. He thought, moreover, that if the House legislated at all it should do so with respect to the whole of the kingdom.

MR. LEFROY said, he never heard so important a proposition supported on such poor grounds. Notwithstanding the number of persons said to be shut out from travelling for want of railway accommodation, it was quite evident that they were not able to support Sunday trains. The hon. and learned Gentleman (Sir Colman O'Loghlen) should ask the House not only to run trains, but to give money to enable the companies to do so. It would be unfair to oblige 800 railway servants to give their services on the Sunday on account of the small number of persons who would require to travel on that day. The latter part of the Bill which would place the poor on a level with the first-class psssengers was fair, but he was decidedly opposed to the first part.

Sir ROBERT PEEL said, he hoped, after the expression of opinion which they had heard, the hon. and learned Gentleman would not press the Bill. He thought the arguments of the noble Lord (Lord Naas) conclusive against the Bill. With regard to the poor gentleman who was suffering, and was unable to obtain medical advice, the question really was whether he was not better without it. They had this saying in the North when a man died, "Did he die by the doctor, or did he come by his death fairly?"

Sir PATRICK O'BRIEN trusted that the hon. Baronet the Member for Clare would not take the advice to postpone this Bill.

Mr. WHITESIDE said, that the Bill was opposed to the uniform legislation which had taken place on railways. He should vote against the Bill on the ground that they ought not to legislate for one corner of the empire on a different principle from that which they legislated for other parts.

Question put.

The House *divided* :—Ayes 21 ; Noes 40 : Majority 19.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

NAVAL AND VICTUALLING STORES BILL—[BILL 151]—(*Lords.*)

SECOND READING.

Order for Second Reading read.

Moved, "That the Bill be now read a second time."

Mr. AYRTON said, that as the Bill now stood many persons who held Government stores, which they acquired honestly, might be subject to punishment.

Lord CLARENCE PAGET said, he thought that there would be no such likelihood ; but still he should be happy to adopt any Amendment if it should be found necessary.

Motion *agreed to.*

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SHERIFFS SUBSTITUTE (SCOTLAND) SALARIES.

Resolution *reported.*

"That the Lords Commissioners of the Treasury be authorized to increase the Salaries of certain Sheriffs Substitute in Scotland."

Resolution *agreed to.*

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House adjourned at a quarter before Two o'clock.

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

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(*Mr. Hankey, Sir Francis Goldsmid, Mr. G. Shaw Lefevre*)
c. Ordered*; read 1° *May* 31 [Bill 128]

Charity Commissioners
Amendment on Comm. of Supply *June* 16, To leave out from "That," and add "a Select Committee be appointed to inquire into the construction, the expense, and the working of the Board of Charity Commissioners" *Mr. Ferrand*, 1841
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(*The Earl of Shaftesbury*)
l. Presented and read 1ª* *May* 10 (No. 76)
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Considered in Committee *June* 3, 1123
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New Clause (*Earl Grey*); after Debate, withdrawn
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c. Read 1° * *June* 13 [Bill 148]
Read 2° * *June* 17

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After long Debate, Motion withdrawn
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Chincha Islands—Seizure of the
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Church Building and New Parishes Acts Amendment Bill
(*Mr. Attorney General, Sir George Grey*)
c. Order for Second Reading read *June* 9, 1509
Motion, "That the said Order be discharged" (*Mr. Attorney General*)
After long Debate, Question put, and agreed to
Order for Second Reading discharged
Bill withdrawn *June* 9 [Bill 61]

Church of England Estates Bill
(*Mr. Henry Seymour, Mr. Alderman Copeland, Mr. Locke King, Mr. Henry Fenwick*)
c. Ordered*; read 1° *May* 30 [Bill 127]

Church Services (Apocrypha) Bill [H.L.]
(*Viscount Gage*)
l. Presented *; read 1ª *June* 10 (No. 125)
Moved, That the Bill be now read 2ª *June* 17, 1930
Amendt. to leave out "now" and insert "this day six months" (*Archbishop of Canterbury*)
After Debate, Amendt. and Original Motion withdrawn
Order for Second Reading discharged

CHURCHILL, Lord A. S., *Woodstock*
Ashantee War, Res. 1984

City Traffic Regulations
Question, Mr. Doulton; Answer, Sir George Grey *June* 16, 1836

Civil Bill Courts (Ireland) Bill (No. 67)
[Original title, *County Courts (Ireland) Bill*]
l. Read 1ª* (*The Lord Chancellor*) *May* 6

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CLAY, Mr. J., *Kingston-on-Hull*
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(*The Lord Chancellor*)
l. Presented*; read 1ª *June* 10 (No. 126)

CLIFFORD, Mr. C. C., *Isle of Wight*
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COBDEN, Mr. R., *Rochdale*
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COCHRANE, Mr. A. D. BAILLIE, *Honiton*
Ashantee War, Res. 1980
China—Affairs of, Res. 933, 952
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COLEBROOKE, Sir T. E., *Lanarkshire*
Valuation of Lands, &c. (Scotland) Act Amendment, 2R. 1431
Writs Registration (Scotland), 2R. 1500

Collection of Taxes Bill
(*Mr. Chancellor of the Exchequer, Mr. Peel*)
c. Re-comm. * and Report *May* 9 [Bill 57, 96]
Order for Committee (on *re-comm.*) read
Motion, "That Mr. Speaker do now leave the Chair" *June* 9, 1463
Amendt. To leave out from "That" and add "it is not expedient that the Land Tax, Assessed Taxes, and the Income Tax should be collected by the officers of the Indian Revenue" (*Sir Henry Willoughby*), 1467
Question proposed, "That the words &c."
After short Debate, Question put, A. 137, N. 103; M. 34
Main Question put, and agreed to
Bill considered in Committee, 1478
cl. 2 (Appointment of Officers of Inland Revenue to be Collectors of Taxes)
Amendt. proposed, to leave out Proviso at the end of clause (*Mr. Horsfall*), 1478
After short Debate, Question put, "That the Proviso stand part of the clause;" A. 73, N. 62; M. 11; *cl.* agreed to
Amendt. (*Mr. Knight*); negatived
cl. agreed to
cl. 12 (Schedule of Defaulters), 1482
Amendt. (*Mr. Hunt*) withdrawn; *cl.* agreed to
cl. 18 (Poundage to Collectors), 1484
After short Debate, *cl.* agreed to
cl. 21 (Treasury may award Compensation to Collectors) 1484
After short Debate, *cl.* agreed to
Bill reported, without Amendment
Motion, That the Bill be now read 3°; Debate adjourned *June* 13
Debate resumed *June* 20, 2088
Amendment proposed, to leave out "now," and add "upon this day three months" (*Sir John Trollope*)
Question proposed, "That the word 'now,' &c.
After Debate, Question put, A. 128, N. 132; M. 4
Words added *June* 20
Main Question, as amended, put, and agreed to
Third Reading put off for three months

College of Physicians Bill
(*Mr. Peel, Mr. Chancellor of the Exchequer*)
c. Ordered*; read 1° *May* 9 [Bill 98]
Read 2°* *May* 30
Committee* and Report *June* 2
Read 3°* *June* 3
l. Read 1ª* (*The Lord President*) *June* 6 (No. 114)

COLLIER, Sir R. P., *see* SOLICITOR GENERAL, The

COLLINS, Mr. T., *Knaresborough*
Collection of Taxes, Re-Comm. *cl.* 2, 1480
County Voters Registration, 2R. 1818
Election Petitions, Comm. 1045
Factory Acts Extension, Comm. 1948
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Common Law Procedure (Ireland) Act (1853) Amendment Bill
l. Read 2ª* (*Earl of St. Germans*) *May* 10
Committee * *May* 12 ; Report* *May* 13
Read 3ª* *May* 23 (No. 51)

Contagious Diseases Bill
(*Lord Clarence Paget, Sir John Pakington, Sir Morton Peto, Sir James Fergusson*)
c. Ordered* ; read 1°* *June* 20 [Bill 163]

COPELAND, Mr. Ald. W. T., *Stoke-upon-Trent*
Factory Acts Extension, 2R. 1723

Copyright (No. 2) **Bill**
(*Mr. Black, Mr. Stirling, Mr. Massey*)
Select Committee — Mr. Cave *disch.*, Mr. Milner Gibson *added May* 11 [Bill 59]

CORBALLY, Mr. M. E., *Meath Co.*
Supply—Consular Establishments, 1902, 1904

CORRY, Rt. Hon. H. T. L., *Tyrone Co.*
Ashantee War, Res. 2012
Greenwich Hospital, Res. 1165, 1166, 1167
Navy Estimates, Supplementary—Pay of Officers, 680, 690
Navy—Masters in the, Res. 1221
Patriotic Fund Commission, 720
Supply—Harbours of Refuge, 855 ;—Holyhead Harbour, &c., 857 ;— Lighthouses Abroad, 860

Costs Security Bill
(*Mr. Butt, Mr. Murray*)
c. Motion, " That the Bill be now read 2° " (*Mr. Butt*) *June* 15, 1811 [Bill 58]
Amendt. proposed, to leave out " now," and add " upon this day three months " (*Mr. Whiteside*), 1813
Question proposed, " That the word ' now ' &c."
After short Debate, Question put, A. 99, N. 64 ; M. 35
Bill read 2° *June* 15

Countess of Elgin and Kincardine Bill
c. Resolution in Committee (Queen's Message, 6th June) *June* 9, 1458
After short debate, Resolution reported ; Bill ordered *June* 10
(*Mr. Massey, Viscount Palmerston, Mr. Chancellor of the Exchequer*)
Read 1°* *June* 16 [Bill 156]
Read 2° * *June* 20

County Bridges Bill
(*Mr. Heygate, Mr. Evans, Mr. Hartopp*)
c. Motion, " That the Bill be now read 2° " (*Mr. Heygate*), 351 [Bill 77]
Amendt. to leave out " now," and add " upon this day three months " (*Mr. Henley*)
After short Debate, Amendt. and Motion withdrawn
Bill withdrawn *May* 11

County Constabulary Superannuations Bill (*Sir John Trollope, Colonel Packe*)
c. Ordered* ; read 1° *June* 8 [Bill 136]
Read 2° * *June* 13
Committee* ; Report *June* 15
Read 3° * *June* 17

County Courts Act Amendment Bill
(*The Lord Chancellor*)
l. Presented after debate, read 1ª *May* 6, 85 (No. 70)
After short Debate, Second Reading put off to 23rd instant *May* 13, 437
Moved, " That the Bill be now read 2ª " *May* 23, 566
After long Debate, Motion agreed to
Bill read 2ª *May* 23
Bill withdrawn* *June* 17

County Courts Act Amendment Bill
Question, The Earl of Derby ; Answer, The Lord Chancellor *June* 9, 1454 ; Petition, Lord Brougham *June* 16, 1824

County Voters Registration (England and Wales) Bill
(*Mr. Dodson, Mr. Algernon Egerton, Mr. Locke King, Mr. Collins*)
c. Ordered* ; read 1° * *May* 19 [Bill 112]
Motion, " That the Bill be now read 2° " (*Mr. Dodson*) *June* 15, 1815
After short Debate, Bill read 2° [Bill 112]

Court of Chancery (Despatch of Business) Bill
Royal Assent *May* 13 [27 & 28 *Vict.* c. 15.]

Court of Chancery (Ireland) Bill
(*Mr. Attorney General for Ireland, Sir Robert Peel, Sir George Grey*)
c. Motion, " That the Bill be now read 2° *June* 2, 1093
Amendt. to leave out " now," and add " upon this day three months " (*Mr. Longfield*), 1099
Question proposed, " That ' now ' &c."
Amendt. withdrawn ; Main Question put, and agreed to
Bill read 2° *June* 2 [Bill 78]

Court of Queen's Bench (Ireland) Bill
(*Mr. Attorney General for Ireland, and Sir Robert Peel*)
c. Ordered * ; read 1° *May* 27 [Bill 123]
Read 2°* *June* 2

Courts of Justice (*Money*) *Bill*
Question, Mr. Arthur Mills ; Answer, The Attorney General *May* 5, 24

Court of Justiciary (Scotland) Bill
(*The Lord Advocate, Sir George Grey, Sir William Dunbar*)
c. Considered as amended* *May* 9 [Bill 31]
Read 3° * *May* 11

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Court of Justiciary—cont.
l. Read 1ª * (*The Lord Chancellor*) *May* 12
Read 2ª * *June* 9 (No. 82)
Committee* *June* 10 ; Report* *June* 13
Read 3ª * *June* 13
Royal Assent *June* 23 [27 & 28 *Vict.* c. 30.]

Coventry Free Grammar School Bill
(*Mr. Bruce, Sir George Grey*)
c. Ordered * ; read 1° *May* 30 [Bill 124]
Read 2° * *June* 13
Committee * ; Report *June* 17

Cowper, Right Hon. W. F. (Chief Commissioner of Works), *Hertford*
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Cox, Mr. W., *Finsbury*
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Cranbourne Street Bill
(*Mr. Cowper, Mr. Peel*)
c. Ordered ; read 1° * *June* 16 [Bill 154]

Cranworth, Lord
Chimney Sweepers, Comm. *cl.* 7, 1133
County Courts Act Amendment, 1R. 98, 2R. 582
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Regius Professorship of Greek (Oxford), Comm. 454
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Craufurd, Mr. E. H. J., *Ayr, &c.*
Partnership Law Amendment, Comm. 244
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Crawford, Mr. R. W., *London*
Hudson's Bay Company, 1060
Partnership Law Amendment, Comm. 243
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l. Read 1ª * (*The Lord President*) *May* 6
Read 2ª * *May* 9 (No. 69)
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Read 3ª * *May* 12
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Dawson, Mr. R. P., *Londonderry Co.*
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De Grey and Ripon, Earl (Secretary of State for War)
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Supply—County Roads, South Wales, 1675;—Emigration, 1894

Discriminating Duties
Moved, "That an Address for Copy of any Correspondence between Her Majesty's Government and the Governments of France, Spain, and Portugal, from 1850 to 1863 inclusive" (*Mr. Lindsay*) *June* 7, 1353
Amendt. to insert "or Extracts" (*Mr. Milner Gibson*) agreed to
Address for "Copy or Extracts, &c." agreed to

DISRAELI, Right Hon. B., *Buckinghamshire*
Ashantee War, Res. 2019, 2020, 2023
Denmark and Germany—The Conference, 25, 1279, 2029, 2030;—The Armistice, 197, 1542
Education (Inspectors' Reports), Nomination of Comm. 1087

Divorce and Matrimonial Causes (Amendment) Bill [H.L.]
(*Lord St. Leonards*)
l. Presented*; read 1ª *May* 10 (No. 75)
Read 2ª* *May* 26
Committee* *May* 30; Report* *June* 3
Read 3ª *June* 6 (No. 103)
c. Read 1°* *June* 17 [Bill 162]
Read 2°* *June* 20

Dockyards
Select Committee [First Report]* *May* 4 (No. 270)
[Second Report]* *May* 15 (No. 496)

DODSON, Mr. J. G., *Sussex, E.*
County Voters Registration, 2R. 1815
Supply—Consular Establishments, 1901
Tests Abolition (Oxford), Comm. 1043
Union Assessment Committee Act Amendment, Comm. *cl.* 1, Amendt. 518; *cl.* 3, Amendt. 519

Donoughmore, Earl of
  Admiralty Lands and Works, Comm. *cl.* 14, 1351
  Agrarian Offences (Ireland), Paper moved for, 358, 360
  Artillery Practice in Plymouth Sound, 1224
  Chimney Sweepers, Comm. *cl.* 8, 1133
  Denmark and Germany, 176
  Mortgage Debentures, Comm. 1053

Douglas, Sir C., *Banbury*
  Church Building, &c., Acts Amendment, 2R. 1520

Doulton, Mr. F., *Lambeth*
  City Traffic Regulations, 1836

Drainage and Improvement of Lands (Ireland) Bill
  (*Mr. Peel, Mr. Attorney General for Ireland*)
c. Ordered*; read 1° *May* 9 [Bill 100]

Du Cane, Mr. C., *Essex, N.*
  France—Fisheries Convention, 457

Duff, Mr. M. E. Grant, *Elgin, &c.*
  Poland, Res. 656
  Public Schools Commission, Res. 105

Duff, Mr. R. W., *Banffshire*
  Navy Estimates, Supplementary—Pay of Officers, 684

Dunbar, Sir W. (Lord of the Treasury), *Wigton, &c.*
  Scotch Affairs, Administration of, Comm. moved for, 1196, 1198

Duncombe, Vice Adm. Hon. A., *Yorkshire, East Riding*
  Navy—The "Research," 802
  School of Naval Architecture—Sir W. S. Harris, Papers moved for, 196

Dunlop, Mr. A. M., *Greenock*
  Costs Security, 2R. 1814
  Education (Scotland), 1591
  Servants Hiring (Scotland), Comm. 1819, 1823
  Valuation of Lands, &c. (Scotland) Act Amendment, 2R. 1423
  Writs Registration (Scotland), 2R. 1498

Dunne, Col. F. P., *Queen's Co.*
  Army Estimates—Medical Establishment, 36;—Disembodied Militia, 40, 42;—Enrolled Pensioners, 52;—Manufacturing Departments, 65, 69;—Works, Buildings, &c., 207, 215;—Military Education, 231;—Pensions and Allowances to Wounded Officers, 240
  Army—Rating of Officers of Chelsea Hospital, Address moved, 200;—Breech Loading Rifles, Papers moved for, 435
  Chief Rents (Ireland), Comm. 13, 14
  Greek Loan, Res. Report, 1606
  Medical Officers in Unions (Ireland), Res. 154
  Supply—Landed Estates Record Offices, 1676, 1677;—County Courts, 1685;—Emigration, 1891, 1894; Report, 1913

Dunsany, Lord
  Jamaica, Affairs of, Papers moved for, 1119

Durham, Bishop of
  Scotch Episcopal Clergy Disabilities Removal, 2R. Amendt. 623

Dutton, Hon. R. H., *Hampshire, S.*
  Private Bills, Committees on, Res. 1570

Dyce, Mr., R.A.,—Wall Paintings in Peers' Robing Room.
  Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper *May* 19, 517

Ebury, Lord
  Burial Service, 1928, 1929
  Church Services (Apocrypha), 2R. 1930, 1933

Ecclesiastical Courts and Registries (Ireland) Bill [H.L.]
  (*The Archbishop of Armagh*)
l. Presented*; read 1ª *May* 26 (No. 96)
  Read 2ª *June* 2, 1058
  Committee *June* 14, 1706
  Clauses 83, 84, 85 struck out (*Archbishop of Armagh*)
  Report* *June* 17 (No 132)

Ecclesiastical Registry
  Question, Mr. Henry Seymour; Answer, Sir George Grey *June* 6, 1291

Education
  Minutes of Council on Education on Endowed Schools—Question, Mr. Mitford; Answer, Mr. H. A. Bruce *May* 9, 189
  Supplementary Rules—Question, Lord Robert Cecil; Answer, Mr. H. A. Bruce *May* 10, 259
  Minutes of May 19 *and March* 11—Question, Mr. Adderley; Answer, Mr. H. A. Bruce *May* 12, 365
  The Revised Code—Question, Mr. W. E. Forster; Answer, Mr. H. A. Bruce *May* 12, 365
  Endowed Schools—Moved, "That this House, having considered the Minute of Council of the 11th day of March, 1864, on Endowed Schools, is of opinion that it does not meet the objections made to the Minute of the 19th day of May, 1863" (*Mr. Adderley*), *June* 2, 1065
    After Debate, Question put, A. 111, N. 119; M. 8.
  Inspector's Reports—Question, Sir John Pakington; Answer, Sir George Grey *May* 9-191
    Resolution (12th April) (*Lord Robert Cecil*) read *May* 12, 368
    Moved, "That a Select Committee be appointed to inquire into the practice of the Committee of Council on Education with respect to the Reports of Her Majesty's Inspectors of Schools" (*Sir George Grey*), 369
    Amendt. at the end of Question, to add, "and further to inquire into the constitution of that Committee, and how far their mode

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of conducting the business of the Department is consistent with the due control of Parliament over the annual Education Grants" (*Sir John Pakington*), 371

After long Debate, Question put, "That those words be there added," A. 93, N. 142; M. 49

Ordered, "That a Select Committee be appointed, &c."

Explanation, Mr. Lowe, *May* 13, 462

Moved, "That Mr. Bruce be nominated one of the Members of the Select Committee on Education (Inspectors' Reports)" (*Viscount Palmerston*) *May* 31, 982

Amendt. To leave out from "That" and add "the Select Committee do consist of five Members, to be nominated by the General Committee of Elections" (*Mr. Clay*) 985

Moved, "That the Debate be now adjourned;" (*Mr. Hennessy*), A. 30, N. 64; M. 34, 997

Moved, "That this House do now adjourn" (*Colonel Dickson*), A. 32, N. 62; M. 30, 999

Debate adjourned

Debate resumed *June* 2

After short Debate, Question put, and negatived, 1084

Question, "That the words 'the Select Committee do consist of five Members, to be nominated by the General Committee of Elections,' be added" (*Mr. Clay*), 1091

Amendt. To the said proposed Amendment, by adding "and that two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of voting" (*Mr. Edward Pleydell Bouverie*), 1092

Question, "That those words be there added," put, and agreed to.

Ordered accordingly

And, on *June* 7, Nomination reported—John George Dodson, Esq., Sir Philip de Malpas Grey Egerton, Bart., Lord Hotham, the Hon. Charles Howard, Edward Howes, Esq.

Also, The Lord Advocate, and Lord Robert Cecil, but without the power of voting.

Committee on Inspectors' Reports, Question, Lord Robert Cecil; Answer, Mr. H. A. Bruce *June* 10, 1543

Middle Class Education, Question, Lord Brougham; Answer, Earl Granville *May* 27, 697

Science Certificats, Question, Mr. W. Mundy; Answer, M. H. A. Bruce *June* 16, 1837

Education (*Scotland*), Question, Mr. Dunlop; Answer, Mr. H. A. Bruce, *June* 10, 1591

Edwards, Lt. Col. H., *Beverley*

Army Estimates—Yeomanry Cavalry, 45

Factory Acts Extension, 2R. 1726

Law Life Assurance Company, 768, 769

Navy Estimates, Supplementary — Pay of Officers, 690, 691

Navy—Masters in the, Res. 1212

Egerton, Hon. W., *Cheshire, N.*

India—The British Envoy to Bhootan, 633

Elcho, Lord, *Haddingtonshire*

African Traders, Company of, 2026

Army Estimates — Volunteers, 47;—Enrolled Pensioners, 54; — Manufacturing Departments, 54; Amendt. 74, 76, 77

Army—The Enfield Rifle, 456

Royal Academy, 21

South Kensington Museum, 21

Supply—Royal Parks, &c., 422;—Houses of Parliament, 432;—New National Gallery at Burlington House, 1302, 1321, 1335

Valuation of Lands, &c. (Scotland) Act Amendment, 2R. 1432, 1435

Election Petitions Bill

(*Mr. Hunt, Mr. Knightley*)

c. Committee *June* 1 [Bill 17]

Motion, "That Mr. Speaker do now leave the Chair," 1044

Amendt. To leave out from "That" and add "a Select Committee be appointed to inquire into the expediency of amending the Election Petitions Act (1848), and the Act for the better discovery and prevention of Bribery and Treating at Elections" (*Mr. Ayrton*), 1046

Question proposed, "That the words &c."

Debate adjourned

Elgin and Kincardine, Countess of

Lords—

Message from the Queen *June* 6, 1225

Moved, "That an humble Address," &c. (*The Lord President*) *June* 13, 1607

Address Ordered, *Nemine Dissentiente*

The Queen's Answer reported* *June* 17

Commons—

Message from Her Majesty *June* 6, 1264

Considered in Committee *June* 9

Resolution, "That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 20th day of November, one thousand eight hundred and sixty-three, and to be settled in the most beneficial manner upon Mary Louisa, Countess of Elgin and Kincardine, widow of the late James, Earl of Elgin and Kincardine, Her Majesty's Viceroy and Governor General of India, for the term of her natural life" (*Viscount Palmerston*), 1458

Resolution agreed to

Resolution reported *June* 10, 1604, and agreed to; Bill ordered

Elgin, Lord, and Lord Canning

Explanation, The Marquess of Clanricarde *June* 14, 1698

Ellenborough, Earl of

Denmark and Germany, 177;—War Contributions on Jutland, 437, 441, 606, 1917

Elgin and Kincardine, Countess of, Address moved, 1610

Sentences of Death, 2R. 247, 257

United States—Kidnapping Foreign Subjects for Military Service, 353

ELPHINSTONE, Sir J. D. H., *Portsmouth*
- Ashantee War, The, 1840, 1841 ; Res. 2013
- Borough Franchise, 2R. 347
- China—Affairs of, Res. 961
- Denmark and Germany — H.M.S. "Aurora," 104
- Navy Estimates, Supplementary — Pay of Officers, 684, 691
- Navy—The "Research" and the "Enterprise," 589, 914 ;—Masters in the, Res. 1217, 1219 ; —The "Gladiator," 2028
- School of Naval Architecture—Sir W. S. Harris, Papers moved for, 196
- Supply—West Coast of Africa, 1890
- United States—Murder of the Mate of the "Saxon," 368, 1064

ENFIELD, Viscount, *Middlesex*
- Army Estimates—Disembodied Militia, 41
- Supply—Land, &c. Kensington Gore, 866

Epping Forest
- Question, Mr. Torrens ; Reply, Mr. Peel *June* 3, 1199
- Amendt. on Committee of Supply *June* 3, To leave out from "That" and add "there be laid before this House, a Copy of any Orders or Correspondence regarding inclosures in the Royal Forests in Essex since, or in consequence of, the Report of the Select Committee of last Session" (*Mr. Torrens*)
- Question proposed, "That the words, &c ;" after short Debate, Amendt. withdrawn

ESMONDE, Mr. J. *Waterford Co.*
- Supply — Public Works (Ireland), 860 ;—Landed Estates Record Offices, 1676 ;—Consular Establishments, 1907 ; Report, 1913

ESTCOURT, Rt. Hon. T. SOTHERON, *Wiltshire, N.*
- County Voters Registration, 2R. 1818
- Gaols, 2R. 2086
- Government Annuities, 3R. 2036

EWART, Mr. J. C., *Liverpool*
- Kertch Prize Money, 364
- Partnership Law Amendment, Comm. 243
- Supply—Sir Rowland Hill, 1597

EWART, Mr. W., *Dumfries, &c.*
- Army Estimates—Works, Buildings, &c., 207
- Forfeiture of Lands and Goods, 2R. 1802
- Taxation, Comm. moved for, 283
- Weights and Measures (Metric System), Comm. *cl.* 2, 9, 11 ; Adj. moved, 12

EWING, Mr. H. E. CRUM-, *Paisley*
- Factory Acts Extension, 2R. 1720; Comm. 1944, 1946

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

Facilities for Divine Service in Collegiate Schools Bill [H.L.]

(*The Bishop of Oxford*)

l. Presented* ; read 1ª *June* 7 No. 117)

Factory Acts Extension Bill

(*Mr. Bruce, Sir George Grey*)

c. Motion, "That the Bill be now read 2°" (*Mr. H. A. Bruce*), 1708
- After long Debate, Motion agreed to
- Read 2° *June* 14 [Bill 55]
- Committee *June* 17, 1939
- Committee R.P.

FARQUHAR, Sir W. M. T., *Hertford*
- Denmark and Germany—Prussian Exactions in Jutland, 522
- Government Annuities, 3R. 2038
- India—Delhi Prize Money, 460 ;—Officers of the Army, 1275, 1729
- Supply—Consular Establishments, 1910, 1912

FERGUSSON, Sir J., *Ayrshire*
- India—Claims of Azeem Jah, Comm. moved for, 1658 ; — The late Marquess of Dalhousie, 2035, 2036
- Private Bills—Standing Order, 1143
- Scotch Affairs, Administration of, Comm. moved for, 1167, 1168, 1174, 1181
- Servants Hiring (Scotland), Comm. 1821 ; Preamble, Amendt. 1823
- Valuation of Lands, &c. (Scotland) Act Amendment, 2R. 1434
- Writs Registration (Scotland), 2R. Amendt. 1485, 1509

FERMOY, Lord, *Marylebone*
- Borough Franchise, 2R. 346
- Supply—Civil Service Estimates, Report, 2025

FERRAND, Mr. W. B., *Devonport*
- Bradford Reservoirs, 719
- Charity Commissioners, Comm. moved for, 1841, 1865, 1873, 1874, 1875, 1876, 1879, 1880
- Factory Acts Extension, 2R. 1727
- Navy Estimates, Supplementary—Pay of Officers, 676, 690
- Navy—Superannuation in the Dockyards, 665, 666 ;—The "Research," 802, 914, 1456 ;—Masters in the, Res. 1215
- Supply—Land, &c., Kensington Gore, 868 ;—New National Gallery at Burlington House, 1326

FEVERSHAM, Lord
- West Riding of Yorkshire Assizes, Address moved, 1618

FINLAY, Mr. A. S., *Argyllshire*
- Servants Hiring (Scotland), Comm. 1823

Fish (Freshwater Streams) Bill

(*Mr. Neate, Mr. Malins*)

c. Ordered* ; read 1° *June* 2 [Bill 130]

Fish Teinds (Scotland) Bill

l. Read 2ª* (*Duke of Argyll*) *May* 13 (No. 62)
- Committee* ; Report *May* 27
- Read 3ª* *May* 31
- Royal Assent *June* 30 [27 & 28 *Vict.* c. 33.]

Fitzgerald, Mr. W. R. S., *Horsham*
  Chancery, Court of (Ireland), 2R. 1117
  Denmark and Germany—The Conference, 1287, 2031
  Poland, Res. 657, 658, 661
  Railways Construction Facilities, Re-Comm. 1336

Forfeiture of Lands and Goods Bill
(*Mr. C. Forster, Mr. W. Ewart, Mr. Locke King*)
c. Motion, "That the Bill be now read 2°" (*Mr. Charles Forster*) *June* 15, 1800 [Bill 21]
  Amendt. to leave out "now" and add "upon this day three months" (*Mr. Hunt*), 1804
  Question proposed, "That 'now,' &c.;" after short Debate, Question put, and agreed to
  Read 2° *June* 15

Forster, Mr. C., *Walsall*
  Forfeiture of Lands and Goods, 2R. 1800

Forster, Mr. W. E., *Bradford*
  Borough Franchise, 2R. 341, 342
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  Discriminating Duties, Papers moved for, 1361
  Education—The Revised Code, 365;—(Inspectors' Reports), Nomination of Comm. 988, 998
  Intoxicating Liquors, 2R. 1419
  Partnership Law Amendment, Comm. 243, 244
  Patriotic Fund Commission, 720
  United States—Confederate Ship "Georgia," 488

Fortescue, Right Hon. C. S. (Under Secretary for the Colonies), *Louth Co.*
  Ashantee War, 1990, 1994, 1998
  Supply—Indian Department Canada, 1884;—Governors, &c., West Indies, &c., 1885, 1886;—West Coast of Africa, 1889;—Heligoland, 1890;—Pitcairn Islanders, Norfolk Island, 1890;—Emigration, 1892, 1893, 1894, 1895
  Tests Abolition (Oxford), Comm. 1036

Fortifications—Defences of the Bristol Channel
  Question, Lord Portman; Answer, Earl De Grey and Ripon *June* 2, 1046

France—Fisheries Convention
  Question, Mr. Du Cane; Answer, Mr. Milner Gibson *May* 13, 457

Fraser, Sir W. A., *Ludlow*
  Army Estimates—Works, Buildings, &c., 82
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  Supply—Public Buildings, 412

French, Col. F., *Roscommon Co.*
  Chief Rents (Ireland), Comm. 12; Adj. moved, 14
  Education—(Inspectors' Reports), 465
  Lambeth Medical Diplomas, 461
  Vacating of Seats (House of Commons), 2R. 595
  White, Captain Melville, Case of, Papers moved for, 604

Gage, Viscount
  Church Services (Apocrypha), 2R. 1930, 1933

Galway, Viscount, *Retford* (*East*)
  Charity Commissioners, Comm. moved for, 1881
  Private Bills—Standing Order, 1144
  Railways Construction Facilities, Re-Comm. Adj. moved, 1528
  Weights and Measures (Metric System), Comm. *cl.* 2, 8

Game (Ireland) Bill
(*Sir Hervey Bruce, Colonel Forde*)
c. Ordered*; read 1° *May* 23 [Bill 116]

Game (Ireland) (No. 2) Bill
(*Sir Hervey Bruce, Colonel Forde*)
c. Ordered*; read 1° *June* 8 [Bill 140]
  Second Reading postponed* *June* 17

Gaols Bill
(*Sir George Grey, Mr. Baring*)
c. Ordered*; read 1° *May* 5 [Bill 93]
  Motion, "That the Bill be now read 2°" (*Sir George Grey*) *June* 20, 2046
  Amendt. proposed, to leave out "now," and add "upon this day three months" (*Mr. Newdegate*), 2060
  Question proposed, "That 'now,' &c.;" after long Debate, A. 116, N. 49; M. 67
  Read 2° *June* 20

Gaols, Discipline and Dietary in
  Question, Mr. Bazley; Answer, Sir George Grey *June* 2, 1063

Gavin, Major, G., *Limerick City*
  Railway Travelling (Ireland), 2R. 2106

George, Mr. J., *Wexford Co.*
  Chancery, Court of (Ireland), 2R. 1116
  Chief Rents (Ireland), Comm. 13; *cl.* 1, 15

Gibson, Rt. Hon. T. M. (President of the Board of Trade), *Ashton-under-Lyne*
  Agricultural Statistics, Res. 1376, 1377
  Discriminating Duties, Papers moved for, Amendt. 1359
  France—Fisheries Convention, 458
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  London, &c. Docks Amalgamation, 2R. 1388
  Oyster Dredging at Beachy Head, 1457, 1458
  Partnership Law Amendment, Comm. 243
  Pier and Harbour Orders Confirmation, Leave, 16, 17
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  Private Bills—Standing Order, 1141;—Committees on, Res. 1551
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  Supply—Holyhead Harbour, &c., 856, 857;—Lighthouses Abroad, 861;—Privy Council for Trade, 1602, 1603
  Weights and Measures (Metric System), Comm. *cl.* 2, 4, 7, 10, 11

Gilpin, Col. R. T., *Bedfordshire*
  Collection of Taxes, Re-Comm. 1464

Gladstone, Rt. Hon. W. E., *see* Chancellor of the Exchequer

Goldsmid, Sir F. H., *Reading*
  Collection of Taxes, Re-Comm. *cl.* 2, 1478
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Gore, Mr. J. R. Ormsby, *Shropshire, N.*
  Supply—Consular Establishments, 1910

Goschen, Mr. G. J., *London*
  India—Gold Currency for, Res. 1590
  Partnership Law Amendment, Comm. *cl.* 3, 241
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Government Annuities, &c., Bill
(*Mr. Chancellor of the Exchequer, Mr. Peel*)
c. Select Committee—Report* *May* 23
  Bill re-committed [Bill 114]
  Committee* (*on re-comm.*); Report *June* 6
  Considered as amended* *June* 13
  Read 3° after debate *June* 20, 2036

Gower, Hon. E. F. Leveson, *Bodmin*
  Education (Inspectors' Reports), Nomination of Comm. 1089

Granville, Earl (Lord President of the Council)
  Agrarian Offences (Ireland), Paper moved for, 357, 358, 359, 360
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  Elgin and Kincardine, Countess of, Address moved, 1607
  Elgin, Earl of, and Lord Canning, 1699
  Hill, Sir Rowland, Address moved, 1702
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  Park Lane, Crowded State of, 1235
  Penal Servitude Acts Amendment, 2R. 882, 883; Comm. *cl.* 2, 1341; *cl.* 4, 1348; Report, 1936, 1937; *cl.* 4, 1938
  Public Schools, 2R. 1243; Comm. 1625
  Regius Professorship of Greek (Oxford), 563, 565
  Scottish Episcopal Clergy Disabilities Removal, 2R. 622
  Sentences of Death, 2R. 250
  Vaccination, 779
  West Riding of Yorkshire Assizes, Address moved, 1616

Greek Loan (Consolidated Fund) Bill
(*Mr. Massey, Viscount Palmerston, Mr. Chancellor of the Exchequer, Mr. Layard*)
c. Resolution in Committee *June* 9, 1527
  Resolution reported; Bill ordered *June* 10, 1606
  Read 1° * *June* 13 [Bill 144]
  Read 2° * *June* 17

Greenall, Mr. G., *Warrington*
  Borough Franchise, 2R. 347

Greenwich Hospital
  Amendment on Comm. of Supply *June* 3, To leave out from "That" and add "it is desirable that the Admiralty adopt the recommendation of the Royal Commission of 1860, confirmed by the Report of Sir Richard Bromley, one of the present Commissioners, and by the letter of Admiral Sir James Gordon, the Governor of Greenwich Hospital, that the present system of double government be abolished" (*Sir John Hay*), 1147
  Question proposed, "That the words, &c."
  After debate, Amendt. withdrawn
  Observations, The Earl of Hardwicke; after short debate, Reply, The Duke of Somerset, *June* 10, 1535

Gregory, Mr. W. H., *Galway Co.*
  Army—Mr. Lynall Thomas's Gun, 914
  Law Life Assurance Company, 759, 761, 763
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Gregson, Mr. S., *Lancaster*
  China—Affairs of, 544; Res. 960
  Elgin and Kincardine, Countess of, Res. Report, 1605
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Grenfell, Mr. H. R., *Stoke-on Trent*
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  Agrarian Offences (Ireland), Papers moved for, 359
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- Ecclesiastical Registry, 1296
- Education—School Inspectors' Reports, 191; Comm. moved for, 368, 369, 398; Nomination of Comm. 998, 1000, 1092
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- Forfeiture of Lands and Goods, 2R. 1810
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- Highways Act Amendment, Leave, 520; 2R. 692, 693
- Intoxicating Liquors, 2R. 1414
- Lambeth Medical Diplomas, 461
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- Tests Abolition (Oxford), Comm. 1039
- Under Secretaries Indemnity, 2R. 83
- Vacating of Seats (House of Commons), 2R. 594
- Volunteer Review, The, 808

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- Army Estimates—Volunteers, 46, 50
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- Question, Mr. Aytoun; Answer, Mr. Cardwell *May* 6, 99

Hamilton, Right Hon. Lord C., *Tyrone Co.*
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- Spirit Duties, Res. 835

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Hankey, Mr. T., *Peterborough*
- National Gallery, 261
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- Street Music (Metropolis), 2R. Amendt. 1529
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- Chain Cables and Anchors, 2R. 1534
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Hartington, Marquess of (Under Secretary for War), *Lancashire, N.*
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- Ashantee War, 1728, 1840; Res. 1963
- Militia Regiments, 913
- Plymouth Sound, Accident in, 1063

Hassard, Mr. M. D., *Waterford City*
Beer Houses (Ireland), Comm. *cl.* 3, 694
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Navy—Retirement in the Royal Marines, Res. 147, 150;—The "Research" and the "Enterprise," 588, 1455, 1456;—Masters in the, Res. 1221
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Heathcote, Sir W., *Oxford University*
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Supply—Police Counties and Boroughs, 1684
Tests Abolition (Oxford), Comm. 1021

Henley, Rt. Hon. J. W., *Oxfordshire*
Beer Houses (Ireland), 2R. 601
Collection of Taxes, Re-Comm. 1476
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Supply—Police Counties and Boroughs, 1684
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Hennessy, Mr. J. P., *King's Co.*
Beer Houses (Ireland), 2R. 597, 601, 602; Comm. *cl.* 3, 693, 694
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Elgin and Kincardine, Countess of, Res. 1462
Home, Mr., and the Roman Government, 843
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Herbert, Mr.—Wall Paintings in the New Palace of Westminster—Peers' Robing Room
Observations, Sir Stafford Northcote *May* 13, 466
Personal Explanation, Sir Stafford Northcote; Reply, Mr. Cavendish Bentinck *May* 19, 515; Question, Mr. Cox; Answer, Mr. Cowper *May* 31, 912

Herne Bay, Hampton, and Reculver Fishery Bill (Lords)
c. Motion, "That the Bill be now read 2° *June* 13, 1634
Amendment proposed, to leave out "now," and add "upon this day three months" (*Sir Edward Dering*)
Question proposed, "That 'now' &c.;" after short debate, Question put, and agreed to
Read 2° *June* 13

Herring Fisheries (Scotland) Acts Amendment Bill
(*The Lord Advocate, Sir George Grey, Sir William Dunbar*)
Ordered* *June* 17

Heygate, Mr. W. U., *Leicester*
Agricultural Statistics, Res. 1380
County Bridges, 2R. 351, 352
Supply—Houses of Parliament, 434

Hibbert, Mr. J. T., *Oldham*
Gaols, 2R. 2084
National Gallery, 260, 1336, 1636
Supply—Postage of Public Departments, 1681; —Police Counties and Boroughs, 1685; —Emigration, 1896

High Court at Bombay Bill
Royal Assent *May* 13 [27 & 28 *Vict.* c. 16.]

Highways Act Amendment Bill
(*Sir George Grey, Mr. Baring*)
c. Ordered; read 1° after short debate *May* 19, 520 [Bill 113]
Bill read 2° after debate, and committed to a Select Committee *May* 26, 692
Committee nominated *May* 30:
Sir George Grey, Mr. Henley, Mr. Walter, Mr. Gathorne Hardy, Sir William Jolliffe, Mr. Dodson, Sir Baldwin Leighton, Mr. Scourfield, Mr. Algernon Egerton, Mr. Buller, Sir Matthew White Ridley, Mr. Thompson, Mr. Howes, Mr. William Edward Forster, and Colonel Barttelot

Hill, Sir Rowland
Lords—
Message from The Queen *June* 6, 1224
Moved, "That an humble Address, &c." (*The Lord President*) *June* 14, 1702
Address Ordered, *Nemine Dissentiente*,
The Queen's Answer to the Address reported* *June* 17
Commons—
Message from Her Majesty *June* 6, 1263
Referred to the Committee of Supply* *June* 6

Hodgkinson, Mr. G., *Newark*
Confederate Steam Rams, 804, 912

Hodgson, Mr. R., *Tynemouth*
Private Bills—Standing Order, 1139 ;—Committees on, Res. 1565
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Home, Mr., and the Roman Government
Question, Mr. Roebuck ; Answer, Mr. Layard *May* 30, 839

Hopwood, Mr. J. T., *Clitheroe*
British American Provinces, Union of the, 803
Confederate Steam Rams, 808
Denmark and Germany—The Conference—The Armistice, 192

Horsfall, Mr. T. B., *Liverpool*
Borough Franchise, 2R. 318
Collection of Taxes, Re-Comm. 1470 ; *cl.* 2, Amendt. 1478, 1480 ; 3R. 2093
Intoxicating Liquors (Sale on Sundays), Leave, 174
Ireland—Daunt's Rock, 1837
Private Bills—Standing Order, 1143
Supply—Niger Expedition, 1897

Hotham, Lord, *Yorkshire, E. R.*
Agricultural Statistics, Res. 1369
Army Estimates—Enrolled Pensioners, 52

Houghton, Lord
Penal Servitude Acts Amendment, 2R. 885 ; Comm. *cl.* 4, Amendt. 1342, 1349
West Riding of Yorkshire Assizes, Address moved, 1615

Howes, Mr. E., *Norfolk, E.*
Union Assessment Committee Act Amendment, Comm. *add. cl.* 520

Hubbard, Mr. J. G., *Buckingham*
Agricultural Statistics, Res, 1372
Bank Act, 1844, 460
Income Tax, Res. 1731, 1747, 1749, 1761
London, &c. Docks Amalgamation, 2R. 1389

Hudson's Bay Company
Question, Mr. Crawford ; Answer, Mr. Arthur Mills *June* 2, 1060

Humberston, Mr. P. S., *Chester*
Army Estimates—Volunteers, 49
Intoxicating Liquors, 2R. 1419
Weights and Measures (Metric System), Comm. 1

Hunt, Mr. G. W., *Northamptonshire, N.*
Church Building, &c. Acts Amendment, 2R. 1520
Collection of Taxes, Re-Comm. 1467 ; *cl.* 2, 1481 ; *cl.* 12, Amendt. 1482, 1483
Confederate Steam Rams, 807
County Voters Registration, 2R. 1817
Forfeiture of Lands and Goods, 2R. Amendt. 1802, 1807, 1811
Magisterial Convictions in Cornwall, 193
Street Music (Metropolis), 2R. 1532

Hutt, Rt. Hon. W. (Paymaster of the Forces and Vice President of the Board of Trade), *Gateshead*
Kertch Prize Money, 364
Thames, Impurities in the, 459

Hypothec, Law of
Petition—Observations, Lord Brougham *May* 31, 881

Improvement of Land Acts (1864) Bill
(*The Lord Chancellor*)
l. Report of Select Committee (*Parl. P.* No. 130)
Report * *June* 14
Committee *June* 16, 1826
Bill, as amended by Select Committee, read, and agreed to *June* 16
Report * *June* 17

Income Tax
Moved, "That the inequalities and injustice attending the operation of the existing Property and Income Tax disqualify it for being continuously reimposed in its present form as one of the means of levying the National Revenue" (*Mr. Hubbard*) *June* 14, 1750
After long debate, Question put, A. 28, N. 67 ; M. 39

Indemnity Bill
(*Mr. Peel, Mr. Baring*)
c. Ordered * ; read 1° *May* 9 [Bill 97]

India
Azeem Jah, Claims of, Amendment on Comm. of Supply *June* 13, "To leave out from "That" and add "A Select Committee be appointed to inquire into the claims of His Highness Azeem Jah to the title and dignity of the Nawab of the Carnatic ; and further to report upon the circumstances under which the Treaty entered into between His Highness's father, Azeem ul Dowlah and the East India Company, dated the 31st day of July, 1801, has been declared void" (*Mr. Smollett*), 1641
After long debate, Question put, "That the words, &c.," A. 62, N. 45 ; M. 17
Banda and Kirwee Booty, Amendment on Comm. of Supply *May* 27, To leave out from "That" and add "An humble Address be presented to Her Majesty, praying that She will be graciously pleased to proceed in the distribution of the Banda and Kirwee Booty, upon the principle of actual capture, as recommended in the Report of the Royal Commission on Army Prize ; and, should there be any dispute as to the troops entitled upon that principle to share in the distribution, to refer the question to some competent judicial tribunal" (*Sir Stafford Northcote*), 721
Question proposed, "That the words, &c. ;" after debate, Amendment withdrawn
Bhootan, The British Envoy to, Question, Mr. Wilbraham Egerton ; Answer, Sir Charles Wood *May* 26, 633
British Burmah, Question, Sir Andrew Agnew ; Answer, Sir Charles Wood *June* 17, 194

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India—cont.
- *Claims of Indian Officers*, Question, Lord Stanley; Answer, Sir Charles Wood *May* 10; 258; Question, Colonel Sykes; Answer, Mr. Vansittart *June* 6, 1264
- *Covenanted Servants*, Observations, Sir Edward Grogan; Reply, Sir Charles Wood *May* 6, 167
- *Dalhousie, The late Marquess of*, Question, Sir James Fergusson; Answer, Mr. H. Baillie *June* 20, 2035
- *Delhi Prize Money*, Question, Sir Minto Farquhar; Answer, Sir Charles Wood *May* 13, 460
- *Dhar, The Rajah of*, Question, Lord Stanley; Answer, Sir Charles Wood *June* 17, 1948
- *Finance*, Question, Mr. J. B. Smith; Answer, Sir Charles Wood *June* 3, 1146
- *Gold Currency for India*, Amendment on Comm. of Supply *June* 10, To leave out from "That" and add "the increasing trade and commerce of India, and the consequent increasing demand for a portable circulating medium, requires that a Gold Currency should be established in that Empire" (*Mr. John Benjamin Smith*), 1573
  - Question proposed, "That the words, &c."
  - After long debate, Amendt. withdrawn
- *Indian Army*, Question, Captain Jervis; Answer, Sir Charles Wood *May* 9, 189; Question, Sir Minto Farquhar; Answer, Sir Charles Wood *June* 14, 1729
- *Pensions*, Question, Mr. Arthur Mills; Answer, Sir Charles Wood *June* 10, 1544
- *Press, The Native*, Question, Mr. Adam; Answer, Sir Charles Wood *June* 17, 1949

INGESTRE, Viscount, *Staffordshire, N.*
Factory Acts Extension, 2R. 1720

INGHAM, Mr. R., *South Shields*
Greenwich Hospital, Res. 1164

Inland Revenue (Stamp Duties) Bill
(*Mr. Massey, Mr. Chancellor of the Exchequer, Mr. Peel*)
c. Resolution in Committee* *June* 16
Read 1° * *June* 17 [Bill 159]

Inns of Court Bill
(*Sir George Bowyer, Mr. William Ewart, Mr. Hennessy*)
c. Ordered *May* 10; read 1° * *May* 11 [Bill 104]

Insane Prisoners Act Amendment Bill
(*The Lord President*)
l. Report of Select Committee* (Nos. 110, 111)
Committee* *June* 7; Report* *June* 10
Read 3^{a} * *June* 13
Royal Assent *June* 23 [27 & 28 *Vict.* c. 29.]

Intoxicating Liquors (Sale on Sundays)
c. Motion for leave (*Mr. Somes*) *May* 6, 168
After debate, Question put, A. 87, N. 123; M. 36

Intoxicating Liquors Bill
(*Mr. Lawson, Mr. Bazley*)
c. Motion, "That the Bill be now read 2°" (*Mr. Lawson*) *June* 8, 1390 [Bill 44]
Amendt. proposed, to leave out "now," and add "upon this day three months" (*Captain Jervis*), 1399
Question proposed, "That 'now' &c."
After long debate, Question put, A. 35, N. 292; M. 257
Words added
Main Question, as amended, put, and agreed to
Second Reading put off for three months *June* 8
List of the Ayes, 1423

Ionian Islands
- *Affairs of the*, Question, Mr. Baillie Cochrane; Answer, Mr. Layard *June* 3, 1147
- *Officials in the*, Question, Mr. Roebuck; Answer, Mr. Cardwell *May* 30, 803
- *State of the*, Question, Mr. Smollett; Answer, Mr. Cardwell *May* 26, 634

Ireland
- *Agrarian Offences—Case of Michael Duigan and Others*, Moved, "That an humble Address be presented to Her Majesty for Copy of any Memorial received by the Lord Lieutenant of Ireland or the Irish Government praying for the release of Michael Duigan, Patrick Duigan, and Patrick Egan" (*The Marquess of Westmeath*), 356
  - After short debate, Motion agreed to *May* 12
- *Convicts*, Question, Captain Stacpoole; Answer, Sir Robert Peel *May* 23, 588
- *Daunt's Rock*, Question, Mr. Horsfall; Answer, Mr. Milner Gibson *June* 16, 1837
- *Emigration from*, Question, Mr. Scully; Answer, Sir George Grey *May* 6, 99
- *Fisheries, the Irish*, Question, Mr. Monsell; Answer, The Attorney General for Ireland *June* 16, 1837
- *Land Tenure*, Question, Mr. Maguire; Answer, The Attorney General for Ireland *May* 5, 18
- *Land, Transfer of*, Question, Mr. Scully; Answer, The Attorney General for Ireland *June* 20, 2027
- *Malicious Burnings*, Question, Captain Archdall; Answer, Sir Robert Peel *May* 5, 22
- *Medical Officers in Unions*, Amendment on Comm. of Supply *May* 6, To leave out from "That" and add "In the opinion of this House, Her Majesty's Government should now adopt the recommendation of the Select Committee of 1858, which 'recommended Her Majesty's Government to take into consideration the claims of Ireland to a grant of the half-cost of Medical Officers in Unions with the view of providing for the same in future as is now the practice in England and Scotland'" (*Mr. MacEvoy*), 151
  - Question put, "That the words, &c." A. 73, N. 58; M. 15
- *National Education*, Question, Sir Hugh Cairns; Answer, The Attorney General for Ireland *May* 5, 25; Question, Sir Edward Grogan; Answer, Sir Robert Peel *June* 14, 1729

[*cont.*

Ireland—cont.

National Education, Moved, "That, in the opinion of this House, the Rules sanctioned by the Commissioners of National Education in Ireland on the 21st day of November, 1863, are, so far as regards their operation on the aid afforded to Convent and Monastic Schools, at variance with the principles of the system of National Education" (*Sir Hugh Cairns*) *June* 14, 1761
debate adjourned

Poor Rates, Amendment on Comm. of Supply *May* 6, To leave out from "That" and add "it is not just to charge the Poor Rate in Ireland with the expenses connected with the Registry of Voters and Births and Deaths; and that it be an Instruction to the Committee appointed on the subject of Taxation in Ireland, to consider how said expenses may be more equitably charged" (*Sir Hervey Bruce*), 143
Question proposed, "That the words, &c."
After debate, Amendt. withdrawn

Registration of Titles, Amendment on Comm. of Supply *May* 27, To leave out from "That" and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire and report as to the best system for Registering Titles to Land in Ireland, and to frame a measure for that purpose; also to consider and report as to the creation of transferable Debentures upon Land in Ireland" (*Mr. Scully*), 736
Question proposed, "That the words, &c."
After debate, Amendt. withdrawn

Jackson, Mr. W., *Newcastle-under-Lyme*
Collection of Taxes, Re-Comm. 1471

Jamaica—Address for
Copy of all Correspondence relating to Jamaica, &c. (*Lord Dunsany*) *June* 3, 1119
Motion amended, by inserting the words "or Extracts;" and Address agreed to

Jervis, Capt. H. J. W., *Harwich*
Army Estimates—Medical Establishment, 35; —Manufacturing Departments, 65, 77
Army—Rating of Officers of Chelsea Hospital, Address moved, 199
India—The Army, 189;—Claims of Indian Officers, 259, 1271
Intoxicating Liquors, 2R. Amendt. 1399
Private Bills—Standing Order, 1144
Supply—Emigration, 1893, 1895;— Consular Establishments, 1906, 1908, 1911

Jervoise, Sir J. C., *Hampshire, S.*
Supply—Privy Council Office, 1334
Treasure Trove, Address moved, 285
Vaccination of Sheep, 193

Joint Stock Companies (Foreign Countries) Bill [H.L.]
c. Read 1° *May* 2; read 2°* *May* 5 [Bill 87]
Committee*; Report *May* 9
Read 3°* and passed *May* 11
Royal Assent *May* 13 [27 & 28 *Vict.* c. 19.]

Jolliffe, Rt. Hon. Sir W. G. H., *Petersfield*
Army Estimates—Works, Buildings, &c., 82, 202;—Surveys, 232, 236
Intoxicating Liquors (Sale on Sundays), Leave, 174
Union Assessment Committee Act Amendment, 2R. 84; Comm. *cl.* 1, Amendt. 518, 519

Juries in Criminal Cases Bill
(*Sir Colman O'Loghlen, Mr. Longfield*)
c. Ordered*; read 1° *May* 27 [Bill 120]

Justices of the Peace Procedure Bill
(*Mr. Paull, Mr. Richard Hodgson, Mr. Staniland*)
c. Ordered* *June* 7
Read 1°* *June* 8 [Bill 138]

Kekewich, Mr. S. T., *Devonshire, S.*
Supply—Government Prisons, &c. at Home, 1689, 1690

Kelly, Sir FitzRoy, *Suffolk, E.*
Forfeiture of Lands and Goods, 2R. 1811

Kinglake, Mr. A. W., *Bridgwater*
China—Affairs of, Res. 964
Denmark and Germany—The Conference, 1290
Education (Inspectors' Reports), Nomination of Comm. 990

Kinnaird, Lord
Scottish Episcopal Clergy Disabilities Removal, 2R. 628

Kinnaird, Hon. A. F., *Perth*
Army Estimates—Works, Buildings, &c., 80, 206
Bank of England Notes (Scotland), Leave, 602
China—Affairs of, 545; Res. 976, 977
Education (Inspectors' Reports), Nomination of Comm. 996
Government Annuities, 3R. 2038
Supply — Westminster Bridge Approaches, 848; — Architectural Designs for Public Buildings, 850
Writs Registration (Scotland), 2R. 1502

Knight, Mr. F. W., *Worcestershire, W.*
Collection of Taxes, Re-Comm. *cl.* 2, Amendt. 1482

Knox, Hon. Major W. S., *Dungannon*
Army—The Guards in Canada, 522
Education (Inspectors' Reports), Nomination of Comm. Adj. moved, 1001
Volunteer Review, The, 808

Knox, Col. B. W., *Marlow* (*Great*)
Army Estimates—Yeomanry Cavalry, 44, 45
Army—The Enfield Rifle, 457

Lagos, Colony of
Question, Mr. Arthur Mills; Answer, Mr. Cardwell *June* 9, 1456

Lambeth Medical Diplomas
Question, Colonel French; Answer, Sir George Grey *May* 13, 461

Land Drainage (Provisional Orders) Bill
Royal Assent *May* 13 [27 & 28 *Vict.* c. 14.]

Land Mortgage (Bank of India) Bill
Bill withdrawn* *May* 6

Law of Debtor and Creditor—see *County Courts Act Amendment Bill*

Law Life Assurance Company—Civil Bill Ejectments
Observations, Mr. Longfield; Reply, Lord John Browne; debate thereon *May* 27, 746

LAWSON, Mr. W., *Carlisle*
Army Estimates—Yeomanry Cavalry, 42
Intoxicating Liquors, 2R. 1390, 1413, 1422
Street Music (Metropolis), 2R. 1530

LAYARD, Mr. A. H. (Under Secretary for Foreign Affairs), *Southwark*
Abyssinia—Treatment of the British Consul, 1145
Brazil—Relations with, 19;—Case of Mr. Reeves, 367, 913, 914
China—Policy of European Powers, 460;—British Subjects in, 588;—Affairs of, 635; Res. 933, 947;—Major Gordon's Appointment, 1640;—Railways in, 1836
Denmark and Germany—Duchies of Schleswig and Holstein, 162;—Prussian Exactions in Jutland, 516, 592;—The Austrian Squadron, 517;—Treaty of London, 720
Home, Mr., and the Roman Government, 841
Ionian Islands—Affairs of, 1147
London, &c. Docks Amalgamation, 2R. 1388, 1389
Peru—Seizure of the Chincha Islands, 911
Poland, Res. 661
Russia—Emigration of the Circassians, 517
"Science," The Barque, 24
Slave Trade—White Nile, Papers moved for, 982
Supply—Foreign Office, 1333;—Zambesi Expedition, 1896;—Niger Expedition, 1897;—Captured Negroes, &c., 1898;—Suppression of Slave Trade, 1899;—Consular Establishments, 1900, 1901, 1902, 1904, 1905, 1908, 1910, 1911
United States—American Securities, 260;—Murder of the Mate of the "Saxon," 368, 1064;—Our Relations with, 588
White, Captain Melville, Case of, Paper moved for, 604

LEATHAM, Mr. E. A., *Huddersfield*
Tests Abolition (Oxford), Comm. 1008

LEFEVRE, Mr. G. J. SHAW, *Reading*
Confederate Ship "Georgia," 519

LEFROY, Mr. A., *Dublin University*
Railway Travelling (Ireland), 2R. 2106

LEIGHTON, Sir B., *Shropshire, S.*
Collection of Taxes, Re-Comm. 1471
County Bridges, 2R. 352

LENNOX, Lord H. G. C. G., *Chichester*
Denmark and Germany—The Conference, 1276

LESLIE, Col. C. P., *Monaghan Co.*
Navy—Guns of the "Royal Sovereign," 521

LEWIS, Mr. J. H., *Marylebone*
Collection of Taxes, 3R. 2101
Supply—Consular Establishments, 1904

LICHFIELD, Earl of
Penal Servitude Acts Amendment, 2R. 908; Comm. *cl.* 4, 1345; Report, *cl.* 4, Amendt. 1937

LIDDELL, Hon. G. H., *Northumberland, S.*
Ashantee War, Res. 1988
China—Affairs of, 537; Res. 957;—Major Gordon's appointment, 1639, 1640
Collection of Taxes, Re-Comm. 1470
Greenwich Hospital, Res. 1151, 1167
Highways Act Amendment, 2R. 692
Union Assessment Committee Act Amendment, Comm. *add. cl.* 520

Life Annuities and Life Assurances, (Deficiency of Assets &c.) Bill
(*Mr. Chancellor of the Exchequer, Mr. Peel*)
c. Resolution in Committee* *May* 26
Resolution reported *May* 28
Committee*; Report *June* 2
Considered as amended* *June* 3
Read 3° * and passed *June* 6
l. Read 1ª * (*The Lord Stanley of Alderley*) *June* 7 (No. 116)

Limited Penalties Bill
(*Mr. Solicitor General, Mr. Attorney General*)
c. Ordered*; read 1° *May* 5 [Bill 94]
Read 2° * *May* 19
Committee*; Report *May* 23
Read 3° after short debate *May* 26, 696
l. Read 1ª* (*The Lord Chancellor*) *May* 27 (No. 97)

LINDSAY, Mr. W. S., *Sunderland*
Confederate States, The, 912
Confederate Steam Rams, 808
Discriminating Duties, Papers moved for, 1353
Navy Estimates, Supplementary—Pay of Officers, Adj. moved, 690, 691
Supply—Harbours of Refuge, 854

Local Government Act (1858) Amendment Bill
(*Mr. Neate, Sir William Heathcote*)
Ordered*; read 1° *June* 16 [Bill 155]

Local Government Supplemental Bill
(*Mr. Baring, Sir George Grey*)
c. Committee*; Report *May* 5 [Bill 80]
Read 3°* *May* 6
l. Read 1ª* (*The Lord Stanley of Alderley*) *May* 9 (No. 71)
Read 2ª* *May* 12
Committee* *May* 30; Report* *May* 31
Read 3ª* *June* 2
Royal Assent *June* 23 [27 & 28 *Vict.* c. 26.]

Local Government Supplemental (No. 2) **Bill**
(*Mr. Baring, Sir George Grey*)
c. Ordered*; read 1° *June* 13 [Bill 147]
Read 2°* *June* 16

Locke, Mr. J., *Southwark*
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Partnership Law Amendment, Comm. *cl.* 3, 242
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London Docks, St. Katharine's Dock, and Victoria (London) Dock Amalgamation Bill [*Lords*]
l. Motion, "That the Bill be now read 2°," 1386
Amendt. proposed, to leave out "now," and add "upon this day three months" (*Mr. Locke*)
Question proposed, "That 'now,' &c."
After short debate, Amendt. withdrawn
Main Question put, and agreed to
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Long, Mr. R. P., *Chippenham*
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Longfield, Mr. R., *Mallow*
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Chancery, Court of (Ireland), 2R. Amendt. 1093, 1118
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Law Life Assurance Company, 746, 761
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Longford, Earl of
Chimney Sweepers, &c., Report, *add. cl.* 1439

Lopez, Sir M., *Westbury*
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Lovaine, Lord, *Northumberland, N.*
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Lowe, Right Hon. R., *Calne*
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Lucan, Earl of
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Lunacy (Scotland) Bill
(*The Lord Advocate, Sir George Grey, Sir William Dunbar*)
c. Ordered*; read 1° *June* 13 [Bill 146]
Read 2°* *June* 20

Lyall, Mr. G., *Whitehaven*
Ceylon—Military Expenditure, 1261
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Lygon, Hon. F., *Worcestershire, W.*
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Macaulay, Mr. K., *Cambridge*
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MacEvoy, Mr. E., *Meath Co.*
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Magisterial Convictions in Cornwall
Question, Mr. Hunt; Answer, Sir George Grey *May* 9, 193; Explanation, Sir George Grey *May* 13, 461

MAGUIRE, Mr. J. F., *Dungarvan*
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MALINS, Mr. R., *Wallingford*
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MANNERS, Right Hon. Lord J. J. R. *Leicestershire, N.*
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MARLBOROUGH, Duke of
Artillery Practice in Plymouth Sound, 1223
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Married Women's Acknowledgments Bill
(*Mr. Attorney General for Ireland, Sir Robert Peel*)
c. Ordered*; read 1° *May* 27 [Bill 122]
Read 2° * *June* 2

MARSH, Mr. M. H., *Salisbury*
Borough Franchise, 2R. 311
Forfeiture of Lands and Goods, 2R. 1809
Supply—Holyhead Harbour, &c., 856;—Sir Rowland Hill, 1599

MARTIN, Mr. P. W., *Rochester*
Collection of Taxes, Re-Comm. *cl.* 12, 1484
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MASSEY, Mr. W. N. (Chairman of Committees), *Salford*
Army Estimates—Medical Establishment, 35;—Manufacturing Departments, 77
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Metropolis—South Entrance to Park Lane
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Metropolitan Subways Bill
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Metropolitan Traffic Bill
(*Mr. Alderman Salomons, Mr. Locke, Mr. Jackson, Mr. Taverner Miller*)
c. Ordered*; read 1° *May* 31 [Bill 129]

Middlesex Sessions—Mr. Sergeant Payne
Question, Mr. Clay; Answer, Sir George Grey *June* 2, 1061

MILES, Sir W. *Somersetshire, E.*
Education (Inspectors' Reports), Report, 1352
Navy—Masters in the, Res. 1214
Supply—Architectural Designs for Public Buildings, 849, 850;—County Roads, South Wales, 1675;—Police Counties and Boroughs, Amendt. 1682, 1685

Militia Pay Bill
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MILLS, Mr. A., *Taunton*
Courts of Justice (Money), 24
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Supply—Public Works Loan Commission, &c., 1674;—Indian Department, Canada, 1884;—Governors, &c., West Indies, &c., 1885, 1887, 1888;—Emigration, 1891, 1892

MILLS, Mr. J. REMINGTON, *Wycombe (Chepping)*
Church Building, &c. Acts Amendment, 2R. 1527

Miscellaneous Civil Service Estimates
Amendt. on Comm. of Supply *May* 26, "That the Miscellaneous Civil Service Estimates, Class 2, laid upon the table of the House, be referred to a Select Committee to ex-

[*cont.*

Miscellaneous Civil Service Estimates—cont.
amine the same in reference to the past expenditure for the Civil Services, and to report to the House any reductions, better arrangement, or other particulars connected with that branch of the Public Expenditure which in their opinion deserve the attention of the House when the said Estimates are under their consideration" (*Mr. Augustus Smith*), 663
Motion, being irregular, not put

Mitford, Mr. W. T., *Midhurst*
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Moncreiff, Right Hon. J., *see* Advocate, The Lord

Monsell, Right Hon. W., *Limerick Co.*
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Montagu, Lord R., *Huntingdonshire*
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Moor, Mr. H., *Brighton*
Supply—Emigration, 1894
Tests Abolition (Oxford), Comm. 1024

Morrison, Mr. W., *Plymouth*
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Charity Commissioners, Comm. moved for, 1864
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Morritt, Mr. W. J. S., *Yorkshire, North Riding*
Malt Duty, Res. 414

Mortgage Debentures Bill
(*The Lord Redesdale*)
l. Report of Select Committee* *May* 26 (No. 55)
House in Committee, after short debate *June* 2, *cl.* 32 (Investment of Trust Money on Mortgage Debentures), 1053
After short debate, Clause negatived
Report *June* 14, 1706
An Amendt. moved (*The Earl of Malmesbury*), and negatived
Read 3ª * *June* 16

Mundy, Mr. W., *Derbyshire, South*
Education—Science Certificate, 1837

Municipal Corporations (Ireland) Bill
(*Mr. M'Mahon, Sir Colman O'Loghlen, Mr. Blake*)
c. Ordered* *June* 7; read 1° * *June* 8 [Bill 139]

Mure, Mr. D., *Buteshire*
Scotch Affairs, Administration of, Comm. moved for, 1193
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Murray, Mr. W., *Newcastle-under-Lyme*
Law Life Assurance Company, 760, 761

Naas, Rt. Hon. Lord, *Cockermouth*
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Beer Houses (Ireland), Comm. *cl.* 3, 695
China—Affairs of, 539; Res. 942, 965
Railway Travelling (Ireland), 2R. 2105
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Supply—Holyhead Harbour, &c., 856;—Public Works (Ireland), 858, 859; Amendt. 860;—Rates for Government Property, 863;—Land, &c. Kensington Gore, 868; Report, 2023
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National Gallery, The
Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper *May* 10, 260; Question, Mr. Hibbert; Answer, Mr. Gregory *June* 13, 1636

Naval Agency and Distribution Bill
(*Lord Clarence Paget, Mr. Stansfeld*)
c. Committee* (*on re-comm.*); Report *May* 5 [Bill 63]
Considered as amended* *May* 9
Read 3° * *May* 11
l. Read 1ª * (*The Duke of Somerset*) *May* 12
Read 2ª * *May* 27 (No. 83)
Committee* *June* 3; Report* *June* 6
Read 3ª * *June* 7
Royal Assent *June* 23 [27 & 28 *Vict.* c 24.]

Naval Prize Acts Repeal Bill
(*Lord Clarence Paget, Mr. Stansfeld*)
c. Committee* (*on re-comm.*); Report *May* 5
Read 3° * *May* 9 [Bill 64]
l. Read 1ª * (*The Duke of Somerset*) *May* 10
Read 2ª * *May* 27 (No. 78)
Committee*; Report *June* 3

Naval Prize Bill
(*Lord Clarence Paget, Mr. Stansfeld*)
c. Committee* (*on re-comm.*); Report *May* 5
Considered as amended* *May* 11
Read 3° * *May* 12
l. Read 1ª * (*The Duke of Somerset*) *May* 13
Read 2ª * *May* 27
Committee* *June* 3; Report* *June* 6
Read 3ª * *June* 7
Royal Assent *June* 23 [27 & 28 *Vict.* c. 25.]

Naval and Victualling Stores Bill
(*Duke of Somerset*)
l. Read 2ª * *May* 6 (No. 151)
Committee * ; Report* *May* 9 (No. 64)
Read 3ª * *May* 10
c. Read 1º * *June* 15 [Bill 151]
Read 2º, after debate, *June* 20, 2108

Navy
" *Gladiator,*" *The,* Question, Sir James Elphinstone ; Answer, Lord Clarence Paget *June* 20, 2088
Iron Plate Committee, Question, Mr. Hanbury Tracy ; Answer, Lord Clarence Paget *May* 12, 366
Masters in the, Amendment on Comm. of Supply, To leave out from " That " and add " this House will, upon Tuesday next, resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions for putting the Staff Captains, Commanders, and Masters of the Royal Navy upon an equality in pay, rank, and eligibility for receiving marks of distinction, with any other class of Officers in that Service" (*Sir Lawrence Palk*) *June* 3, 1209
Question proposed, " That the words, &c." After short debate, Amendment withdrawn.
Naval Gunnery, Question, The Earl of Hardwicke ; Answer, The Duke of Somerset *June* 16, 1824
Naval Stations in the Pacific, Question, Mr. Watkin ; Answer, Mr. Childers *June* 13, 1636
" *Research,*" *The, and the* " *Enterprise,*" Question, Sir John Hay ; Answer, Lord Clarence Paget : Debate thereon *May* 23, 588 ; Question, Sir Frederic Smith ; Answer, Lord Clarence Paget *May* 30, 801 ; Question, Sir James Elphinstone ; Answer, Lord Clarence Paget *May* 31, 914
" *Research,*" *Inspection of the,* Question, Sir John Hay ; Answer, Lord Clarence Paget *June* 9, 1455
Royal Marines, Retirement in the, Amendment, on Comm. of Supply *May* 6, To leave out from " That" and add " this House would view with satisfaction the distribution of the full sum awarded by the Order in Council of 1854 for the retired Officers in the Royal Marines, as it would tend to expedite the necessary promotion in that valuable Corps" (*Sir John Hay*), 147
Question proposed, " That the words, &c." After debate, Amendment withdrawn
Royal Naval Reserve, Question, Mr. H. Berkeley ; Answer, Lord Clarence Paget *June* 7, 1353
" *Royal Sovereign,*" *Guns of the,* Question, Colonel C. P. Leslie ; Answer, Mr. Childers *May* 20, 521
School of Naval Architecture — Sir William Snow Harris—Amendment on Committee of Supply *May* 9, To leave out from "That " and add " there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture " (*Mr. Augustus Smith*), 194

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Question proposed, " That the words, &c." After short debate, Amendment withdrawn
Amendment on Comm. of Supply *June* 10, To leave out from " That" and add " there be laid before this House, Copy of a Communication made to the Admiralty by Sir W. Snow Harris on the organization of the proposed School of Naval Architecture" (*Mr. Augustus Smith*), 1593
Question proposed, " That the words, &c." After short debate, Motion agreed to
" *Science,*" *The Barque,* Question, Mr. Blake ; Answer, Mr. Layard *May* 5, 24
Superannuation in the Dockyards, Question, Mr. Ferrand ; Answer, Lord Clarence Paget *May* 26, 665

NEATE, Mr. C., *Oxford City*
Army Estimates—Yeomanry Cavalry, 44
Parks, Public Meetings in the, 776
Supply—Sir Rowland Hill, 1600
Tests Abolition (Oxford), Comm. 1025

Needlewomen of London—Report of the Commission
Question, The Earl of Carnarvon ; Answer, Earl Granville *June* 16, 1834

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Beer Houses (Ireland), Comm. *cl.* 3, 695
Borough Franchise, 2R. 344
Brazil—Case of Mr. Reeves, 367, 913
Collection of Taxes, 3R. 2101
Denmark and Germany—The Conference, 100, 101 ;—Duchies of Schleswig and Holstein, 166
Factory Acts Extension, Comm. 1945
*Gaols, 2R. Amendt. 2060, 2071, 2079, 2081
Supply—Consular Establishments, 1904, 1905
Tests Abolition (Oxford), Comm. 1040
Union Assessment Committee Act Amendment, Comm. *add. cl.* 519, 520

New Members Sworn
May 10—Edward William Watkin, esq., *Stockport*
May 26—John Joseph Powell, esq., *Gloucester City*

New Writs ordered
May 4—*For* Stockport *v.* James Kershaw, esq., deceased
May 20—*For* Gloucester City *v.* John Joseph Powell, esq., Recorder of Wolverhampton
June 20—*For* Durham County (Northern Division) *v.* Lord Adolphus Vane Tempest, deceased

New Zealand
l. Question, Lord Lyttelton ; Answer, Earl Granville : long debate thereon *May* 30, 779
c. *Loan,* Question, Mr. Aytoun ; Answer, Mr. Cardwell *June* 6, 1261
War in, Question, Mr. Arthur Mills ; Answer, Mr. Cardwell *June* 6, 1263

New Zealand (Guarantee of Loan) Bill
(*Mr. Massey, Mr. Cardwell, Mr. Fortescue*)
Loan, Guarantee of, Papers referred
c. Resolution considered in Committee *June* 13 1690
Resolution, "That Her Majesty be authorized to guarantee the liquidation of a Loan, to an amount not exceeding One Million Pounds, for the service of the Colony of New Zealand, together with interest thereon not exceeding Four Pounds per Centum per annum; and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable by Her Majesty under such guarantee" (*Mr. Cardwell*)
After short debate, Resolution agreed to
Resolution reported *; Bill ordered *June* 14
Read 1° * *June* 14 [Bill 150]

North, Col. J. S., *Oxfordshire*
Army Estimates—Medical Establishment, 29, 35, 36, 39;—Disembodied Militia, 41;—Enrolled Pensioners, 53, 54;—Works, Buildings, &c., 204, 207, 214;—Military Education, 223, 231, 232
Army—Rating of Officers of Chelsea Hospital, Address moved, 198; — Captain Grant's System of Cooking, Address moved, 523

Northcote, Sir S. H., *Stamford*
China—Vote of Credit for, 1352
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Herbert, Mr., Case of, 466; Explanation, 515
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India — Banda and Kirwee Booty, Address moved, 721, 735
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Spirit Duties, Res. 833, 834
Supply—Consular Establishments, 1906
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O'Brien, Sir P., *King's Co.*
Beer Houses (Ireland), Comm. *cl.* 3, 694
Education (Inspectors' Reports), Nomination of Comm. 997
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Ogilvy, Sir J., *Dundee*
Factory Acts Extension, Comm. 1945

O'Hagan, Right Hon. T. (Attorney General for Ireland), *Tralee*
Beer Houses (Ireland), Comm. *cl.* 3, 695
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Supply—Landed Estates Record Offices, 1676;—Court of Chancery (Ireland), 1688;—Registration of Judgments (Ireland), 1688

O'Loghlen, Sir C., *Clare Co.*
Beer Houses (Ireland), Comm. *cl.* 3, 693
Chief Rents (Ireland), Comm. *cl.* 1, 15
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Supply—Westminster Bridge Approaches, 847;—Public Works (Ireland), 859, 1670, 1672;—Sheriff Court Houses (Scotland), 863;—Copyhold, &c. Commission, 1674;—Printing and Stationery, 1678;—Postage of Public Departments, 1681; — County Courts, 1685;—Governors, &c. West Indies, &c., 1885; Report, 1913

O'Reilly, Mr. M. W., *Longford Co.*
Army Estimates—Medical Establishment, 31;—Military Education, 228;—Administration of the Army, 237, 238
Railway Travelling (Ireland), 2R. 2106
Supply—County Roads, South Wales, 1675
Taxation, Comm. moved for, 281

Osborne, Mr. R. B., *Liskeard*
Charity Commissioners, Comm. moved for, 1873, 1876
Denmark and Germany — Naval Action off Heligoland, 197;—The Armistice, 198;—The Conference, 1262, 1277, 1730, 2030, 2033
Education—Inspectors' Reports, Comm. moved for, 391; Amendt. 393
Supply—New National Gallery at Burlington House, 1330

Overstone, Lord
Mortgage Debentures, Comm. 1049

Oxford, Bishop of
Church Services (Apocrypha), 2R. 1932
Ecclesiastical Courts and Registries, Comm. 1706
Scotch Episcopal Clergy Disabilities Removal, 2R. 631

Oyster Dredging at Beachy Head,
Question, Mr. Cave; Answer, Mr. Milner Gibson *June* 9, 1457

Oyster Fishery (England and Wales) Bill
[H.L.] (*The Marquess of Clanricarde*)
l. Presented*; read 1ª *June* 2 (No. 108)

Packe, Mr. C. W., *Leicestershire, S.*
Agricultural Statistics, Res. 1368
Collection of Taxes, Re-comm. 1467; 3R. 2091
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Paget, Rear-Admiral Lord C. E. (Secretary of the Admiralty), *Sandwich*
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PAGET, Rear-Admiral Lord C. E.—*cont.*
 Army—Sanitary Measures (Camps, &c.), Comm. moved for, 1914
 Ashantee War, The, 1839, 1840, 1841; Res. 2004, 2007
 Confederate Steam Rams, 912
 Denmark and Germany—H.M.S. "Aurora," 103, 104
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 Navy Estimates, Supplementary—Pay of Officers, 667, 676, 679, 686, 688, 690, 691;—Retirement of Officers, 692
 Navy—Retirement in the Royal Marines, Res. 148;—Iron Plate Committee, 366;—The "Research," and the "Enterprise," 589, 590, 591, 802, 914, 1455, 1456;—Superannuation in the Dockyards, 666;—Masters in the, Res. 1215;—Royal Naval Reserve, 1353;—The "Gladiator," 2029
 School of Naval Architecture—Sir W. S. Harris, Papers moved for, 195, 1593
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PAGET, Mr. C., *Nottingham*
 Agricultural Statistics, Res. 1368

PAKINGTON, Right Hon. Sir J., *Droitwich*
 Ashantee War, 545, 1840; Res. 1994, 1999, 2001
 Denmark and Germany—H. M. S. "Aurora," 103;—The Austrian Squadron, 517
 Education—School Inspectors' Reports, 191; Comm. moved for, Amendt. 371; Nomination of Comm, 991, 998, 999, 1092, 1544
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 Navy—Masters in the, Res. 1211
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PALK, Sir L., *Devonshire, S.*
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 Denmark and Germany—The Conference, 1262
 Navy Estimates, Supplementary—Pay of Officers, 674
 Navy—Masters in the, Res. 1209, 1217

PALMER, Sir R., *see* ATTORNEY GENERAL, The

PALMERSTON, Right Hon. Viscount (First Lord of the Treasury), *Tiverton*
 Adjournment of the House, 591
 Agricultural Statistics, Res. Previous Question moved, 1383
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 Denmark and Germany—Prussian Exactions in Jutland, 522, 593, 721;—The Conference, 1262, 1263, 1286, 1458, 1730, 2033, 2034;—The Armistice, 1542, 1543
 Education (Inspectors' Reports), Nomination of Comm. 982, 996, 999, 1001
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PALMERSTON, Right Hon. Viscount—*cont.*
 India—Banda and Kirwee Booty, Address moved, 732, 736
 Navy Estimates, Supplementary—Pay of Officers, 691
 Poland, Res. 651, 657, 658—Affairs of, 915, 916
 School of Naval Architecture, Papers moved for, 1594
 Supply—New National Gallery at Burlington House, 1329;—Sir Rowland Hill, 1595, 1600;—Paymaster General, 1604;—Public Works (Ireland), 1673;—Consular Establishments, 1906, 1909, 1911, 1912

Parliament—New Palace of Westminster
LORDS—
 May 13, *Whitsuntide Recess*, House adjourned till Monday, 23rd inst.
 See *Sat First* and *Took the Oath*
COMMONS—
 Wall Paintings in Peers' Robing Room—Dyce, Mr., Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper, *May* 19, 517
 May 13, *Witsuntide Recess*, House at rising to adjourn till Thursday next
 See *New Writs* and *New Members Sworn*

Partnership Law Amendment Bill
(*Mr. Scholefield, Mr. Murray, Mr. Stansfeld*)
 Considered in Committee *May* 9, 240 [Bill 68.]
 cl. 3 (A Limited Partnership may be formed)
 Amendment again proposed; after short debate, Question put, "That those words be there added," A. 58, N. 43; M. 15
 cl. 4 (Any person lending money to General Partners on certain Terms to be a Limited Partner), 242
 Amendment proposed, in line 40, to leave out "or contract to lend" (*Mr. Buchanan*)
 After short debate, Question put, "That those words stand part of the Clause," A. 39, N. 46; M. 7
 Committee report Progress [Bill 68]

Patent Office Library and Museum
 Moved, "That a Select Committee be appointed to inquire as to the most suitable arrangements to be made respecting the Patent Office Library and Museum" (*Mr. Dillwyn*), A. 21, N. 16; M. 5 *May* 9, 245
 On May 23, Committee nominated as follows:—Mr. Dillwyn, Mr. Cowper, Mr. Gregory, Mr. Knight, Lord Robert Cecil, Lord Henry Lennox, Mr. Ayrton, Mr. Augustus Smith, Lord Elcho, Mr. Waldron, Mr. Adderley, Mr. Walter, Mr. Calthorpe, Mr. Holford, and Mr. Francis Sharp Powell
 And, on May 27, Mr. Holford discharged and Mr. Humphery added

Patriotic Fund Commission
 Question, Mr. W. E. Forster; Answer, Mr. Corry *May* 27, 720

PATTEN, Col. J. W., *Lancashire, N.*
 Private Bills—Standing Order, 1144;—Committees on, Res. 1555

PAULL, Mr. H., *St. Ives*
Private Bills, Committees on, Res. 1566
Supply—Zambesi Expedition, 1897
Volunteer Review, The, 809

PAXTON, Sir J., *Coventry*
Discriminating Duties, Papers moved for, 1359
Supply—Civil Service Estimates, 405;—Royal Parks, &c., 421

PEACOCKE, Mr. G. M. W., *Maldon*
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Peers' Robing Room—Wall Paintings at New Palace of Westminster
Question, Mr. Cavendish Bentinck; Answer, Mr. Cowper, *May* 19, 517

Penal Servitude Acts Amendment Bill
(*Sir George Grey, Mr. Bruce*)
l. Read 1ª* (*The Lord President*) *May* 6 (No. 66)
Read 2ª, after long debate *May* 31, 882
House in Committee, after short debate *June* 7, 1339
cl. 2 (Length of Sentences of Penal Servitude)
Amendment moved at the end of Clause to add —
"And if Two previous Convictions of Felony, including summary Convictions under the Criminal Justice Act, shall be proved against a Prisoner found guilty of an Offence now punishable by Penal Servitude, he shall be liable to Penal Servitude for Seven Years, and this shall be the least Sentence that can be passed upon him" (*Earl Grey*), 1341
After short debate, Amendment agreed to; Clause agreed to
cl. 4 (Forfeiture of Licence), 1342
Moved, To leave out from ("therein") to ("or") in line 38.—(*Lord Houghton*)
After short debate, on Question, "That the words, &c.;" Contents 49, Not-Contents 41; Majority 8
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Amendment, by inserting "being a male" in line 36
Clause, as amended, agreed to
Amendments reported *June* 17, 1934
cl. 4 (Forfeiture of Licence), 1937
Amendment moved, after ("subsequently") to leave out ("once in each month") and insert ("if required to do so by the Conditions of, his Licence") (*The Earl of Lichfield*) *June* 17
On Question, "That the words, &c.," Con. 36, Not-Con. 44; M. 8: resolved in the Affirmative
List of Contents and Not-Contents, 1938
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PENNANT, Hon. Col. E. G. Douglas, *Carnarvonshire*
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Question, Mr. Baillie Cochrane; Answer, Mr. Cardwell *May* 13, 458

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London, &c. Docks Amalgamation, 2R. 1388, 1389
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(*Mr. Whalley, Mr. M'Mahon*)
c. Ordered* ; read 1° *May* 27 [Bill 121]

Pier and Harbour Orders Confirmation Bill (*Mr. Milner Gibson, Mr. Hutt*)
c. Considered in Committee ; Bill ordered *May* 4, 16
Read 1° *May* 4 [Bill 91]
Read 2° * *May* 9
Bill referred to Select Committee as to Carlingford, &c. *May* 23
Committee* (*on re-comm.*) *June* 20 [Bill 149]

Pilotage Order Confirmation Bill
(*Mr. M. Gibson, Mr. Hutt*)
c. Read 1° * *June* 2 [Bill 131]
Read 2° * *June* 13
Committee* ; Report *June* 20
As amended considered* *June* 21
Read 3°, and passed *June* 22

Plymouth Sound, Accident in
Question, Sir Massey Lopes ; Answer, The Marquess of Hartington *June* 2, 1063

Poland—Resolutions
l. Moved, " That, in the Opinion of this House, the Correspondence of Her Majesty's Government with the Cabinet of Saint Petersburg on the Polish Question has not as yet reached a satisfactory Conclusion :
" That, in the Opinion of this House, the Czar having failed to comply with the Conditions upon which, according to the Treaty of Vienna, he acquired his Sovereignty in Poland, it is no longer binding on Her Majesty's Government to acknowledge it " (*Lord Campbell*) *May* 9, 177
After short debate, Resolutions withdrawn
c. Amendment on Comm. of Supply *May* 26, To leave out from " That " and add " the negotiations of Her Majesty's Government respecting Poland have not terminated in a satisfactory manner " (*Mr. Hennessy*), 636
After long debate, Question, " That the words, &c." put, and agreed to
Question, Mr. Hennessy ; Answer, Viscount Palmerston *May* 31, 915

Police Rate (*Edinburgh*)—*Clergy Stipends*
Question, Mr. Caird ; Answer, The Lord Advocate *May* 12, 361

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
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Taxation, Comm. moved for, 273
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Poor Law Guardians Elections Bill
(*Mr. Barnes, Mr. Bazley, Mr. Hadfield*)
c. Ordered* ; read 1° *June* 15 [Bill 153]

Poor Relief Committee
Question, Mr. Goschen ; Answer, Mr. C. P. Villiers *May* 5, 19
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PORTMAN, Lord
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Question, Mr. Torrens ; Answer, Mr. Milner Gibson *May* 27, 719

Portsmouth Dockyard (Acquisition of Lands) Bill
(*Lord Clarence Paget, Mr. Childers*)
c. Ordered* *June* 14 ; read 1° *June* 15 [Bill 152]

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Factory Acts Extension, Comm. 1946

POWELL, Mr. F. S., *Cambridge*
Army Estimates—Survey, 234, 236
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POWIS, Earl of
Admiralty Lands and Works, Comm. *cl.* 14, Amendt. 1350, 1351
Public Schools, 2R. 1251 ; Comm. 1633

Private Bills
Standing Order (No. 142) read
Moved, " That the said Standing Order be repealed " (*Lord Stanley*) *June* 3, 1134
After debate, Question put, and negatived
Committees on, Amendment on Comm. of Supply *June* 10, To leave out from " That " and add " in the opinion of this House, it is expedient that the duty of ascertaining the facts upon which legislation in respect to Private Bills is to proceed should be discharged by some tribunal external to this House " (*Lord Robert Cecil*), 1545
Question proposed, " That the words, &c."
After long debate, Amendt. withdrawn

Promissory Notes and Bills of Exchange (Ireland) Bill
(*Sir Colman O'Loghlen, Captain Stacpoole*)
c. Read 3° * *May* 4 [Bill 74]
l. Read 1ª * (*The Lord President*) *May* 6 (No. 68)
Read 2ª * *May* 9
Committee* ; Report *May* 10
Read 3ª * *May* 12
Royal Assent *May* 13 [27 & 28 *Vict.* c. 20.]

Public and Refreshment Houses (Metropolis) Bill
(*Sir George Grey, Mr. Baring*)
c. Ordered * *May* 3 ; read 1° *May* 4 [Bill 92]
Read 2° after short debate *May* 27, 777
Committee* ; Report *June* 6
Committee* (*on re-comm.*) ; Report * *June* 13
Read 3° * *June* 16 [Bill 132]
l. Read 1ª * (*The Lord President*) *June* 17 (No. 135)

Public Meetings in the Parks
Question, Mr. Whalley ; Answer, Sir George Grey *May* 12, 366 ; Observations, Mr. Whalley ; Reply, Sir George Grey *May* 27, 769

Public Schools Bill [H.L.]
(*The Earl of Clarendon*)
l. Presented ; read 1ª *May* 30 (No. 100)
Bill read 2ª after long debate *June* 6, 1236
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Amendments made (No. 128)
Report* *June* 14
Read 3ª after short debate *June* 20, 1829

Public Schools Commission
c. Resolution, Amendment on Comm. of Supply *May* 6, To leave out from "That" and add "the state of the higher School Education in England is not satisfactory, and calls for the early attention of Her Majesty's Government" (*Mr. Grant Duff*), 105
Question proposed, "That the words, &c. ;" after long debate, Motion withdrawn
l. Motion for an Address for "Copies of any Minute of the Board of Treasury or Resolution of the Committee of the Privy Council relative to the Second Report of the Public Schools Commission" (*Earl Stanhope*) *May* 27, 699
After debate, Motion withdrawn

Public Works (Ireland) Bill
(*Mr. Peel, Mr. Attorney General for Ireland*)
c. Ordered* ; read 1° *May* 9 [Bill 101]

Pugh, Mr. D., *Carmarthenshire*
Private Bills, Committees on, Res. 1571

Punishment of Death
Answer to Address [*May* 3], reported* *May* 9

Punishment of Rape Bill [H.L.]
(*The Marquess of Westmeath*)
c. Read 1° June 16 [Bill 157]
Read 2° * *June* 20

Railway and Canal Bills
Question, Mr. Richard Hodgson ; Answer, Lord Stanley *May* 6, 101

Railway Companies Borrowing Powers
Moved, "That a Select Committee be appointed to continue the Inquiry commenced last Session, and report as to what legislative Measures are desirable for the Purpose of restraining Directors of Railway Companies from exceeding the Limits fixed by their Acts of Parliament, and from evading those provisions of their Acts of Parliament which require that a certain Portion of their authorized Capital shall be subscribed and paid up before their borrowing Powers can come into operation ; and also to inquire what Securities can be given to the Holders of Debentures as to the Validity and Legality of the Issue of such Bonds ;" agreed to (*The Earl of Donoughmore*) *May* 27
Committee nominated, Ld. President, D. Devonshire, Ld. Steward, E. Airlie, E. Macclesfield, E. Powis, E. Belmore, V. Hutchinson, L. Wodehouse, L. Redesdale, L. Stanley of Alderley, L. Dartrey, L. Overstone, L. Chelmsford, L. Taunton

Railway Companies Powers Bill
(*Mr. Milner Gibson, Mr. Hutt*) [Bill 30]
c. Read 2° * *May* 12
Committee* ; Report *May* 19 [Bill 110]
Committee* (*on re-comm.*) ; Report *June* 6
Read 3° * *June* 8
l. Read 1ª * (*The Lord Stanley of Alderley*) *June* 9 (No. 121)

Railways Construction Facilities (*re-committed*) **Bill**
(*Mr. Milner Gibson, Mr. Hutt*)
c. Read 2° * *May* 12 [Bill 29]
Committee* ; Report *May* 19 [Bill 111]
Considered in Committee *June* 6, 1336
After short debate, Committee R.P.
Considered in Committee *June* 9, 1528
Motion, "That the 9th Clause be struck out" (*Mr. Whalley*)
Motion, "That the Chairman do report Progress and ask leave to sit again" (*Viscount Galway*)
After short debate, Question put, and agreed to
Committee R.P.
Committee* ; Report *June* 20 [Bill 111]

Railways (Ireland) Acts Amendment Bill
(*Mr. Peel, Mr. Attorney General for Ireland*)
c. Ordered* ; read 1° *May* 9 [Bill 99]
Read 2° *June* 2
Committee* R.P. *June* 6

Railway Passengers Assurance Company Bill [H.L.]
Report* *June* 15
Read 3° * *June* 20
Royal Assent *June* 23 [27 & 28 *Vict.* c. 125.]

Railway Travelling (Ireland) Bill
(*Sir Colman O'Loghlen, Colonel Vandeleur, Mr. Monsell, Colonel Dickson, Captain Stacpoole*)
c. Ordered* *June* 7 ; read 1° * *June* 8 [Bill 137]
Motion, "That the Bill be now read 2°" (*Sir Colman O'Loghlen*) *June* 20, 2102
Amendt. proposed, to leave out "now," and add "upon this day three months" (*Mr. Blake*), 2106
Question proposed, "That 'now' &c."

Railway Travelling (Ireland) Bill—cont.
After short debate, Question put, A. 21, N. 40; M. 19
Words added
M. Q., as amended, put, and agreed to
Second Reading put off for three months

Ravensworth, Lord
Public Schools, Comm. 1628

Redesdale, Lord (Chairman of Committees)
Chimney Sweepers, Comm. 1132
Improvement of Land, Comm. 1828
Mortgage Debentures, Comm. 1048
Public Schools, Comm. 1633
Regius Professorship of Greek (Oxford), Comm. Previous Question moved, 452
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Registration of County Voters (Ireland) Bill (*Lord Dufferin*)
l. Committee*; Report *May* 12 (No. 50)
Read 3ª * *May* 13
Royal Assent *June* 23 [27 & 28 *Vict.* c. 22.]

Registration of Deeds (Ireland) Bill
(*Sir Edward Grogan, Mr. George, Mr. Vance*)
c. Ordered* *June* 14

Regius Professorship of Greek (Oxford) Bill (*The Lord Chancellor*)
l. Moved, "That the House do resolve itself into a Committee on the said Bill" (*The Lord Chancellor*), 442
Amendt. moved, to leave out "now" and insert "this day three weeks" (*The Earl of Carnarvon*), *May* 13
After long debate on Question, Con. 25, Not-Con. 55; M. 30 (No. 44)
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County Bridges, 2R. 352
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Supply—Nelson's Column, 852

Rivers Pollution (Scotland) Bill
(*The Lord Advocate, Sir George Grey, Sir William Dunbar*)
c. Ordered * *May* 2
Read 1° * *May* 11 [Bill 106]
Bill withdrawn *June* 2

Robertson, Mr. D., *Berwickshire*
Scotch Affairs, Administration of, Comm. moved for, 1193

Roebuck, Mr. J. A., *Sheffield*
Factory Acts Extension, Comm. 1941, 1946, 1947
Forfeiture of Lands and Goods, 2R. 1808
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St. David's, Bishop of
Regius Professorship of Greek (Oxford), Comm 453

St. Germans, Earl of (Lord Steward of the Household)
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St. Leonards, Lord
County Courts Act Amendment, 2R. 567
Land, Improvement of, Comm. 1826, 1828
Union Assessment Committee Act Amendment, 2R. 1339

Sale of Gas (Scotland) Bill
(*Mr. Dalglish, Mr. Buchanan, Mr. Crum-Ewing*)
c. Ordered*; read 1° *May* 30 [Bill 125]
Read 2° * *June* 8
Committee*; Report *June* 17
Considered as amended* *June* 20

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Scotch Affairs, Administration of
Amendment on Comm. of Supply *June* 3, To leave out from "That" and add "a Select Committee be appointed to inquire how far the number of the Members of the Administration, charged with the conduct of the affairs of Scotland, and having Seats in Parliament, is commensurate with the requirements of that part of the United Kingdom" (*Sir James Fergusson*), 1174
After debate, Amendment withdrawn

Scots Episcopol Fund Bill
l. Read 3ª* *June* 3
Royal Assent *July* 14 [27 & 28 *Vict.* c. 2.]

SCOTT, Lord, H. J., *Selkirkshire*
Borough Franchise, 2R. 346

Scottish Episcopal Clergy Disabilities Removal Bill [H.L]
(*The Duke of Buccleuch*)
l. Presented*; read 1ª *May* 10 (No. 79)
Moved, "That the Bill be now read 2ª" (*The Duke of Buccleuch*), 617
Amendt. moved, to leave out "now" and insert "this day three months" (*The Bishop of Durham*)
After debate, Amendment withdrawn
Original Motion agreed to
Bill read 2ª, and referred to a Select Committee *May* 26
Committee nominated *May* 30:—L. Abp. Canterbury, Ld. Chancellor, L. Abp. York, L. Abp. Armagh, Ld. President, D. Richmond, D. Devonshire, D. Marlborough, E. Derby, E. Doncaster, E. Shaftesbury, E. Airlie, E. Carnarvon, E. Wicklow, E. Powis, E. Nelson, [*cont.*

Scottish Episcopal Clergy Disabilities Removal Bill—cont.
L. Bp. London, L. Bp. Durham, L. Bp. Oxford, L. Lyttelton, L. Redesdale, L. Rossie, L. Overstone, L. Cranworth
Report of Select Committee* *June* 10 (No. 123)
Bill reported* *June* 10 (No. 124)
Committee* *June* 13; report* *June* 14
Read 3ª* *June* 16
c. Read 1°* *June* 17 [Bill 161]

SCOURFIELD, Mr. J. H., *Haverfordwest*
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SCULLY, Mr. V., *Cork Co.*
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SELWYN, Mr. C. J., *Cambridge University*
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Sentences of Death Bill
(*The Earl of Ellenborough*)
l. Moved, "That the Bill be now read 2ª" 247
After debate, Bill withdrawn *May* 10 (No. 58.)

Servants Hiring (Scotland) Bill
(*Mr. Dunlop, Mr. Carnegie, Sir Robert Anstruther*)
c. Ordered*; read 1° *May* 12 [Bill 108]
Read 2°* *June* 1
Committee; Motion "That Mr. Speaker do now leave the Chair" *June* 15, 1819
Amendt. proposed, To leave out from "That" and add "this House will, upon this day three months, resolve itself into the said Committee" (*Mr. Black*), 1821
Question proposed, "That the words, &c."
After short debate, Question put, and agreed to
Bill considered in Committee, 1823
Preamble—Amendt. proposed, after "months," to insert certain other words (*Sir James Fergusson*)
Question put, "That those words, &c." A. 116, N. 7; M. 109
Bill reported
Considered as amended* *June* 17
Read 3°* *June* 20

Settled Estates Act Amendment [H.L.]
c. Read 1°* *June* 9 [Bill 142]
Read 2°* *June* 13

SEYMOUR, Mr. H. D., *Poole*
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Ashantee War, 1840; Res. 1975
China—Railways in, 1836
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Ecclesiastical Registry, 1291, 1296
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Supply — Land, &c. Kensington Gore, 867, 869;—New National Gallery at Burlington House, 1327; — Consular Establishments, Amendt. 1904, 1910, 1911; Adj. moved, 1911

SEYMOUR, Mr. W. D., *Southampton*
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SHELLEY, Sir J. V., *Westminster*
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(*Mr. Massey, The Lord Advocate, Sir William Dunbar*)
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Sewage, &c. (Metropolis) Committee
Question, Mr. Henley; Answer, Lord Robert Montagu *May* 6, 102

Siam and Tringanu, Affairs of
Question, Sir John Hay; Answer, Sir Charles Wood *May* 5, 17

Silver Coin, Supply of
Question, Mr. Baines; Answer, Mr. Peel *May* 30, 802

Slave Trade (*White Nile*)
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Her Majesty's Government and Mr. Petherick, H.B.M. Consul at Khartouna, relating to Slavery and the Slave Traffic that exists on the White Nile, from the year 1860 to the present time; Also other Correspondence, &c." (*Mr. Wyld*) *May* 31, 981
Motion withdrawn
"*Castilla*," "*Lola*," *and* "*Laura*," *The*, Question, Mr. Cave; Answer, Lord Clarence Paget *June* 20, 2026

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SMITH, Mr. Augustus, *Truro*
Army Estimates—Warlike Stores, 79;—Works, Buildings, &c., 82
Miscellaneous Civil Service Estimates, Res. 663
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SMITH, Mr. J. A., *Chichester*
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SMITH, Mr. J. B., *Stockport*
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Solicitor General, The (Sir R. P. Collier), *Plymouth*
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Somerset, Duke of (First Lord of the Admiralty)
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Somes, Mr. J., *Kingston-upon-Hull*
Intoxicating Liquors (Sale on Sundays), Leave, 168

Speaker, The (Right Hon. J. E. Denison), *Nottinghamshire, N.*
Charity Commissioners, Comm. moved for, 1876
Denmark and Germany—The Conference, 100, 101
Education—Inspectors' Reports, 465
Factory Acts Extension, Comm. 1940
Income Tax, Res. 1747
Law Life Assurance Company, 769
Miscellaneous Civil Service Estimates, Res. 664
Scotch Affairs, Administration of, Comm. moved for, 1198
Tests Abolition (Oxford), Comm. 1024, 1033
Under Secretaries Indemnity, 2R. 83

Spirit Duties, The
Amendt. on Comm. of Supply *May* 30, To leave out from "That" and add "in the opinion of this House, it is expedient that the existing Duties on Spirits should be reduced" (*Mr. Whiteside*), 810
Question proposed, "That the words, &c."
After long debate, Amendment withdrawn

Stacpoole, Captain W., *Ennis*
Convicts (Ireland), 588

Stanhope, Earl
Church Services (Apocrypha), 2R. 1930
Public Schools, 1R. 778; 2R. 1258, 1260
Public Schools Commission, Papers moved for, 699

Stanley, Right Hon. Lord, *King's Lynn*
Elgin and Kincardine, Countess of, Res. 1461
India—Claims of Indian Officers, 258;—The Rajah of Dhar, 1948
Private Bills—Standing Order, Amendt. 1134; —Committees on, Res. 1557
Railway and Canal Bills, 102

Stanley of Alderley, Lord (Postmaster General)
Chain Cables and Anchors, 2R. 1535; Comm. 1826
Jamaica—Affairs of, Papers moved for, Amendt. 1122

Stewart, Sir M. R. Shaw, *Renfrewshire*
Servants Hiring (Scotland), Comm. 1822

Stratford de Redcliffe, Viscount
Elgin, Earl of, and Lord Canning, 1701
Public Schools, 3R. 1829
Russia—The Circassians, 1047

Stratheden and Campbell, Lord, *see* Campbell, Lord

Street Music (Metropolis) Bill
(*Mr. Bass, Captain Stacpoole, Mr. Cavendish Bentinck*)
c. Ordered* *May* 3; read 1° * *May* 4 [Bill 90]
Motion, "That the Bill be now read 2°" (*Mr. Bass*), 1529
Amendt. proposed, to leave out "now," and add "upon this day three months" (*Mr. Hankey*), 1530
Question proposed, "That 'now,' &c."
After debate, Motion, "That the debate be now adjourned" (*Mr. Butt*), A. 19, N. 56; M. 37
Question, "That 'now,' &c." agreed to
Main Question put, and agreed to
Bill read 2° *June* 9

Stuart, Col. W., *Bedford*
Beer Houses (Ireland), Comm. *cl.* 3, 694
Supply—Public Buildings, 415;—Harbours of Refuge, 854; — Lunatic Asylum, Isle of Man, Amendt. 861;—Printing and Stationery, 1680

Summary Procedure (Scotland) Bill
(*The Lord Advocate, Sir George Grey, Sir W. Dunbar*)
c. Committee* (*on re-comm*); Report *May* 9 [Bill 76]
Considered as amended* *May* 12
Read 3° * *May* 19
l. Read 1ª * (*The Lord Chancellor*) *May* 23
Read 2ª * *June* 2 (No. 89)

Superannuation (Union Officers) Bill
(*Mr. Villiers, Mr. Gilpin*)
c. Ordered* *June* 7; read 1° * *June* 8 [Bill 133]
Read 2° * *June* 13
Committee*; Report *June* 17
Considered as amended* *June* 20

SUPPLY
Moved, "That Mr. Speaker do now leave the Chair," *May* 5, 26
After short debate, Motion agreed to

ARMY ESTIMATES.
Supply considered in Committee *May* 5
(1.) £262,216, Army Medical Establishment, Services and Supplies; 29
After long debate, Vote agreed to
(2.) £783,783, Disembodied Militia, 40
After short debate, Vote agreed to
(3.) £47,886, Yeomanry; Vote agreed to
(4.) £39,200, Yeomanry Cavalry, 42
After debate, the Committee divided; A. 119, N. 29; M. 90
Vote agreed to

[*cont.*

Supply—Army Estimates—*cont.*
(5.) £328,260, Volunteers, 46
After debate, Vote agreed to
(6.) £49,580, Enrolled Pensioners and Army Reserve, 51
After short debate, Vote agreed to
(7.) £973,031, Manufacturing Departments, 54
Whereupon, after long debate, Amendt. "That a sum, not exceeding £967,031, &c." (*Sir Henry Willoughby*), 63
After further debate, Motion withdrawn
Original Question again proposed
Whereupon Amendt. "That a sum, not exceeding £810,199, &c." (*Lord Elcho*), 74
After debate, the Committee divided; A. 35, N. 80; M. 45
Original Question put, and agreed to
(8.) £572,519, Warlike Stores, 79
After short debate, Vote agreed to
Motion, "£750,870, Works, Buildings and Repairs at Home and Abroad," 80
Whereupon Amendt. "That a sum, not exceeding £675,870, &c. (*Mr. Charles Berkeley*), 81
After debate, Committee report Progress *May* 5
Resolutions reported *May* 6

Supply considered in Committee* *May* 6—R.P.

Supply considered in Committee *May* 9
(1.) Original Question again proposed, "£750,870, Works, Buildings, and Repairs at Home and Abroad," 201
Amendt. again proposed, "That a sum, not exceeding £675,870, &c." (*Mr. Charles Berkeley*), 201
After long debate, Amendt. withdrawn
Original Question agreed to
(2.) £173,883, Military Education, 215
Royal Hibernian Military School at Dublin; Observations (*Mr. Maguire*), 215
After debate, Vote agreed to
(3.) £88,345, Surveys, 232
After debate, Vote agreed to
(4.) £123,103, Miscellaneous Services; Vote agreed to
(5.) £223,834, Administration of the Army, 237
After debate, Amendt. "That Item of £973, Forage to the Field Marshal, Commanding-in-Chief, be reduced by £473" (*Mr. Williams*), put, and negatived
Original Question agreed to
(6.) £26,020, Rewards for Military Service; Vote agreed to
(7.) £75,400, Pay of General Officers; Vote agreed to
(8.) £449,471, Pay of Reduced and Retired Officers; Vote agreed to
(9.) £162,986, Widows' Pensions and Compassionate Allowances; Vote agreed to
(10.) £29,663, Pensions and Allowances to Wounded Officers, 240
After short debate, Vote agreed to
(11.) £33,260, In-Pensioners of Chelsea and Kilmainham Hospitals; Vote agreed to
(12.) £1,161,812, Out-Pensioners of Chelsea Hospital, &c.; Vote agreed to
(13.) £136,332, Superannuation Allowances, &c.; Vote agreed to
(14.) £31,213, Non-effective Services, Disembodied Militia; Vote agreed to
Resolutions reported *May* 11

cont.

Supply—cont.

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *May* 12
(1.) £40,258, to complete the sum for Maintenance and Repair of the Royal Palaces, 410
Whereupon Amendt. "That a sum, not exceeding £40,208," &c. (*Mr. Peacocke*), 411
After short debate, Amendt. withdrawn
Original Motion agreed to
(2.) £77,531, to complete sum for Public Buildings
After short debate, Vote agreed to, 412
(3.) Motion, "£12,300, to complete sum for Supply and Repair of Furniture in Public Departments," 415
Whereupon Amendt. "That a sum, not exceeding £9,300," &c. (*Mr. A. Smith*)
After debate, Amendt. withdrawn
Original Question again proposed,
Whereupon Amendt. "That the Item of £4,300, for Furniture, &c., for Department of Science and Art, be omitted" (*Mr. A. Smith*) put, and negatived
Original Question put, and agreed to
(4.) £72,944, to complete the sum for Royal Parks and Pleasure Grounds, 418
After debate, Vote agreed to
(5.) £22,144, to complete the sum for the Houses of Parliament, 425
After long debate, Vote agreed to
Resolutions reported *May* 19

Supply—Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *May* 13, 514
House counted out

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *May* 20, 552
(1.) £517, to complete sum for Embassy Houses, &c., at Paris and Madrid, agreed to
(2.) £3,201, Embassy Houses, &c., at Constantinople, agreed to
(3.) £75,000, New Foreign Office
Committee counted out

SUPPLEMENTARY NAVY ESTIMATES.

Supply considered in Committee; Statement of Lord Clarence Paget *May* 26, 667
(3.) Motion, "£55,266, for increasing the Full Pay of the Executive Officers, Paymasters and Assistant Paymasters, Naval Instructors, &c., and Petty Officers of the Royal Navy"
After long debate, Motion, "That Chairman report Progress" (*Mr. Lindsay*) put, and negatived
Original Question agreed to
(4.) Motion, "£5,775, Retirement of Officers of the Royal Navy, and reducing the number of Officers on the Active List of the Navy," 691
After debate, Motion, that Chairman report progress (*Mr. Charles Berkeley*) put, and negatived
Original Question agreed to
Resolutions reported *May* 27

Supply considered in Committee* *May* 27—R.P.

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *May* 30
(1.) Question again proposed, "£55,000, to complete the sum for erecting a New Office for the Secretary of State for Foreign Affairs," 844

[*cont.*

Supply—Civil Service Estimates—*cont.*

Whereupon Amendt. "That Item £4,899 8*s.* 9*d.*, for Preliminary Expenses of Designs for a Foreign Office, which were not adopted, be omitted" (*Mr. A. Smith*)

After debate, Motion withdrawn
Original Question agreed to
(2.) £6,750, Industrial Museum, Edinburgh
(3.) £3,355, Aberdeen University
(4.) £6,574, to complete sum for the Probate Court Registries, 846
After short debate, Vote agreed to
(5.) £574, to complete sum for the General Register House, Edinburgh
(6.) £19,000, to complete sum for the Public Record Repository
(7.) £15,000, to complete sum for New Westminster Bridge Approaches, 847
After short debate, Vote agreed to
(8.) £7,930, to complete sum for new Westminster Bridge
(9.) £3,260, Architectural Designs, &c., for Public Buildings, 848
After short debate, the Committee divided; A. 84, N. 21; M. 63
Vote agreed to
(10.) £4,000, Nelson's Column, 851
After debate, Vote agreed to
(11.) £96,000, Harbours of Refuge, 854
After short debate, Vote agreed to
(12.) Motion, "£47,875, to complete the sum for Works and Expenses at Holyhead, Portpatrick, and Spurn Point," 856
Whereupon Amendt. "That the Item of £8,727, for Portpatrick Harbour, be omitted" (*Mr. Torrens*)
After short debate, Amendt. negatived
Original Question agreed to
(13.) "£72,452, to complete the sum for Erecting, &c., Public Buildings in Department of Commissioners of Public Works in Ireland" 858
Whereupon Amendt. "That Item of £950, for additions, &c., to Model Agricultural Schools be reduced by £600" (*Lord Naas*)
After short debate, Amendt. negatived
Original Question agreed to
(14.) £13,000, to complete sum for the New Record Buildings (Dublin)
(15.) £1,100 to complete sum for the National Gallery (Dublin)
(16.) £13,703, for Lighthouses Abroad, 860
Whereupon Amendt. "That Item £2,000, for the Little Basses Rocks Light Ship at Ceylon, be omitted" (*Mr. A. Smith*)
After short debate, Question negatived
Original Question agreed to
£4,000, Lunatic Asylum, Isle of Man, 861
After short debate, the Committee divided, A. 73, N. 95; M. 22
(17.) £17,000, Sheriff Court-Houses (Scotland), 863
After short debate, Vote agreed to
(18.) £20,000, Rates for Government property, 863
After short debate, Vote agreed to
(19.) £53,000, Land &c., at Kensington Gore, 866
After short debate, Vote agreed to
Resolutions reported *June* 2

Supply considered in Committee* *June* 3—R.P.

[*cont.*

Supply—cont.

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *June* 6
£10,000, for the erection of the New National Gallery at Burlington House, 1297
After long debate, Committee divided, A. 122, N. 174; M. 52
(1.) £51,127, to complete sum for the Houses of Parliament
(2.) £39,147, to complete sum for the Treasury
(3.) £19,883, to complete sum for the Home Office
(4.) £53,015, to complete sum for the Foreign Office, 1332
After short debate, Vote agreed to
(5.) £23,421, to complete sum for the Colonial Office
(6.) £17,306, to complete sum for the Privy Council Office, 1333
After short debate, Vote agreed to
Resolutions reported *June* 8

Supply considered in Committee *June* 10
(1.) Queen's Message [6th June] read; £20,000, Sir Rowland Hill, K.C.B.
After short debate, Vote agreed to
(2.) £48,543, to complete sum for Salaries and Expenses in the Office of the Committee of Privy Council for Trade, 1601
Motion, "That the Item of £450, for Salary of Librarian to the Board of Trade, be omitted from proposed Vote" (*Mr. Augustus Smith*) negatived, 1603
Original Question agreed to
Motion, "That Chairman report Progress" (*Mr. Cox*), negatived
(3.) £1,908, Lord Privy Seal
Motion, "That Chairman report Progress" (*Mr. Cox*), 1604
The Committee divided, A. 7, N. 59; M. 52
Vote agreed to
(4.) £5,744, Civil Service Commission
Vote agreed to
(5.) £14,491, to complete sum for Salaries and Expenses in Department of Her Majesty's Paymaster General, 1604
Motion, "That Chairman report Progress" (*Mr. Hennessy*)
After short debate, Motion withdrawn
Original Question agreed to
Resolutions reported *June* 13

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *June* 13
The following Votes to complete agreed to without Debate:—
(1.) £2,928, to complete sum for Office of Controller General of Exchequer
(2.) £22,903, to complete sum for Office of Works and Public Buildings
(3.) £20,225, to complete sum for Office of Woods, Forests, and Land Revenues
(4.) £14,651, to complete sum for Office of Public Records, &c.
(5.) £213,810, to complete sum for Poor Law Commissions
(6.) £41,867, to complete sum for Establishment of Mint
(7.) £26,647, to complete sum for Inspectors of Factories, &c.
(8.) £4,235, to complete sum for Exchequer and other Offices in Scotland

[*cont.*

Supply—Civil Service Estimates—*cont.*
(9.) £4,434, to complete sum for Household of Lord Lieutenant of Ireland
(10.) £11,695, to complete sum for Offices of Chief Secretary for Ireland
(11.) £2,782, to complete sum for Office of Inspectors of Lunatic Asylums, Ireland
(12.) £17,431, to complete sum for Salaries and Expenses of the Office of Public Works in Ireland, 1669
Whereupon Motion, "That the Item of £500, for Salary of Inspecting Commissioners of Fisheries be omitted from proposed Vote" (*Mr. Butt*), 1671
Motion, "That Chairman report Progress" (*Mr. Hennessy*), 1672
After short debate, Motion withdrawn
Question again proposed, "That the Item of £500, for Salary of Inspecting Commissioners of Fisheries, be omitted from proposed Vote" (*Mr. Butt*), 1673
After short debate, Motion withdrawn
Original Question agreed to
(13.) £26,512, to complete sum for Commissioners of Audit
(14.) £14,125, to complete sum for Copyhold, Inclosure, and Tithe Commission, 1674
After short debate, Vote agreed to
(15.) £9,290, to complete sum for Imprest Expenses under Inclosure and Drainage Acts
(16.) £50,955, to complete sum for General Register Office
(17.) £11,440, to complete sum for National Debt Office
(18.) £2,795, to complete sum for Public Works Loan Commission, and West India Islands Relief Commission, 1674
After short debate, Vote agreed to
(19.) £5,172, to complete sum for Lunacy Commission
(20.) £1,223, General Superintendent of County Roads, South Wales, 1675
After short debate, Vote agreed to
(21.) £1,453, to complete sum for Registrars of Friendly Societies
(22.) £14,823, to complete sum for Charity Commission, 1676
After short debate, Vote agreed to
(23.) £4,442, to complete sum for Local Government Act Office
(24.) £1,244, to complete sum for Landed Estates Record Offices, 1676
After short debate, Vote agreed to
(25.) £446, to complete sum for Quarantine Expenses
(26.) £24,000, to complete sum for Secret Service
(27.) £254,165, to complete sum for Printing and Stationery, 1678
After debate, Vote agreed to
(28.) £101,300, to complete sum for Postage of Public Departments, 1680
After short debate, Vote agreed to
(29.) £25,115, to complete sum for Law Charges, England
(30.) £144,923, to complete sum for Prosecutions at Assizes and Quarter Sessions
(31.) £184,050, to complete sum for Police Counties and Boroughs, Great Britain, 1682
Amendment, "That the deductions now made were contrary to the provisions and intentions of the Act of Parliament, 19 & 20 *Vict.* c. 69, which never contemplated that payments made by the Police to the Superannuation Fund and fines should be taken account of in calculating the amount to be paid by the Treasury" (*Sir W. Miles*) *June* 13
After short debate, Amendment withdrawn
Vote agreed to
(32.) £1,188, to complete sum for Crown Office, Queen's Bench
(33.) £8,700, to complete sum for High Court of Admiralty and Admiralty Court, Dublin
(34.) £2,358, to complete sum for Expenses of late Insolvent Debtors' Court
(35.) £62,580, to complete sum for Courts of Probate and Divorce and Matrimonial Causes
(36.) £112,000, to complete sum for County Courts, 1685
After short debate, Vote agreed to
(37.) £2,900, to complete sum for Office of Land Registry
(38.) £14,633, to complete sum for Police Courts (Metropolis)
(39.) £106,894, to complete sum for Metropolitan Police
(40.) £17,850, Revising Barristers, England and Wales
(41.) £786, Compensation under Divorce and Matrimonial Causes Act
(42.) £13,143, to complete sum for compensations under Bankruptcy Act, 1861
(43.) £2,577, to complete sum for Salaries of Lord Advocate and Solicitor General, Scotland
(44.) £13,174, to complete sum for Court of Session, Scotland
(45.) £7,811, to complete sum for Court of Justiciary, Scotland
(46.) £2,800, to complete sum for Criminal Prosecutions under authority of Lord Advocate
(47.) £680, to complete sum for Salaries, &c., Exchequer, Scotland, Legal Branch
(48.) £26,231, to complete sum for Expenses connected with Sheriff Court, Scotland
(49.) £14,105, to complete sum for Salaries of Procurators Fiscal, Scotland, 1686
After short debate, Vote agreed to
(50.) £10,250, to complete sum for Salaries of Sheriff's Clerks, Scotland, 1687
After short debate, Vote agreed to
(51.) £3,000, Expenses in matters of Tithes, &c., Scotland
(52.) £11,778, to complete sum for General Register House, Edinburgh
(53.) £1,295, Commissary Clerk Office
(54.) £1,472, Accountant in Bankruptcy
(55.) £45,134, to complete sum for Law Charges and Criminal Prosecutions, Ireland
(56.) £3,717, to complete sum for Court of Chancery, Ireland, 1688
After short debate, Vote agreed to
(57.) £7,462, to complete sum for Courts of Queen's Bench, Common Pleas, and Exchequer, Ireland
(58.) £6,000, to complete sum for Process Servers, Ireland
(59.) £3,932, to complete sum for Registrars to Judges, &c., Ireland
(60.) £1,200, to complete sum for Compensations to Seneschals, &c., of Manor Courts in Ireland
(61.) £1,360, to complete sum for Office for Registration of Judgments, Ireland, 1688
After short debate, Vote agreed to
(62.) £100, Fees to Commissioners of High Court of Delegates, Ireland

[*cont.*

Supply—Civil Service Estimates—*cont.*
(63.) £4,403, to complete sum for Court of Bankruptcy and Insolvency, &c., Ireland
(64.) £7,650, to complete sum for Court of Probate, Ireland
(65.) £7,819, to complete sum for Landed Estates Court, Ireland
(66.) £1,150, Consolidated Office of Writs, Dublin
(67.) £420, Revising Barristers, Dublin
(68.) £36,000, to complete sum for Police Justices, &c., Dublin
(69.) £536,535, to complete sum for Constabulary Force, Ireland
(70.) £1,714, to complete sum for Four Courts, Marshalsea Prison, Dublin
(71.) £13, 980, to complete sum for Inspection, &c., of Prisons, Reformatories, and Industrial Schools
(72.) £300,627, to complete sum for Government Prisons and Convict Establishments at Home, 1689
After short debate, Vote agreed to
(73.) £218,286, to complete sum for Maintenance of Prisoners in County Gaols, &c.
(74.) £16,380, to complete sum for Transportation of Convicts
(75.) £101,783, to complete sum for Convict Establishments, Colonies, 1690
After short debate, Vote agreed to

Resolutions reported *June* 14 and agreed to; except Res. 7, 9, 12, 75, *postponed.*

Postponed Resolutions considered *June* 16, 1912

Seventh Resolution read 2°
Amendt. to leave out "26,647," and insert "25,202" (*Mr. Butt*)
Question, "That ' £26,647," stand part of the Resolution"
Amendt. withdrawn; Resolution agreed to
Ninth Resolution agreed to
Twelth Resolution further postponed
Seventy-fifth Resolution agreed to
Postponed Resolution (No. 12) read 2° and agreed to *June* 17

CIVIL SERVICE ESTIMATES.

Supply considered in Committee *June* 16, 1882
(1.) £3,200, to complete sum for Civil Establishments, Bermudas
After short debate, Vote agreed to
(2.) £3,213, to complete sum for Ecclesiastical Establishments, British North American Provinces; Vote agreed to
(3.) £1,000, Indian Department, Canada, 1882
After short debate, Vote agreed to
(4.) Motion, "£21,278, to complete sum for Salaries of Governors, Lieutenant Governors, and others, in West Indies, and certain other Colonies," 1885
Whereupon Amendt. "That the Item of £450, for Presiding Magistrate of Anguilla, be omitted from proposed Vote" (*Mr. Hennessy*), 1886
The Committee divided; A. 34, N. 45; M. 11
Original Question agreed to
(5.) £6,200, to complete sum for Justices, West Indies; Vote agreed to
Motion, "£14,355, to complete sum for Civil Establishments on Western Coast of Africa," 1888
Whereupon Amendt. "That the Chairman do report Progress, and ask leave to sit again" (*Sir John Trelawny*), 1889
After short debate, Motion and Original Question withdrawn

[*cont.*

Supply—Civil Service Estimates—*cont.*
(6.) £2,924, to complete sum for St. Helena; Vote agreed to
(7.) £700, Orange River Territory (Cape of Good Hope); Vote agreed to
(8.) £960, Heligoland, 1890
After short debate, Vote agreed to
(9.) £3,608, to complete sum for Falkland Islands
(10.) £3,825, to complete sum for Labuan
(11.) £300, Pitcairn Islanders, Norfolk Island, 1890
After short debate, Vote agreed to
(12.) £7,720, to complete sum for Emigration, 1891
After debate, Vote agreed to
(13.) £32,550, to complete sum for Treasury Chest, 1896
After short debate, Vote agreed to
(14.) £12,500, Zambesi Expedition, 1896
After short debate, Vote agreed to
(15.) £2,000, Niger Expedition, 1897
After short debate, Vote agreed to
(16.) £55,000, to complete sum for Captured Negroes, Bounties on Slaves, &c., 1897
After short debate, Vote agreed to
(17.) £7,650, to complete sum for Commissions for Suppression of Slave Trade, 1898
After short debate, Vote agreed to
(18.) Motion, "124,503, to complete sum for Consular Establishments Abroad," 1900
Whereupon Amendt. "That the Item of £400, for Salary of Consul at Rome, be omitted from proposed Vote" (*Mr. Henry Seymour*), 1904
After debate, Amendment negatived
Original Question again proposed
Whereupon Amendt. "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Henry Seymour*), 1911
After short debate, the Committee divided; A. 40, N. 111; M. 71
Original Question again proposed
Whereupon Amendt. "That the Chairman do now leave the Chair" (*Mr. Darby Griffith*), 1911
After short debate, Amendt. negatived
Original Question put, and agreed to
Resolutions reported *June* 17

Supply considered in Committee* *June* 17—R.P.

Sykes, Col. W. H., *Aberdeen City*
Army Estimates—Medical Establishment, 34, 35, 40;—Volunteers, 47;—Enrolled Pensioners, 52;—Manufacturing Departments, 73;—Warlike Stores, 79;—Works, Buildings, &c., 205, 214;—Military Education, 230;—Administration of the Army, 238
China—Hong Kong Ordinances, 191;—Policy of European Powers, 459, 460;—Affairs of, 534, 535, 541; Res. 965;—British Subjects in, 588
Education—Endowed Schools, Res. 1083
India—Banda and Kirwee Booty, Address moved, 736;—Officers of the Army, 1264, 1273, 1274;—Gold Currency for, Res. 1582;—Claims of Azeem Jah, Comm. moved for, 1665
Servants Hiring (Scotland), Comm. 1822
Supply—Civil Service Estimates, 406
Writs Registration (Scotland), 2R. 1493

Talbot, Hon. Capt. W. C., *Waterford Co.*
  Ashantee War, The, 1841
  Navy Estimates, Supplementary—Pay of Officers, 688, 691

Taunton, Lord
  Penal Servitude Acts Amendment, 2R. 890
  Regius Professorship of Greek (Oxford), Comm. 445

Taxation
  Motion, "That a Select Committee be appointed to inquire into the operation and incidence of our present fiscal system, and to consider and report if any and what measures could be devised to secure a more equitable adjustment of the burden of Imperial taxation" (*Mr. White*) *May* 10, 261
  Motion withdrawn

Tests Abolition (Oxford) Bill
  (*Mr. Dodson, Mr. Grant, Mr. Goschen*)
  Order for Committee read *June* 1
c. Motion, "That Mr. Speaker do now leave the Chair" 1002
  Amendt., To leave out from "That," and add, "this House will, upon this day three months, &c." (*Mr. Trefusis*), 1008
  Question put, "That the words, &c.," A. 236, N. 226; M. 10
  After long debate, Main Question put, and agreed to
  Bill considered in Committee; Committee report Progress [Bill 18]

Thames Conservancy Bill
  (*Mr. Hutt, Mr. Peel*)
c. Select Committee; Mr. J. Ewart, disch., Mr. Ayrton added *May* 19
  Report of Select Committee *June* 8
  (Bill 60, Nos. 373, 135)

Thompson, Mr. H. S., *Whitby*
  Agricultural Statistics, Res. 1373
  Highways Act Amendment, 2R. 692

Tite, Mr. W., *Bath*
  Park Lane, South Entrance to, 364

Tollemache, Mr. J., *Cheshire, S.*
  Confederate Steam Rams, 1001

Took the Oath
  May 6—The Lord Wentworth
  May 10—The Lord Bishop of Cork.

Torrens, Mr. R., *Carrickfergus*
  Epping Forest, Papers moved for, 1199
  India—Officers in the Army, 1271
  Portpatrick Harbour, 719
  Supply—Holyhead and Portpatrick Harbours, &c., Amendt. 856;—Suppression of Slave Trade, 1899

Tracey, Hon. C. R. D. Hanbury, *Montgomery*
  Navy—Iron Plate Committee, 366

Treasure Trove
  Motion for an Address (*Sir Jervoise Jervoise*) *May* 10, 285
  House counted out

Trefusis, Hon. C. H. R., *Devonshire, N.*
  Tests Abolition (Oxford), Comm. Amendt. 1002

Trelawny, Sir J. S., *Tavistock*
  Army Estimates—Medical Establishment, 35
  Army—Sanitary Measures (Camps, &c.), Comm. moved for, 1914
  School of Naval Architecture—Sir W. S. Harris, Papers moved for, 196
  Supply—West Coast of Africa, Adj. moved, 1889, 1890

Trollope, Right Hon. Sir J., *Lincolnshire, S.*
  Collection of Taxes, 3R. Amendt. 2088, 2101
  Supply—Rates for Government Property, 865

Turner, Mr. C., *Lancashire, S.*
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  Read 2ª * *May* 12
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Uniformity Act Amendment Bill
  (*Mr. E. P. Bouverie, Mr. Pollard-Urquhart*)
c. Resolution in Committee; Bill ordered *June* 7
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Valuation of Lands and Heritages (Scotland) Act Amendment Bill
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Amendt. proposed, "That the debate be now adjourned" (*Major Hamilton*), 879
After debate, Amendt. agreed to; Debate adjourned
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Question proposed, "That the word 'now,' &c."
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Page 196, line 25 from bottom, *for* Sir John Trevelyan *read* Sir John Trelawny.

Page 459, line 26 from bottom, *for* Mr. Hunt *read* Mr. Hutt.

END OF VOLUME CLXXV., AND THIRD VOLUME OF SESSION, 1864.

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